GOVERNMENT PRINTING OFFICE
U.S. GOVERNMENT INFORMATION
GPO

4-25-80
Vol. 45 No. 82
Pages 27905-28078

federal register

Friday
April 25, 1980

Highlights

27907 **Jewish Heritage Week** Presidential proclamation

27905 **Petroleum Import Adjustment Program** Presidential proclamation amending Proclamation 4744

27916 **Iran Nationals** Justice/INS limits to 15 days the amount of time an immigration judge may grant in deportation proceedings to depart the U.S. voluntarily; effective 4–25–80

27932 **Income Tax** Treasury/IRS provides a rule relating to the rate of compensation that is paid to appraisers of property seized as subject to forfeiture; effective 4–25–80

27928 **Housing** HUD changes the responsibility of notification for sales of insured mortgages and loans; effective 5–27–80

27986 **Competitive Research Grants/Cooperative Agreements** FEMA/USFA solicits applicants; apply by 6–1–80 (3 documents)

27989 **Guaranteed Student Loan Program** HEW/OE issues a special allowance for the quarter ending 3–31–80

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

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Area Code 202–523–5240

Highlights

27973 **Consumer Services** DOE/ERA establishes 7–15–80 as the deadline for receipt of State grant applications; effective 4–25–80

27989 **Indian Self-Determination and Education Assistance** HEW/OE clarifies the application of "Indian preference" under the Act

27952 **Trader's Licenses** Interior/BIA proposes ruling to insure better consumer protection for Indians living in isolated communities

27932 **Employee Retirement Income Security** Labor/P&WBP publishes a proposed class exemption covering certain short-term investments; comments by 6–24–80

27909 **Intergovernmental Personnel** OPM permits persons who have held appointments under the Act to be given new appointments; effective 5–27–80

27998 **Oil and Gas** Interior/GS issues a notice of receipt on a proposed development and production plan

27974, 27976 **Powerplant and Industrial Use** DOE/ERA attempts to displace low sulfur residual fuel oil under the authority of the Act

27958 **Light-Duty Motor Vehicles** EPA reopens the comment period for 1982 and 1983 model years; comments by 4–30–80

27927 **Diagnostic X-Ray Systems** HEW/FDA amends performance standard; effective 5–27–80

27992 **Salivart** HEW/FDA announces approval of chemical solution designed to resemble human saliva; comments by 5–27–80

27913 **Farm Borrowers** USDA/FmHA promulgates regulations pertaining to the servicing of delinquent and problem cases; effective 4–25–80

27944 **Frozen Strawberries** USDA/FSQS proposes to revise the voluntary grade standards; comments by 10–31–80

27915 **Peaches** USDA/FSQS publishes notice of delay in implementation of interpretation of standards for 1980 crop; effective 4–25–80

27919 **Meat and Poultry** USDA/FSQS amends the $18,000 annual limitation for sales by retail stores; effective 4–25–80

28033 **Sunshine Act Meetings**

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28038 **Part II, Labor/ESA**

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Presidential Documents

Title 3—

The President

Proclamation 4751 of April 23, 1980

Amendment to Proclamation 4744

By the President of the United States of America

A Proclamation

By the authority vested in me as President by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), Proclamation 4744, as amended, is hereby amended as follows:

Section 1–101. Section 3–101 of Proclamation 4744, as amended, is amended by redesignating paragraph (c) and (d) and by the addition of a new paragraph (c) to read:

"(c) The Secretary may make such adjustments to the requirements imposed by this Proclamation, as are necessary to prevent special hardship; *provided, however,* that no such adjustments shall be made with respect to the obligation to purchase or sell entitlements imposed by Section 2–1 of this Proclamation or the obligation to pay the gasoline conservation fees required by Section 1–1 of this Proclamation."

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

Jimmy Carter

[FR Doc. 80–12926
Filed 4–23–80; 4:20 pm]
Billing code 3195–01–M

Presidential Documents

Proclamation 4752 of April 24, 1980

Jewish Heritage Week

By the President of the United States of America

A Proclamation

Ever since the first Dutch Jew set foot in New Amsterdam in 1654, Jews have been contributing bountifully to the culture and history of our country. Indeed, the history of the Jewish people in America goes all the way back to the Jewish scientists and mariners who helped Columbus reach the New World. Later, Jews took an active part in the War of Independence, in the settlement of the West, and in the dynamic expansion of American technology. In medicine, education, trade, the law, politics, the labor movement, religion, motion pictures, athletics, literature, and more, the Jewish people have richly endowed America and the American way of life. American Jews have made their heritage—a heritage of struggle for freedom, knowledge, and human dignity—part of the inheritance of all Americans.

In recognition of this contribution, and in an effort to foster understanding and appreciation of the cultural diversity that has made America great, Jewish Heritage Week is celebrated each spring throughout the United States. This April is a particularly appropriate month because it contains events of special significance to the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and the Days of Remembrance of Victims and Survivors of the Holocaust. Therefore, the Congress of the United States, by joint resolution, has requested the President to proclaim April 21 through April 28, 1980, as Jewish Heritage Week (H. J. Res. 474).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning Monday, April 21, as Jewish Heritage Week.

I call upon the people of the United States, Federal and local government officials, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.

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

Jimmy Carter

[FR Doc. 80-13007
Filed 4-24-80; 10:42 am]
Billing code 3195-01-M

Rules and Regulations

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 531

Pay Under the General Schedule; Appointments Under the Intergovernmental Personnel Act

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: This final regulation permits persons who have held appointments under the Intergovernmental Personnel Act to be given new appointments at advanced rates in recognition of superior qualifications without having a break in service of at least 90 days following their IPA assignments. The regulation was approved because IPA appointees remain employees of their non-Federal organization and have made no commitment to the Federal service. The change would also provide for equity between IPA appointees and IPA assignees who are detailed to their Federal positions. Such detailees are not encumbered by the 90-day restriction should they seek regular Federal employment.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: At 44 FR 65077 on November 9, 1979, OPM proposed this regulation.

COMMENTS: During the 60 day comment period which ended January 8, 1979, agency comments received indicate this could be construed as a recruiting device for the hiring of IPA assignees. This is not the case. This regulation is being issued as a clarification of the status of individuals under IPA assignments.

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

Accordingly, OPM amends 5 CFR by adding § 531.203(b)(2)(v). As amended § 531.203(b)(2) reads as follows:

PART 531—PAY UNDER THE GENERAL SCHEDULE

§ 531.203 General provisions.

* * * * *

(b) *Superior qualifications appointments.*

* * * * *

(2) An agency may make a superior qualifications appointment by new appointment or by reemployment except that when made by reemployment, the candidate must have a break in service of at least 90 calendar days from his or her last period of Federal employment or employment with the Government of the District of Columbia (other than:

(i) Employment under an appointment as an expert or consultant under section 3109 of title 5, United States Code,

(ii) Employment under a temporary appointment effected primarily in furtherance of a postdoctoral research program, or effected as a part of a predoctoral or postdoctoral training program during which the employee receives a stipend, or employment under a temporary appointment of a graduate student when the work performed by the student is the basis for completing certain academic requirements for an advanced degree,

(iii) Employment as a member of the Commissioned Corps of the National Oceanic and Atmospheric Administration or the Commissioned Corps of the Public Health Service,

(iv) Employment which is not both full-time employment and the principal employment of the candidate, or

(v) Appointment under the Intergovernmental Personnel Act.)

[FR Doc. 80–12496 Filed 4–24–80; 8:45 am]
BILLING CODE 6325–01–M

5 CFR Part 733

Political Participation by U.S. Government Employees in Shrewsbury Township, N.J.

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: OPM is removing Shrewsbury Township, New Jersey, from the list of communities where Federal employees have been granted a partial exemption from the political activity restrictions of the Hatch Act because of a finding that less than a majority of the registered voters in that community are Federally employed.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Stuart D. Rick, Office of the General Counsel, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415, (202) 632–4600.

SUPPLEMENTARY INFORMATION: On January 25, 1980, OPM published (45 FR 6114) a proposed rule revoking Shrewsbury Township, New Jersey's partial exemption from the political activity restrictions of the Hatch Act, 5 U.S.C. 7324 *et. seq.* The proposed rule was published because OPM had found that the number of registered voters in Shrewsbury Township who are employed by the Federal Government is far below the "majority of voters" standard which the Hatch Act, at 5 U.S.C. 7327(b)(1), requires for a municipality outside the Washington, D.C. vicinity to be designated in OPM's regulations as an excepted locality.

Comments on the proposed rule were invited, and copies of the **Federal Register** notice were published in local newspapers serving Shrewsbury Township. No comments on the proposed rule were received during the comment period.

§ 733.124 [Amended]

Accordingly, OPM hereby revises 5 CFR 733.124(b) by removing Shrewsbury Township, New Jersey, from the list of designated municipalities which have been granted partial exemptions from the political activity restrictions of the Hatch Act.

(5 U.S.C. 7327)

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

[FR Doc. 80–12719 Filed 4–24–80; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 249]

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 April 27–May 3, 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: April 27, 1980.

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

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

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 April 22, 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 shows some seasonal improvement.

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.

§ 910.549 Lemon regulation 249.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period April 27, 1980, through May 3, 1980, is established at 265,000 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: April 23, 1980.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-12845 Filed 4-25-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 911, 944

[Florida Lime Reg. 41; Lime Import Reg. 8]

Limes Grown in Florida and Imported Limes; Grade and Size Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations specify minimum grade and size requirements for shipments of fresh limes grown in Florida, and for limes imported into the United States. Such action is necessary to assure the shipment of ample supplies of limes of acceptable grades and sizes in the interest of growers and consumers.

DATES: Effective May 1 through June 16, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* The Florida lime regulation is issued under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The lime import regulation is issued under section 8e (7 U.S.C. 608e–1) of this act. The regulation applicable to limes grown in Florida is based upon recommendations and information submitted by the Florida Lime Administrative Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

These grade and size requirements reflect the Department's appraisal of the need for regulating limes during the period May 1 through June 16, 1980, based on the available supply and current and prospective market demand conditions. The committee has adopted a marketing policy for the 1980–81 season Florida lime crop, in which it estimates that this season a record 2,200,000 bushels of limes will be produced in Florida. Of this amount, it estimates 1,200,000 bushels will be shipped to the fresh market, and the remainder will be available for processing. Preliminary data for the 1979–80 season indicate Florida limes have substantially recovered from the freeze damage that reduced production in the two prior seasons. Fresh sales in 1979–80 are expected to approximate 600,000 boxes (equivalent to 960,000 bushels), compared with 480,000 boxes in 1978–79 and 240,000 in 1977–78. While Florida is the major supplier of limes to the domestic fresh market, imports from Mexico are substantial and additional supplies are available from California. More than adequate supplies of limes should be available to meet fresh market demand during the 1980–81 season.

The lime import regulation is issued under section 8e of the act, which requires that when specified commodities including limes are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

It is concluded that the following grade and size requirements are necessary to establish and maintain orderly marketing conditions, and provide quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of these regulations until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) Shipment of the current crop of limes in Florida is now underway; (2) the current Florida lime and lime import regulations

(44 FR 24561; 34465) will expire April 30, 1980; (3) the Florida lime regulation was recommended by the committee following discussion at a public meeting on April 2, 1980; (4) Florida lime handlers have been apprised of these requirements for Florida limes and the effective date; (5) the requirements for Florida limes and imported limes are the same as those currently in effect; (6) the lime import requirements are mandatory under § 8e of the act, and they should become effective at the same time as the domestic requirements; (7) the grade and size requirements for imported limes are the same as those for Florida limes; and (8) at least three days notice of this notice of this import regulation is provided, the minimum prescribed by § 8e of the act.

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

Accordingly, it is found that the requirements for the handling of Florida limes and those applicable to imported limes should be and are established as follows:

PART 911—LIMES GROWN IN FLORIDA

§ 911.343 Florida lime regulation 41.

(a) During the period May 1, 1980, through June 16, 1980, no handler shall handle any variety of limes grown in the production area unless:

(1) Such limes of the group known as seeded or true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements specified for U.S. No. 2 grade limes in the U.S. Standards for Persian (Tahiti) Limes, except as to color: *Provided,* That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) Limes, and if they are handled in containers other than those authorized in § 911.329.

(2) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color: *Provided,* That stem length shall not be considered a factor of grade: *Provided further,* That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) limes, if they meet the minimum size requirements specified in paragraph (a)(3) of this section, and if they are handled in containers other than those authorized in § 911.329.

(3) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) are at least 1¾ inches in diameter: *Provided,* That not more than 10 percent, by count, of the limes in any lot of containers may fail to meet this minimum size requirement: *Provided further,* That not more than 15 percent of the limes, by count, in any individual container containing more than four pounds of limes may fail to meet this minimum size requirement.

(b) Terms used in this section shall mean the same as in the marketing order, and terms relating to grade and diameter shall mean the same as in the U.S. Standards for Persian (Tahiti) Limes (7 CFR 2851.1000–1016).

PART 994—FRUITS; IMPORT REGULATIONS

§ 944.207 Lime import regulation 8.

(a) *Applicability to imports.* Pursuant to § 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any limes is prohibited during the period May 1, 1980, through June 16, 1980, unless such limes meet the minimum grade and size requirements specified in § 911.343 Florida Lime Regulation 41.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of limes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective Service, applicable to the particular shipment of limes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection Certification (7 CFR Part 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any person may recondition any shipment of limes prior to importation, to make it eligible for importation.

(e) *Minimum quantity exemption.* Any person may import up to 250 pounds of limes exempt from the requirements specified in this section.

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

Dated, April 23, 1980, to become effective May 1, 1980.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-12890 Filed 4-24-80; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1943

Farm Ownership, Soil and Water, and Recreation

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations pertaining to Farm Ownership (FO) and Soil and Water (SW) loans. The intended effect of this action is to clearly indicate what alcohol and methane gas facilities may be financed with FO and SW loans and to provide that it is no longer necessary to always take a lien on the entire farm when financing is only needed for an alcohol or methane gas facility. This action is taken as a result of an administrative decision based in part on the present shortage of energy and pollution abatement requirements.

EFFECTIVE DATE: Effective on April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Edward R. Yaxley, Farm Real Estate Loan Officer, USDA, FmHA, Washington, DC 20250, Telephone 202–447–4572.

SUPPLEMENTARY INFORMATION: Various sections of Subparts A and B of Part 1943, Chapter XVIII, Title 7, Code of Federal Regulations are amended as a result of the energy situation and pollution abatement requirements. Minor editorial changes are also being made. Accordingly, various sections of Subparts A and B of Part 1943 are amended as follows:

1. § 1943.16 (b), (b)(1), (c), and (f) are amended and (b)(3) is added to read as follows:

PART 1943—FARM OWNERSHIP, SOIL AND WATER, AND RECREATION

Subpart A—Insured Farm Ownership Loan Policies, Procedures, and Authorizations

§ 1943.16 Loan purposes.

* * * * *

(b) Construct, buy, or improve buildings and facilities needed on or in close proximity to the applicant's farm, including:

(1) The construction of an essential farm dwelling and service buildings of modest design and cost, including facilities and structures for nonfarm enterprise uses or fish farming such as docks, fish hatcheries, shooting blinds, refreshment or marketing stands, processing or assembly plants for nonfarm enterprise, sales buildings, repair shops, lodging facilities, trailer parks, picnic areas, target ranges, tennis courts, shuffleboard courts, golf driving ranges, campsites, and modest rental housing.

* * * * *

(3) Construction costs for alcohol and methane gas facilities and essential equipment.

(c) Provide land and water development, pollution control and energy saving measures, acquire water supplies and rights, and promote the use and conservation essential to the operation of the farm and any nonfarm enterprise facilities. This includes providing fencing, drainage and irrigation facilities, basic applications of lime and fertilizer, and facilities for land clearing. This also includes establishing approved forestry practices, fish ponds, trails and lakes; improving orchards; and establishing and improving permanent hay or pasture. Sources of water, powerlines, gas lines and other facilities necessary for the successful operation of the farm may be located outside the land owned provided appropriate rights or easements are obtained to ensure that the rights will pass with the farm when it is sold. The funds for land and water development may include the costs of machinery and equipment needed to do the development only when the total cost of the development and machinery or equipment would not exceed the cost of hiring someone to do the development work. Also, loan funds may be used to pay that part of the cost of facilities, improvements and "practices" which will be paid for in connection with participation in such programs as the Agricultural Conservation or Great Plains programs only when such costs cannot be covered by purchase orders or assigments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which the funds are advanced is likely to exceed $1,000, the applicant will assign the payment to FmHA.

* * * * *

(f) Finance a nonfarm enterprise when it will provide another source of necessary income even though the owned or purchased acreage for such enterprise is not physically located on the farmland. A major portion of the gross total income must be farm income. The nonfarm enterprise income will be supplemental income.

2. § 1943.19(f) is added to read as follows:

§ 1943.19 Security.

* * * * *

(f) *Security—Nonfarm enterprise.* When an FO loan is made just to finance a nonfarm enterprise, even though a majority of the products are used on the farm such as alcohol or methane gas, a lien will be taken on the nonfarm enterprise facility and sufficient other property to adequately secure the loan. In these situations a lien need not be taken on the entire farm when it is not needed to secure the loan. When the security is so located that a legal right-of-way to the property is not available, an easement or agreement will be obtained providing for right of ingress and egress.

3. § 1943.23(g)(4) is added to read as follows:

§ 1943.23 General provisions.

* * * * *

(g) Compliance with special laws and regulations. * * *

(4) Applicants requesting loans for the production of alcohol fuel should be advised to consult with the nearest Bureau of Alcohol, Tobacco and Firearms (ATF) regional regulatory administrator concerning the specific requirements applicable to their operations. Before a loan is closed, applicants must also provide evidence that they have received an ATF operating permit.

4. § 1943.24(b)(1)(iv) is added to read as follows:

§ 1943.24 Special requirements.

* * * * *

(b) *Dwellings and other essential buildings.*

(1) * * *

(iv) A nonfarm enterprise facility does not have to be physically located on the farm.

* * * * *

5. § 1943.32(a)(13) is added to read as follows:

§ 1943.32 Loan docket processing and forms.

(a) *Forms.* * * *

(13) When a facility such as an alcohol still or methane plant provides energy and the major portion of such products are used on the farm, the enterprise will not be coded "NFE."

* * * * *

Subpart B—Insured Soil and Water Loan Policies, Procedures, and Authorizations

6. § 1943.66(a)(10) is added to read as follows:

§ 1943.66 Loan purposes.

(a) * * *

(10) Pay the cost of construction of alcohol and methane gas facilities along with essential equipment.

* * * * *

7. § 1943.69(b)(1)(iv) is added to read as follows:

§ 1943.69 Security.

(b) *Real estate security.*

(1) * * *

(iv) An SW loan is made just to finance construction of an alcohol or methane gas facility, a lien will be taken on the facility and sufficient other property to adequately secure the loan, even though a majority of the products are used on the farm. In these situations a lien need not be taken on the entire farm when it is not needed to secure the loan. When the security is so located that a legal right-of-way to the property is not available, an easement or agreement will be obtained providing for right of ingress and egress.

* * * * *

8. § 1943.73(g)(4) has been added to read as follows:

§ 1943.73 General provisions.

(g) *Compliance with special laws and regulations.* * * *

(4) Applicants requesting loans for the production of alcohol fuel should be advised to consult with the nearest Bureau of Alcohol, Tobacco and Firearms (ATF) regional regulatory administrator concerning the specific requirements applicable to their operations. Before a loan is closed, applicants must also provide evidence that they have received an ATF operating permit.

* * * * *

This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the

human environment and in accordance with the National Environmental Policy Act of 1969, P.L. 91–190, an Environmental Impact Statement is not required.

These amendments are crucial to many small farmers who need help this crop year if they are to remain in business.

The Department of Agriculture is working out an agreement with the Department of Energy (DOE) whereby DOE grant funds could be used to supplement FmHA loan funds and enable FmHA borrowers to establish small stills on their farms for the production of alcohol and methane fuels to be used on the farm. The Agency estimates a savings to borrowers ranging from $100 to $1,000 this year if they can obtain the necessary loan and grant funds in time to produce their own fuel for this year's crops.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective upon publication of this document in the Federal Register.

Further, this final rule has not been designated as significant and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by H. Allan Brock, Deputy Administrator, Farm and Family Programs, that the emergency nature of this final rule warrants publication without opportunity for public comment at this time.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A Final Impact Statement has been prepared and is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6346, Washington, D.C. 20250.

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

Authorities: 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Dated: March 27, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80-12775 Filed 4-24-80; 8:45 am]

BILLING CODE 3410-07-M

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7 CFR Part 1960

Special Servicing of Delinquent and Problem Case FmHA Farm Borrowers

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) adds regulations pertaining to the servicing of delinquent and problem case farm borrowers to the Code of Federal Regulations (CFR). The intended effect of these regulations is to lessen the number of delinquent and problem case borrowers by providing for better loan servicing actions through County Supervisors and District Directors. These regulations are needed to enable County supervisors and District Directors to better serve the needs of borrowers who are delinquent or have other problems which may result in them becoming delinquent.

EFFECTIVE DATE: Effective on April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn L. Pickinpaugh, Director, Production Loan Division, FmHA, USDA, Room 5314, South Building, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250, (202) 447–2288.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from Mr. Joseph Linsley, Chief, Directives Management Branch, FmHA, USDA, Room 6346, South Building, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250, (202) 447–4057.

SUPPLEMENTARY INFORMATION: FmHA adds its regulations for special servicing of delinquent and problem case farm borrowers to the CFR by establishing a new Subpart A of Part 1960, Chapter XVIII, Title 7, Code of Federal Regulations. On December 12, 1979, FmHA published a Proposed Rule in the Federal Register (44 FR 71839) asking for comments on these regulations.

One Comment was received from the National Livestock Producers Association which commented on the need for additional servicing of delinquent and problem case borrowers. Additional servicing requirements are required for these types of borrowers.

This final action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order 12044, and has been classified "not significant".

This document has been reviewed in accordance with Subpart G of part 1901 of this Chapter (FmHA Instruction 1901–G), "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Therefore, Subpart A of Part 1960 is added to Chapter XVIII, Title 7, Code of Federal Regulations and reads as follows:

PART 1960—GENERAL

Subpart A—Special Servicing of Delinquent and Problem Case FmHA Farm Borrowers

Sec.

1960.1 Introduction.
1960.2 Definitions.
1960.3 Purpose.
1960.4 Period for initiating the annual review of delinquent and other problem cases.
1960.5 Conducting the annual review.
1960.6–1960.10 [Reserved]
1960.11 Use of County Committee.
1960.12 Supervision and servicing by the County Supervisor.
1960.13 Followup servicing actions by District Directors and State Office Staff.
1960.14–1960.50 [Reserved]

Subpart A—Special Servicing of Delinquent and Problem Case FmHA Farm Borrowers

§ 1960.1 Introduction.

(a) This Subpart prescribes the policies and procedures to be followed in the special servicing of Farmers Home Administration (FmHA) delinquent and problem cases involving farm loans to individuals, farm cooperatives, partnerships, and corporations. It supplements but does not duplicate other FmHA regulations with respect to supervision and servicing activities.

(b) Federal law prohibits discrimination on the basis of race, color, religion, national origin, sex, marital status, age (provided that a person has the capacity to enter into a binding contract), because all or part of a person's income derives from any public assistance program, because a person in good faith has exercised any right under the Federal Consumer Credit Protection Act, or because of a physical or mental handicap (provided the applicant can execute a legally binding contract).

§ 1960.2 Definitions.

(a) "Delinquent" includes all active borrowers owing FmHA loans which are behind schedule.

(b) "Problem case" includes borrowers who are not delinquent on their loans but who are likely to become so or have major problems impairing their progress such as: (1) the lack of adequate resouces or income to meet their *full* scheduled annual operating payment; (2) incomplete planned development that has exceeded the estimated completion date shown on Form FmHA 424–1, "Development Plan," without an acceptable reason; (3) the need for improved farm, home, business, or financial managment; (4) serious health or family problems; (5) deferring payments for reasons other than development work; (6) deviating from the scheduled Farm and Home Plan without first consulting the County Supervisor, and (7) disposing of security without first getting the consent of the County Supervisor.

§ 1960.3 Purpose.

(a) The purpose of the special servicing of delinquent and problem cases is to assist borrowers to overcome the major problems retarding their progress and to remove any delinquency on FmHA loans. This will be done by: (1) determining the specific reasons for the delinquency or problem; (2) deciding upon corrective actions that should be taken; and (3) initiating and carrying out the actions agreed upon.

(b) The delinquent and problem case review will also be used in training personnel in the proper evaluation of applicants and resources and in the planning, supervising, and servicing aspects of the program.

§ 1960.4 Period for initiating the annual review of delinquent and other problem cases.

(a) Generally, the most effective time to initiate the review is after a reasonable determination can be made with respect to the major production and income for the year and before the major analysis and subsequent planning period. Ordinarily, the period for the initial review should not extend over 60 days.

(b) Once each year the County Supervisor and the District Director will initiate the annual review of delinquent and other problem cases. This will be done during the period established by a State Supplement.

(c) The annual review will be reflected in the State and District plans of work.

§ 1960.5 Conducting the annual review.

The District Director and County Supervisor will review the delinquent and problem cases to determine the special servicing actions to be taken in each case. State Office loan chiefs and specialists will participate in a sufficient number of reviews to keep currently informed about the problems confronting borrowers and the adequacy of the corrective action being taken.

(a) *Determining the causes of delinquency or other problems.* The District Director and County Supervisor will review the case file and other sources to determine the basic reasons for the delinquency or other problems.

(1) They will consider such things as:

(i) The borrower's background, experience, ability, assets and liabilities, and change in financial status.

(ii) The type and scope of operations being carried out.

(iii) The production and income received from each farm and nonfarm source.

(iv) The adequacy and potential of the chattel, land, and other resources.

(v) The amount and purpose of the FmHA and other credit provided and the amount of outstanding debts.

(vi) The repayments made on the indebtedness and whether such payments were in accordance with the borrower's ability.

(vii) The amount spent for capital goods.

(viii) The type and extent of supervisory assistance provided and the attitude of the borrower and the borrower's family toward such assistance.

(ix) Whether the total operation can be successful.

(x) Whether the borrower has maintained and accounted properly for the security and is current on real estate taxes and property issurance.

(2) The review should clearly identify the borrower's major problems. Failure should not be attributed to such factors as adverse weather conditions and low prices when the *major problem actually involves* lack of resources, need for major adjustments in the operations, consolidation, extension or adjustment of debts, or unsatisfactory farm, home, business, or financial management including the acquisition of unnecessary equipment.

(b) *Determining corrective actions to be taken.* During the review a decision must be made as to whether FmHA will continue with the borrower or whether FmHA assistance will be discontinued and action initiated to liquidate the loan. In some instances, it is possible to determine from the information available in the file or from the knowledge of the County Office staff the corrective action that should be taken. In other cases, a visit to the borrower's farm, home, or business enterprise may be required in order to evaluate the possible plans and alternatives for corrective action. The District Director will participate in visits to evaluate especially difficult cases and will make sure that appropriate action is taken. State Office loan chiefs or specialists also will participate in visits in appropriate cases.

(1) For those borrowers who will continue to receive FmHA assistance, decisions must be made as to the specific actions to be taken to correct the major deficiencies, when is the best time to initate the action, and whether additional FmHA credit will be needed.

(2) There may be a limited number of cases in which neither immediate corrective nor liquidation action is feasible. With such borrowers, decisions will be made concerning the specific servicing actions to be taken to protect both the interest of the Government and the borrower and to collect the loan as soon as practicable under the appropriate policies set forth in Subpart A of Part 1962 of this Chapter and Subpart A of Part 1872 of this Chapter (FmHA Instruction 465.1).

(3) For those borrowers with whom FmHA services will be discontinued, liquidation action will be initiated in accordance with Subpart A of Part 1962 of this Chapter or Subpart A of Part 1872 of this Chapter (FmHA Instruction 465.1).

(c) *Routines.* (1) State Directors will develop a State form for use in tabulating information on cases to be included in the review. When completed, the form will be prepared in an original and two copies. The original is to be retained in the County Office with a copy for the District Director and a copy for the State Office. The form will include as a minimum the following:

(i) Borrower's name.

(ii) Amount owed.

(iii) Problem or amount delinquent.

(iv) Reasons for problem or delinquency.

(v) Actions to be taken.

(vi) Date actions will be taken.

(vii) Any additional information.

(2) Before the annual review, the County Office Assistant will list all cases which are delinquent, the cases which the County Supervisor indicates are to be reviewed because they are likely to become delinquent in the near future, and those with other serious problems. At the time of the review, the County Office Assistant also will assemble the files and management system cards for use in the review.

(3) Appropriate entries will be made in the running case record to indicate the agreement reached by the District Director and County Supervisor as to the reasons for the delinquency or problems, the actions to be taken, and the time such actions will be initiated. The District Director and the County Supervisor will agree on the information to be entered and will initial the entry.

(4) The County Office Assistant will make appropriate entries on the management system card for followup action.

(5) As actions on the cases are taken, the County Supervisor will indicate briefly such actions on the County Office copy of the list of delinquent borrowers and problem cases. The County Supervisor will also make appropriate entries in the running case record.

(6) The District Director will report to the State Director on Form FmHA 401–1, "Operations Review Questionnaire," when the annual review of all delinquent and problem cases has been accomplished in each County Office unit.

(7) As the District Director follows up on the actions taken in accordance with the provisions of § 1960.13(a) of this Subpart, appropriate notations will be made on the District Director's list of delinquent or problem case borrowers to keep it up-to-date along with the appropriate notations in the running case record. Progress in servicing cases will also be noted in the summary section of Form FmHA 401–1.

§§ 1960.6–1960.10 [Reserved]

§ 1960.11 Use of County Committee.

After the annual review, the County Supervisor should discuss with the County Committee any special problems encountered and the nature of the decision made for the corrective actions. The County Supervisor will seek the advice of the County Committee on those borrowers: (a) with complex problems, (b) for whom a tentative decision to discontinue FmHA services has been made, (c) for whom neither corrective action nor immediate liquidation action is feasible, and (d) for whom he/she and the District Director determine that Committee advice is needed. During the year the County Supervisor will report to the Committee on the progress being made in carrying out the actions agreed upon for removing delinquencies or correcting other problems.

§ 1960.12 Supervision and servicing by the County Supervisor.

(a) The borrowers referred to in this Subpart have unusual circumstances to overcome. Therefore, it is necessary that they receive effective supervision and that diligent loan and security servicing actions are carried out.

(b) The County Supervisor should use the release authority to meet only minimum essential needs when liens are held on crops, livestock, and other chattels. When real estate security is involved and partial releases, leases, or subordination agreements are requested, the County Supervisor should assure that such actions will aid the borrower in overcoming the problem.

(c) When the corrective action agreed upon by the County Supervisor and District Director did not provide for extending additional FmHA assistance, the County Supervisor will not approve or submit for approval any type of FmHA loan application until the facts concerning the need for the loan and the manner in which it will assist the borrower in overcoming the problem have been concurred in by the District Director.

(d) The County Supervisor will conduct a complete analysis on all delinquent and problem case borrowers reported on the annual review who will be continuing their farming operations. Form FmHA 1960–12, "Financial Farm Analysis Summary," will be completed after the analysis is conducted.

§ 1960.13 Followup servicing actions by District Directors and State Office Staff.

(a) *Followup by the District Director.* The District Director is responsible for seeing that the County Office staff makes specific plans for corrective action with the borrower and that actions agreed upon are carried out. On visits to the County Office, the District Director will review the list of delinquent and other problem cases and take the necessary steps to assure that the actions agreed upon are being carried out in an effective and timely manner. This will include visits to evaluate a sufficient number of such cases to determine whether the desired results are being obtained and to determine what further training is needed by the County Supervisor in servicing such cases. The District Director should continue followup actions periodically as needed to obtain the desired results in each County Office area. The followup should include a thorough review of any subsequent loans being made to the borrower to assure that the plan incorporates the corrective action agreed upon.

(b) *Followup by State Office Staff.* (1) The State Director is responsible for seeing that the special servicing actions prescribed by this Subpart are carried out by the County Supervisors and District Directors.

(2) Loan chiefs and specialists should review a representative sample of delinquent and problem cases during each visit to a County Office to assure that a thorough analysis has been made, that appropriate followup action has been taken, and to determine what further training, if any, is needed for the District Director and County Supervisor.

(3) The State and/or District Offices should periodically review the progress made in servicing these cases.

§§ 1960.14–1960.50 [Reserved]

(7 USC 1980; 5 USC 301; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: April 7, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80–12800 Filed 4–24–80; 8:45 am]

BILLING CODE 3410–07–M

Food Safety and Quality Service

7 CFR Part 2851

U.S. Standards for Grades of Peaches

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice of delay in implementation of interpretation of peach standards for 1980 peach crop.

SUMMARY: The peach standards defining U.S. Grades (7 CFR 2851.1210 *et seq.*), requires peaches to be "free from (serious) damage caused by [specific factors] and * * * other means." Damage is further defined generally and specifically, and includes "any injury or defect which materially affects the appearance, or the edible or shipping quality of the peach." Under the Department's interpretation of the standards, peaches with internal disorders in the form of broken or shattered pits, or internal gum spots associated therewith, are considered as damaged or seriously damaged. This publication will serve notice to the public that the Department will delay implementation of its interpretation of the United States Standards for Grades of Peaches and, therefore, such internal disorders will not be scored against grade for the 1980 peach crop.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Karl E. Torline, Fresh Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4560.
The Impact Analysis describing the options considered in developing this Notice and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION:

Background

On October 23, 1979, the Department published in the **Federal Register** (44 FR 60979 a notice of interpretation of peach standards. This publication, which was widely disseminated throughout the peach industry, served as notice that it would be the interpretation of the Department of Agriculture that peaches with internal damage in the form of broken or shattered pits, or internal gum spots associated therewith, would be considered damaged or seriously damaged in applying the United States Standards for Grades of Peaches, and recommencing with the 1980 peach crop, it would be the intention of the Inspection Service to score such damage against grade.

However, based on comments received and discussion with industry representatives and groups, the Department has decided not to implement the intent of the October 23, 1979, publication for the 1980 peach crop.

On March 28, 1980, the Department announced that it would conduct a nationwide survey of the 1980 peach crop to obtain additional data on the extent of internal disorders. Information collected in the survey to be conducted during the 1980 season will assist in development of an effective and cost-efficient prescreening and sampling program for use during subsequent peach crop seasons.

Although implementation of a formal sampling system for the internal disorders in question will be delayed until the 1981 season, USDA is not relinquishing its rights to cut a product when necessary to determine the internal quality.

Done at Washington, D.C., on April 22, 1980

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 80-12813 Filed 4-24-80; 8:45 am]

BILLING CODE 3410-DM-M

7 CFR Part 2858

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; Dry Whey

Correction

Note.—This document originally appeared in the **Federal Register** for Wednesday, April 23, 1980. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See OFR notice 41 FR 32914, August 6, 1976.)

In FR Doc. 80–12140 appearing at page 26944 in the issue for Tuesday, April 22, 1980, on page 26946, immediately after § 2858.2606(c), insert the following:

§ 2858.2607 [Reserved]

§ 2858.2608 Optional tests.

There are certain optional requirements in addition to those specified in section 2858.2605. Tests for these requirements may be run occasionally at the option of the Department and will be run whenever they are requested by an interested party. These optional requirements are as follows:

(a) *Protein content (N x 6.38).* Not less than 11 percent.

(b) *Alkalinity of ash (sweet-type whey only).* Not more than 225 ml. of 0.1 N HC1 per 100 grams.

(c) *Scorched particle content.* Not more than 15.0 mg.

§ 2858.2609 U.S. grade not assignable.

(a) Dry whey which fails to meet the requirements of U.S. Extra Grade shall not be assigned a U.S. grade.

(b) Dry whey which fails to meet the requirements of any optional test, when tests have been made, shall not be assigned a U.S. grade.

(c) Dry whey produced in a plant found on inspection to be using unsatisfactory manufacturing practices, equipment, or facilities, or to be operating under unsanitary plant conditions shall not be assigned a U.S. grade.

§ 2858.2610 Test methods.

All required tests, and optional tests when specified, shall be performed in accordance with the following methods:

(a) "Methods of Laboratory Analysis," DA Instruction series 918–103–2, 918–103–5, 918–109–2, and 918–109–3, Dairy Grading Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, or the latest revision thereof.

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 242, and 244

Limitation of Voluntary Departure for Nationals of Iran

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The Immigration and Naturalization Service is amending its regulations to limit to 15 days the amount of time an immigration judge may grant an Iranian national in deportation proceedings to depart the United States voluntarily under section 244(e) of the Immigration and Nationality Act. In addition, it is amending § 242.5(a)(2) to preclude Iranian nationals unlawfully in the United States from obtaining a grant of voluntary departure prior to the institution of deportation proceedings except in limited cases. These amendments are intended to expedite the departure of Iranians in the United States.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT:
For general information:

Stanley J. Kieszkiel, Acting Instruction Office Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536. Telephone: (202) 633–3048.

For specific information:

Lawrence Peretta, Chief, General Investigations, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536. Telephone: (202) 633–3050.

SUPPLEMENTARY INFORMATION: Because of the Iranian Government's failure to resolve the international crisis it created by the unlawful detention of American citizens in the United States Embassy in Tehran, the President of the United States announced the break in diplomatic relations with that country on April 7, 1980. In further response to the international crisis it has been determined to expedite the departure of Iranians unlawfully present in the United States. Consequently, the Immigration and Naturalization Service will amend its regulations to limit to 15 days the amount of time an immigration judge may grant an Iranian national in deportation proceedings to depart the United States voluntarily under section 244(e) of the Immigration and Nationality Act. In addition, it will

amend § 242.5(a)(2) to preclude Iranian nationals unlawfully in the United States from obtaining a grant of voluntary departure prior to the institution of deportation proceedings except in limited cases.

These general statements of policy are effective immediately because of the urgency of the international crisis. Publication is made in order to swiftly and efficiently advise the public of these actions.

Accordingly, the following amendments are made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 244—SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

8 CFR 244.1 is amended by inserting a new sentence after the first sentence to read as follows:

§ 244.1 Application.

* * * In the case of a national of Iran, the amount of time within which he/she may be granted to depart voluntarily by the special inquiry officer shall not exceed 15 days from the date the special inquiry officer renders his/her decision in the case. * * *

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

8 CFR 242.5(a)(2) is amended by inserting "other than a national of Iran" after the word "alien" where it first appears in the subsection. It is further amended by adding a new sentence at the end of the subsection which reads as follows:

§ 242.5 Authorization.

(a)(2) * * * Voluntary departure may be granted to a national of Iran who is statutorily eligible and falls within one of the classes described above if he or she has applied for asylum, has a relationship to a United States citizen or lawful permanent resident as described in sections 201(b), 203(a)(1), (2), (4) or (5) of the Act, or there is an immediate need for medical attention for the alien or that alien's dependent.

* * * * *

(Secs. 103, 242, 244 (8 U.S.C. 1103, 1252, and 1254)

Effective date: These amendments become effective on April 25, 1980.

The foregoing actions are taken in accordance with the President's proclamation of April 7, 1980, issued in the course of, and in response to, the international crisis created by the unlawful detention of American citizens in the American Embassy in Tehran.

Dated: April 21, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-12704 Filed 4-24-80; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

9 CFR Part 381

Poultry Products Inspection Regulations; Modified Traditional Poultry Inspection

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Review and response to comments.

SUMMARY: On April 13, 1979, the Food Safety and Quality Service (FSQS) published immediately effective final regulations, in response to an emergency situation, establishing the modified traditional procedure for inspecting young chickens (44 FR 22049–22051). Although the Federal poultry products inspection regulations were amended by the emergency final rule without waiting for public comment, comments concerning the amendment were requested at the time of its publication. These comments were due on or before July 12, 1979. This notice is to advise the public on the nature of the comments received and present the Department's response to these comments.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold V. Giesemann, Acting Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3219. The Approved Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION:

Background

The Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) requires the Secretary of Agriculture to carry out a post-mortem examination of the carcass of each bird (chicken, turkey, duck, goose, guinea) slaughtered in each official establishment processing such poultry for commerce or otherwise subject to inspection under the Act. The post-mortem inspection essentially consists of examination by an inspector or inspectors of the exterior, the interior of the body cavity, and the exposed viscera of each slaughtered bird. Inspection is carried out on a moving production line, with inspectors following a standardized procedure. The procedure is designed to provide assurance that only wholesome and otherwise not adulterated poultry carcasses and parts are passed for human food.

Under the traditional inspection procedure, all of the inspection tasks on each bird are performed by one inspector. This procedure requires the inspector to do a considerable amount of turning, tilting, and positioning of each carcass during inspection. Because of the number of motions required, nearly 50 percent of the inspection time is spent positioning the carcasses. Approximately 3 seconds are needed for the total inspection of each carcass under the traditional inspection procedure.

In early September 1978, the Administrator had convened a study group of inspection officials to review possible inconsistencies in maximum inspection rates under the traditional inspection procedure. After much study, the group concluded that such inconsistencies did exist. The group then addressed possible solutions to the problem. Ten options were considered and evaluated by the study group. Eight of the options involved the use of the traditional inspection procedures and two involved new inspection procedures.[1] The group recommended two options.

The first option involved traditional inspection. The second entailed the adoption of an alternate method of post-mortem inspection of young chickens,[2] and was known as Modified Traditional Inspection (MTI).

Under MTI, the inspection tasks on each chicken are divided between two inspectors. Plant personnel initially position each carcass on the moving production line. The carcass then moves past the first inspector (the outside inspector) who examines only the exterior of the chicken, using an adjustable mirror to see the surfaces not directly visible. Tilting or turning of the carcasses to see the exterior surfaces is

[1] All of the alternatives are discussed in detail in the Report of Inspection Rate Study Group. The report can be obtained free by contacting Mr. Clyde S. Smithson, Acting Director, Industrial Engineering and Data Management Division, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2987.

[2] See § 381.170(a) of the poultry products inspection regulations (9 CFR 381.170(a)) which specifies which classes of chickens constitute young chickens.

not necessary. Carcasses passing this "outside" inspection continue down the line where the internal organs, or viscera, are drawn from inside the carcasses by plant personnel, but left partially attached to the bird. At that time, plant personnel also reposition each carcass. The second inspector (the inside/viscera inspector) then examines the interior of the body cavity and the exposed viscera using the necessary hand motions.

Since outside inspection can be completed in approximately half the time inside and viscera inspection requires, MTI is designed for a three-inspector line: one "outside" inspector inspecting all carcasses and two "inside/viscera" inspectors each inspecting alternate carcasses.

The modified traditional inspection method was tested for effectiveness and efficiency in an Arkansas plant in November and December 1978.[3] MTI was found to be fully as effective as the traditional inspection procedure at rates up to 70 birds a minute using a three-inspector line. Through the use of its special facilities (e.g., adjustable platforms and mirrors, etc.) and prepositioning of carcasses, MTI achieves a considerable time savings.

The traditional inspection procedure was also examined by the study group. Based on the recommendation of the study group, the Administrator prepared a proposed rulemaking document to establish national uniform maximum inspection rates 5 percent faster than the rates in existence at that time in the Southwest Region.[4]

However, an emergency situation arose from an injunction issued by the United States District Court for the Eastern District of Arkansas on April 3, 1979. The injunction directed that the Department forthwith use uniform inspection rates for young chickens and apply and enforce the rates uniformly in all federally inspected poultry slaughter plants in the United States.

To comply with the court's order, and to assure that the consumer was adequately protected, USDA was required immediately to issue the draft regulation as a final order providing for national uniform maximum inspection rates under the traditional inspection procedure (44 FR 22047–22049).

However, it appeared that approximately 44 plants with 136 production lines, which represent 25 percent of the lines in the country, would be required to decrease line speeds if they were required to operate under the traditional inspection procedure. Aside from imposing economic dislocation on these plants, this decrease may have also caused some shortages in poultry availability or increases in poultry prices for consumers in certain parts of the country. The District Court decision came at a time of year when poultry demand by consumers was at its greatest. To alleviate these problems, while achieving inspection efficiency and providing health protection equivalent to that provided by the traditional inspection procedure, the modified traditional inspection system had to be instituted immediately.

Therefore, on April 13, 1979, in response to the emergency situation, the Department published a final rulemaking document, amending the poultry products inspection regulations without prior notice and comment, providing for MTI as an alternative method of post-mortem inspection of young chickens (44 FR 22049–22051).

While both rulemaking documents were published as immediately effective final regulations, comments on both documents were solicited at that time.

Review of Comments Received[5]

As a result of the request for comments in the April 13 rulemaking document, seven comments were received regarding the MTI regulations. Of these, only the comments from the American Federation of Government Employees (AFGE), representing the poultry inspectors, was unfavorable to the rule. These comments addressed the following topics which will be discussed in turn: (1) the level of the maximum inspection rate; (2) the legality of procedure employed by the Department; (3) the impact of the regulation upon the health of poultry inspectors; (4) the impact of the regulation upon the health of the poultry consuming public; and (5) technical questions.

1. The Level of the Maximum Inspection Rate

The comments generally supported the 70 birds per minute maximum rate under MTI. However, the industry comments suggested that even higher rates may be achievable.

USDA's test report, as noted above, proved that MTI at a 70 birds per minute rate was fully as effective as traditional inspection. The Department's experience since the initiation of MTI has also been supportive of this rate. USDA recognizes the price benefit which consumers would realize from an increased poultry supply and will make every effort to identify new and improved inspection techniques which are designed to permit increased industry productivity. USDA will conduct further tests of MTI or other new inspection procedures to determine if a higher maximum rate can be achieved consistent with the public health. However, the present 70 birds per minute maximum rate cannot be raised until and unless objective test data prove the safety of a higher rate.

Comments on behalf of the poultry inspectors, expressing the opinion that the present rate was too high, were also made and are discussed in topic 3 below.

2. Appropriateness of Rulemaking Procedure

Comments submitted by the American Federation of Government Employees (AFGE) on behalf of poultry inspectors maintained that the final rule was approved in violation of the requirements of 5 U.S.C. 553 which requires that agencies generally promulgate rules only after engaging in the appropriate notice and comment procedures. For the reasons specified in the final rulemaking document (44 FR 22049–22051), and as explained above, the Department believes that a sufficient emergency existed for the immediate promulgation and the implementation of this regulation, thereby qualifying the Department for exemptions contained in 5 U.S.C. 553(b) and (d)(3), which permit agencies to promulgate an immediately effective rule upon findings of "good cause." Furthermore, contrary to the commenter's assertions, the terms of the final regulation were not arbitrary and capricious and did not constitute a health hazard to either the inspectors or the public. In this regard, it should also be noted that this commenter commenced suit on July 3, 1979, in the United States District Court for the District of Columbia to invalidate the regulations on the basis of such alleged illegalities. On July 27, 1979, the Court upheld the Department's actions as proper in all respects and granted Summary Judgment in favor of the Department (*AFGE* v. *Bergland*, Civ. Act No. 79–1724, appeal pending).

[3] A copy of the report of this test may be obtained free by contacting Dr. Arnold V. Giesemann, Acting Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, Washington, D.C. 20250, (202) 447–3219.

[4] The 5 percent figure was based upon the elimination of tibia palpation in young chickens. This palpation was designed to detect osteopetrosis, which does not occur in young chickens due to their short life spans.

[5] The Department's review and response to comments on the traditional inspection procedure regulation (44 FR 22047–22049) was published in the **Federal Register** on February 15, 1980 (45 FR 10319–10321).

3. Health of Inspection Personnel

On behalf of poultry inspectors, AFGE suggested that the MTI inspection rates were too high and might affect the health of poultry inspectors. The Department recognizes the need to assure that its employees are not unduly burdened as a result of work requirements placed upon them through its regulatory practices.

Continuing studies will be conducted to ensure that inspection techniques can be performed in an effective and timely manner so as to assure adequate consumer protection and preclude the imposition of undue physical and mental demands on poultry line inspectors. In this instance, however, the Department finds these requirements are reasonable and do not place excessive burdens upon inspection personnel. In fact, USDA's test report indicated that inspectors working under MTI were required to work at less than 100 percent standard of effort. The Department's experience since the institution of MTI also does not indicate a problem in this regard.

4. Public Health

On behalf of poultry inspectors, AFGE also suggested that the poultry consuming public may be injured by the promulgation of MTI. Their comment suggested that the "high" maximum inspection rate could cause inspectors to suffer "line hypnosis," thereby causing them to momentarily lose concentration and pass as fit for human consumption unwholesome poultry carcasses.

The MTI test report showed that MTI is fully as effective as the traditional inspection procedure in detecting unwholesome poultry. Poultry inspectors receive the same work breaks plant employees receive plus (in most cases) additional work breaks provided by supervisors or other inspectors. Except where collective bargaining agreements prohibit it, poultry inspectors may also rotate work positions daily or even several times a day. The Department has no evidence that MTI has caused any new "line hypnosis" problems. As indicated above, the Department's continuing studies of inspection rates will consider any such possible problem in the future.

In addition, AFGE suggested that elimination of the requirement of tibia palpation of young chickens is not in the interest of the poultry consuming public. Based upon the available scientific expertise, the Department believes that this change in procedure is appropriate and presents no health risk. Tibia palpation has been performed for many years as part of a single inspection procedure applicable to many different types of poultry, and it may be helpful to detect osteopetrosis, which is one form of leukosis. The other types of leukosis can be detected visually. Because of their short life span, young chickens do not develop osteopetrosis. Therefore, there is no need to require tibia palpation of young chickens. It should also be noted that poultry affected with leukosis, while aesthetically unpleasing, do not cause any sickness or present any health hazard to a consumer.

5. Technical Questions

One poultry processor questioned the requirement in § 381.36(c)(1)(i) for 4 feet of horizontal line space for each inspector's helper at the outside inspection station. This processor felt that in cases where the two helpers are stationed on opposite sides of the line, 5 or 6 feet of horizontal line space would be "very adequate."

The Department disagrees for two reasons. First, the inspectors' helpers work with sharp knives and scissors. If they work too close together, and too close to the inspector, the possibility of an injury is increased. Second, the need of inspectors' helpers for horizontal line space varies with the amount of trimming required on carcasses. When the amount of trimming increases, helpers move down the line to complete their trimming. If the horizontal line space within which they work is restricted, they may not have sufficient time to trim away defective parts of carcasses.

One industry commenter suggested the adoption of detailed bird presentation guidelines, and another suggested a minor terminology change in the section of the regulations dealing with bird presentation.

USDA recognizes that occasionally a bird carcass may be presented at the outside inspection station with the back side toward the inspector. This should not adversely affect the inspector's ability to effectively and efficiently inspect. On the other hand, frequent occasions of incorrect presentations would not be acceptable and might require a reduction in the inspection rate. A group of USDA inspection experts who have been closely associated with MTI were consulted. It was their consensus that there were generally no significant presentation problems on the lines operating under MTI and that detailed guidelines appeared to be unnecessary. At this time, therefore, USDA does not believe that presentation guidelines, or other changes in the presentation regulations, are needed.

Finally, one comment from a USDA inspection official recommended that the 150-foot candle lighting requirement be applied to the trimmers' stations, as well as the inspectors' stations.

While USDA has not noted any significant problems with the trimmers' lighting during its experience with MTI, this suggestion would appear to require more consideration. Therefore, USDA will further study this lighting issue and proceed with proposed rulemaking if a change is found to be warranted.

In view of these circumstances, the Department does not believe any changes in these regulations are necessary or desirable at this time. These regulations have been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and have been classified "significant." An Approved Final Impact Statement is available from Dr. Arnold V. Giesemann, Acting Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, on April 17, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-12457 Filed 4-24-80; 8:45 am]

BILLING CODE 3410-DM-M

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9 CFR Parts 303 and 381

Poultry Products Inspection Regulations; Retail Exemptions

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the $18,000 annual limitation currently in effect for sales of meat and poultry products by retail stores to nonhousehold consumers such as hotels, restaurants, and similar institutions. The amendment will raise the present dollar limitation to $27,000 per year for meat products and $21,100 per year for poultry products, provided the dollar value of such sales does not exceed 25 percent of an establishment's total annual sales of meat or poultry products. These dollar figures will also be automatically adjusted to conform to future changes in the Consumer Price Index.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold V. Giesemann, Acting Director, Slaughter Inspection Standards and Procedures Division, Meat and

Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3219. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION:

Significance

This final rule has been reviewed under the USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order 12044 and has been classified "significant."

Background

Federal inspection of meat and poultry products prepared for sale and other distribution in commerce and in certain designated States is required by law and administered by the Food Safety and Quality Service (FSQS). The need for FSQS to establish limits on sales by retail stores to nonhousehold consumers is based upon section 301(c)(2) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C. 454(c)(2)). Both Acts state that the general requirement of routine Federal inspection ". . . shall not apply to operations of types traditionally and usually conducted at retail stores . . . when conducted at any retail store . . . for sale in normal retail quantities. . . ." Retail establishments engaged in operations involving only the sale of meat and poultry products to household consumers are, therefore, exempt from federal inspection required under these Acts since operations of this nature are deemed "traditional and usual."

However, some retail establishments sell meat and poultry products to both household and nonhousehold consumers. Retail sales to nonhousehold consumers may be especially common in rural areas where inspected sources of product are limited. As a result, in order to clearly establish when the requirements of Federal inspection are and are not applicable, it became necessary to issue regulations to establish the maximum dollar value of "traditional and usual" retail meat and poultry sales to nonhousehold consumers and the ratio of these sales to total annual meat and poultry sales.

The first such retail limitation for sales of meat products to nonhousehold consumers was established in 1970 and set at $10,000. The poultry retail limitation was established in 1972 and set at $10,000. Sales of meat and poultry products to nonhousehold consumers were also set not to exceed 25 percent of total annual sales of meat or poultry products. Routine inspection was not required at establishments with sales not exceeding these limitations, but was required at those with sales which exceeded them.

In 1973, the exemption levels were raised to $18,000 for both meat and poultry products to reflect actual price increases and to allow for ongoing price fluctuations and unexpected marketing changes, with sales to nonhousehold consumers not to exceed 25 percent of an establishment's total annual sales of meat or poultry products. These are the levels which are currently specified in section 303.1(d)(2)(iii) of the Federal meat inspection regulations (9 CFR 303.1(d)(2)(iii)) and section 381.10(d)(2)(iii) of the poultry products inspection regulations (9 CFR 381.10(d)(2)(iii)).

National Association of Retail Grocers Petition

Further price increases have occurred since 1973. On July 7, 1978, the National Association of Retail Grocers of the United States petitioned the Department for upward adjustments in the exemption levels to compensate for those price increases. They argued that price increases had resulted in a reduction in the volume of meat and poultry products which retail stores, exempt from routine inspection, could sell to nonhousehold consumers.

Subsequently, the Department requested the Economics, Statistics, and Cooperatives Service (ESCS) to review the petition. Data compiled by ESCS indicated that projected price increases for meat through 1979 would be 51 percent above 1973 prices—in essence, substantiating the petition. On this basis, the Department proposed on January 11, 1980 (45 FR 2328–2330), to amend its regulations to raise the retail exemption limitation for sales of meat products to nonhousehold consumers to $27,200 (adjusted to the nearest higher hundred dollars) per annum.[1] This adjustment in the dollar amount permitted by the retail exemption was not intended to change the volume of meat products permitted to be sold to non-household consumers to a level higher than when the regulation was first amended in 1973. Similarly, the ESCS data projected price increases through 1979 for poultry products to be 17 percent above 1973 prices. Accordingly, the retail exemption limitation for sales of poultry products to nonhousehold consumers was proposed to be raised to $21,100 (adjusted to the nearest higher hundred dollars) per annum.[1] This adjustment also was not intended to change the volume of poultry products permitted to be sold to nonhousehold consumers. There were no data available to indicate that the present percentage limitations (not to exceed 25 percent) on total sales to nonhousehold consumers should be adjusted.

The Department also proposed to make adjustments automatically in future exemption levels based on the Consumer Price Index published by the Bureau of Labor Statistics, Department of Labor. Annual price changes for meat and poultry products are published by the Department of Labor during the first quarter of the following year. The Department proposed to adjust automatically, upward or downward, future exemption levels for meat and poultry products sold by retailers to nonhousehold consumers based on these annual changes in the Consumer Price Index. However, the Department proposed to make such adjustments only when the Consumer Price Index for meat or poultry products indicated that adjustments of at least $500 would result in the exemption levels for either meat or poultry.

Revisions in the exemption levels would be published in the Federal Register and become effective upon publication.

Comments

The Department received 26 comments on the proposal. Comments were received from individual retail stores and retailer associations, individual inspected meat and poultry processors and processor associations, a restaurant and a restaurant association, State departments of agriculture, a hospital, a United States Congressman, and two individuals.

Fifteen commenters favored the proposal, citing several reasons. Most pointed out that increased prices since 1973 had had the effect of reducing the volume of meat and poultry products retailers could sell to nonhousehold consumers. Some stated that this was causing a hardship, especially in rural areas where inspected supply sources were limited. The restaurant association stated that increased transportation costs, due primarily to fuel price increases, were making inspected suppliers less and less willing to make small deliveries to remote rural locations.

Nine comments opposed the proposal. Most argued that uninspected retailers

[1] Since publication of the proposal on January 11, 1980, ESCS has determined that the actual 1979 price increase for meat was $27,000 and for poultry was $21,100.

selling to nonhousehold consumers enjoy an unfair competitive advantage over inspected suppliers because they do not have to bear the costs of inspection. One State department of agriculture was opposed because the State's resources to regulate the activities of uninspected retailers were already limited; to stretch those resources thinner would not serve consumers' interest in quality meat. Several others were opposed because they felt consumers would not be properly protected because of limited inspection of retail establishments.[2]

Congress explicitly recognized the need for retail exemptions from inspection in section 301(c)(2) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C. 454(c)(2)). The question now before the Department, therefore, is not whether there should be such exemptions, but only at what level (volume) to establish them. In 1970 (for meat) and 1972 (for poultry), the Department established through regulations the levels at maximums of $10,000 in meat and poultry sales to nonhousehold consumers, provided sales to nonhousehold consumers did not exceed 25 percent of total meat and poultry sales. The levels were raised to $18,000 in 1973 to account for price increases which were having the effect of decreasing the volume of sales retailers could make to nonhousehold consumers. Since 1973, further price increases in meat and poultry products have occurred, again with the result that retailers can sell a lower volume to nonhousehold consumers than that already permitted by regulations in 1973. The Department also notes that none of the commenters who opposed the changes disputed the Department's method of calculating the changes in exemption levels which should be made as a result of price increases to maintain the same volumes of sales as were permitted by regulations promulgated in 1973.

One retailer who supported the changes in principle argued that although meat prices had increased more than 50 percent since 1973, the Department had only increased the exemption 30 percent. This is not correct. The Department has determined that there has been a 50 percent increase in meat prices since 1973, and a 50 percent increase comes to $27,000.

Only two comments were received on the portion of the Department's proposal which would automatically adjust future dollar exemption levels based on annual changes in the Consumer Price Index figures for meat and poultry. Both commenters favored this part of the proposal.

The Department received several comments suggesting that the retail exemption be expressed in pounds rather than in dollars. The comments supporting a change to pounds indicated that a poundage basis would eliminate the need to continually modify the standard because of a change in the Consumer Price Index for meat or poultry. They also suggested a poundage basis would eliminate inequities between retail stores that would be due to the value of the type of meat products being sold, and it would ease enforcement audit procedures as well as permit the retailers to know exactly what their exemption would be for the year.

The adoption of the exemption in 1970 was based on an estimate of the annual dollar value of sales of meat or poultry by a large retail store. A switch to a pound-based exemption would require either additional information with respect to the "traditional and usual" volume of meat product sold by retail establishments in 1967, when the amendments to the Wholesome Meat Act were adopted, or poultry products sold by retail establishments in 1968 when the Poultry Products Inspection Act was adopted, or conversion to a formula for pounds based upon the mix of product traditionally and usually sold to nonhousehold consumers in 1967 and 1968, and the dollar value for product permitted by the exemptions.

The Department does not possess the necessary information to develop a new regulation based on pounds, nor does the Department believe it is feasible to obtain such data. In addition, a pounds-based exemption could be more difficult to enforce than the dollar sales limitation. Accurate quantities of poundage sold to nonhousehold consumers is not now generally available from affected retail establishments.

Also, the automatic adjustment feature adopted in the regulation will have the effect of meeting the needs of retailers to provide a consistent amount of product even though price increases will occur. The Department believes this a preferable alternative than a switch to a pounds-basis criterion.

Several commenters recommended raising the exemption level through one means or another. One State department of agriculture recommended not counting toward the limitations those sales of inspected meat and poultry products which the retailer did not alter through cutting, grinding, or other processing operation. Others recommended raising or eliminating the dollar value limitations. There was also a recommendation to raise the percentage limitation on sales to nonhousehold consumers to 49 percent and eliminate the dollar limitation altogether.

The recommendation to not count sales of inspected meat and poultry products which the retailer merely "passed through" was the subject of a proposal by the Department in 1973 (40 FR 15906). The proposal was rejected because the administrative record developed during that rulemaking proceeding did not support a conclusion that such sales of prepackaged, inspected products to nonhousehold consumers had been a traditional and usual operation. The commenter presented no persuasive evidence that the 1973 decision should be changed.

Another commenter recommended, by one means or another, raising the exemption levels above those established in 1970 and 1972 so that retailers could increase there volume of sales to nonhousehold consumers. This comment goes beyond the intent of the proposal under consideration, which is merely to permit retailers to sell the same volume of product they had been permitted to sell in 1970 and in 1972. Again, these dollar volumes were based on the "usual and traditional" retail operations carried on at that time.

One retailer asked whether the dollar volumes proposed were cumulative. The dollar volumes specified apply to meat and poultry products individually. Thus, retailers are permitted to sell up to $27,000 of product subject to the Federal Meat Inspection Act and $21,100 of product subject to the Poultry Products Inspection Act to nonhousehold consumers without being subject to Federal or State inspection.

Options Considered

The Department considered two options regarding this final rule.

Option I—Adjust the 1973 $18,000 retail exemption levels for meat and poultry to reflect 1979 prices. In addition, each exemption level would be reviewed annually during the first quarter. If the change in the latest annual Consumer Price Index for meat or poultry results in a change in the exemption level for meat or poultry of at

[2] Meat and poultry processing establishments operating under inspection are required to be inspected by USDA every day they operate. Retail sellers of meat and poultry products are generally inspected by State or local food inspection agencies and their frequency of coverage may be much less than daily. USDA and the Food and Drug Administration may also make inspectional checks of retail food handlers, but these checks are infrequent.

least $500, adjust the exemption level accordingly, upward or downward, and publish a final regulation.

Option II—Convert the 1973 $18,000 retail exemption levels for meat and poultry to dressed weight figures and express in terms of pounds of product exempted.

Option I was selected for the reasons previously stated herein.

After carefully considering all comments received and information made available to the Department, it has been determined that the amendment should be published, essentially without change, except to show that the dollar limitation will be automatically adjusted during the first quarter of each calendar year beginning with calendar year 1981.

Accordingly, § 303.1(d)(2)(iii) (9 CFR 303.1) of the Federal meat inspection regulations and § 381.10(d)(2)(iii) (9 CFR 381.10) of the poultry products inspection regulations are amended to read as follows:

§ 303.1 Exemptions.

* * * * *

(d) * * *

(2) * * *

(iii) A retail store is any place of business where:

(*a*) The sales of product are made to consumers only;

(*b*) At least 75 percent, in terms of dollar value, of total sales of product represents sales to household consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed $27,000 [3] per calendar year (i.e., January 1 through December 31);

(*c*) Only federally or State inspected and passed product is handled or used in the preparation of any product, except that product resulting from the custom slaughter or custom preparation of product may be handled or used in accordance with paragraph (a)(2) and (b) of this section but not for sale;

(*d*) No sale of product is made in excess of a normal retail quantity as defined in subdivision (ii) of this subparagraph;

(*e*) The preparation of products for sale to household consumers is limited to traditional and usual operations as defined in subdivision (i) of this subparagraph; and

(*f*) The preparation of products for sale to other than household consumers is limited to traditional and usual operations as defined in (*a*), (*b*), (*d*), and (*e*) of subdivision (i) of this subparagraph. (A retail store at which custom slaughtering or preparation of products is conducted is not thereby disqualified from exemption as a retail store under this paragraph (d).)

* * * * *

(Sec. 15, 81 Stat. 595, 21 U.S.C. 661(c)(2); 42 FR 35625, 35626, 35631)

§ 381.10 Exemptions for specified operation.

* * * * *

(d) * * *

(2) * * *

(iii) A retail store is any place of business where:

(*a*) The sales of poultry products are made to consumers only;

(*b*) At least 75 percent, in terms of dollar value, of total sales of poultry products represent sales to household consumers and the total dollar value of sales of poultry products to consumers other than household consumers does not exceed $21,100 [4] per calendar year (i.e., January 1 through December 31);

(*c*) Only federally or State inspected and passed, or exempted (or, as provided in § 381.223, State or local agency inspected and passed or exempted) poultry products are handled or used in the preparation of any poultry products;

(*d*) No sale of poultry products is made in excess of a normal retail quantity as defined in subdivision (ii) of this subparagraph; and

(*e*) The processing of poultry products for sale is limited to traditional and usual operations as defined in subdivision (i) of this subparagraph.

* * * * *

(Sec. 15, 71 Stat. 447, 21 U.S.C. 464(a); 42 FR 35625, 35626, 35631)

It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department. Further, this amendment to the regulations would relieve restrictions by allowing increased sales of meat and poultry products by retail stores. Accordingly, it is found upon good cause, under the administrative procedure provisions in 5 U.S.C. 553, that further notice and other procedure with respect to these changes are unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the **Federal Register.**

Done at Washington, D.C., on April 16, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-12735 Filed 4-24-80; 8:45 am]

BILLING CODE 3410-DM-M

[3] This dollar limitation will automatically be adjusted during the first quarter of each calendar year, beginning with the calendar year 1981, upward or downward, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor, indicates a change in the price of this same volume of product which exceeds $500.

[4] This dollar limitation will automatically be adjusted during the first quarter of each calendar year, beginning with the calendar year 1981, upward or downward, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor, indicates a change in the price of this same volume of product which exceeds $500.

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Ch. III

Transfer of the People's Republic of China From Country Group Y to a New Country Group P

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: The People's Republic of China, which has heretofore been in Country Group Y for export control purposes, is placed in a new Country Group P.

DATES: This revision is effective April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Washington, D.C. 20230 (Telephone (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION:

Regulatory Changes

Since shortly after the ending of the embargo on trade with the People's Republic of China (PRC) in 1971, that nation has been designated for export control purposes as part of Country Group Y, along with the USSR and other Warsaw Pact Countries. In considering which exports would contribute significantly to military potential in a way which would be detrimental to U.S. national security, factors relevant for the PRC are different from those for the Warsaw Pact.

Consequently, the PRC is placed in a separate Country Group P. The validated license requirements for Group P are the same as for Groups Q, W, and Y.

Rulemaking Requirements

Section 13(a) of the Act exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where

practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose controls on exports. It has also been determined that these regulations are not "significant" within the meaning of Department of Commerce Administrative Order 218-7 (44 FR 2082, January 9, 1979) and Industry and Trade Administration Administrative Instruction 1-6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations." Therefore these regulations are issued in final form.

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

1. Supplement No. 1 to Part 370 is revised by:

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION SUPPLEMENT NO. 1 [Amended]

a. Changing the first introductory sentence to read: "For export control purposes foreign countries are divided into eight country groups designated by the symbols "P," "Q," "S," "T," "V," "W," "Y," and "Z:"

b. Deleting "People's Republic of China (excluding Republic of China)" from the listing under Country Group Y; and

c. Adding at the beginning of the List a new heading, "Country Group P," and listing under that heading "People's Republic of China."

2. Elsewhere throughout Parts 368-399:

PARTS 368-399 [Amended]

a. Whenever Country Group "Y" appears in conjunction with any other Country Group "Q," "S," "T," "V," "W," or "Z," or in combination with a series of Country Groups, insert "P" in the alphabetical sequence, and when necessary, add punctuation.

b. Whenever Country Group "Y" appears alone, except in § 386.6(a) insert "P and" before "Y."

Authority: Sections 5, 13, 15, Pub. L. 96-72, 93 Stat. 503, to be codified at 50 U.S.C. App. 2401 *et seq.*; Department Organization Order 10-3, 45 FR 6141 (January 25, 1980); Department Organization Order 41-1, 45 FR 11862 (February 22, 1980).

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-12796 Filed 4-24-80; 8:45 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1026

Rules of Practice for Expedited Proceedings

AGENCY: Consumer Product Safety Commission.

ACTION: Revocation of interim Rules of Practice for Expedited Proceedings under the Consumer Product Safety Act, 16 CFR Part 1026, and withdrawal of proposed rule.

SUMMARY: In this document, the Consumer Product Safety Commission revokes the interim Rules of Practice for Expedited Proceedings under the Consumer Product Safety Act. The proposed and interim Expedited Rules have governed the procedure in adjudicative proceedings for the assessment of civil penalties pursuant to Section 20 of the Consumer Product Safety Act (15 U.S.C. 2069). In addition, those rules apply to any other adjudicative matters under the Consumer Product Safety Act and the other acts administered by the Commission which, in the discretion of the Commission and upon public notice, could be handled by expedited proceedings. The Commission also withdraws the proposed rule.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Ronald G. Yelenik, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, Telephone Number (301) 492-6629.

SUPPLEMENTARY INFORMATION: On June 21, 1977, the Consumer Product Safety Commission published in the **Federal Register** (42 FR 31446) proposed and interim Rules of Practice for Expedited Proceedings under the Consumer Product Safety Act, ("Expedited Rules"), 16 CFR Part 1026.

The Commission invited the public to submit written comments regarding the Expedited Rules by July 21, 1977. The comment period was extended until August 22, 1977, at the request of several interested persons who were unable to prepare comments by the designated date (42 FR 39089, August 2, 1977).

The Commission received written comments from counsel for three firms and a national trade association of retailers. These comments stated, among other criticisms, that certain procedural rights (e.g., discovery) would be limited under the proposed and interim Expedited Rules. Copies of the comments are available for public inspection in the Office of the Secretary of the Commission, Third Floor, 1111 18th Street, N.W., Washington, D.C.

On June 21, 1977, the Commission also published in the **Federal Register** (42 FR 31431) for public comment a revised set of proposed and interim Rules of Practice for Adjudicative Proceedings ("Rules of Practice"), 16 CFR Part 1025. These Rules of Practice have governed procedures in adjudicative proceedings relating to the provisions of Sections 15(c), (d) and (f) and 17(b) of the Consumer Product Safety Act (15 U.S.C. 2064 (c), (d) and (f); 2066(b)), and Sections 3 and 8(b) of the Flammable Fabrics Act (15 U.S.C. 1192, 1197(b)), which are required by statute to be determined on the record after opportunity for a public hearing.

After consideration of the public comments on both the Expedited Rules and the interim Rules of Practice, as well as after further reflection upon the objectives of both sets of procedural rules as discussed below, the Commission has reevaluated its prior determination to promulgate separate rules for expedited proceedings and has decided to terminate the rulemaking and revoke the Expedited Rules for the reasons stated hereafter.

The interim Rules of Practice provide the Commission with a procedural vehicle to accommodate both simple and complex cases, with sufficient discretion being vested in the Presiding Officer to expedite the proceedings in order to avoid undue delay and therefore accomplish the objectives contemplated by the Expedited Rules.

Accordingly, the Commission has determined that where an administrative proceeding is used for the assessment of civil penalties pursuant to Section 20 of the Consumer Product Safety Act (15 U.S.C. 2069), the objective of the Expedited Rules (i.e., to accelerate adjudicative proceedings in such cases) can presently be adequately accomplished under the interim Rules of Practice. Therefore, it is unnecessary to have two separate sets of rules governing different types of adjudicative proceedings. Furthermore, the Commission has concluded that the convenience of persons subject to the Commission's jurisdiction and that of their counsel can best be served by a single set of procedural rules for matters being adjudicated before the Commission.

The Commission will now use the interim Rules of Practice for Adjudicative Proceedings in all administrative matters, including civil penalty assessment hearings, except in those instances where the matter of a civil penalty is presented to a United States District Court in conjunction with

an action by the Commission for injunctive or other appropriate relief. When the Commission brings an action against a person or firm for injunctive or other appropriate relief in a United States District Court, the Commission may combine the application for injunctive or other relief with a request for the assessment of a civil penalty, if in view of the facts of a particular case and with due regard for the public interest, it would be more practicable and expeditious to combine the actions; or, if it so chooses, the Commission may institute a separate administrative proceeding for the assessment of a civil penalty. The interim Rules of Practice shall govern all administrative adjudications until the Commission issues final Rules of Practice.

Having reached the foregoing conclusions, the Commission believes no valid purpose is served by delaying the termination of this rulemaking and revocation of the interim Expedited Rules until it issues final Rules of Practice. Accordingly, under the provisions of the Consumer Product Safety Act (Sec. 20, Pub. L. 92–573; 86 Stat. 1226; 15 U.S.C. 2069) and in accordance with section 4(a) of the Administrative Procedure Act, (5 U.S.C. 553(b)(A)), the Consumer Product Safety Commission revokes Part 1026 of Title 16 of the Code of Federal Regulations.

Dated: April 21, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80–12841 Filed 4–24–80; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 1

[Docket No. RM79–32]

Interim Rules of Practice and Procedure Under the Natural Gas Policy Act; Correction

April 18, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Erratum notice.

SUMMARY: This notice contains a correction to the applicability of amendments to the Commission's Rules of Practice and Procedure, published at 45 FR 20,785 (Mar. 31, 1980).

FOR FURTHER INFORMATION CONTACT: Christine P. Benagh, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275–4932.

SUPPLEMENTARY INFORMATION: In amendments to the Commission's Interim Rules of Practice and Procedure under the Natural Gas Policy Act, issued Mar. 24, 1980 (45 FR 20,785, 20,787 (Mar. 31, 1980)), the first two sentences of the section entitled "Effective Date and Public Procedures" are amended to read as follows:

These amendments to the interim regulations are being issued as interim rules effective immediately with respect to all pending and future applications. The interim regulations, and these amendments, are procedural and relate to practice before the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–12799 Filed 4–24–80; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization, Health Information and Health Promotion Programs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for delegations of authority to the Commissioner of Food and Drugs and the redelegation of authority to agency officials. This action is taken because of a new delegation of authority under Title XVII of the Public Health Service Act.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health has issued a new delegation of authority to the Commissioner delegating to him, with authority to redelegate, the authorities vested in the Assistant Secretary by the Secretary of Health, Education, and Welfare relating to health information and health promotion under Title XVII of the Public Health Service Act.

Section 5.1 (21 CFR 5.1) is being amended to add the new authority under Title XVII to the Commissioner.

Section 5.25(a) (21 CFR 5.25(a)) is being revised to delegate the authority to the bureau level.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting," or unless it is not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended as follows:

1. In § 5.1, by adding new paragraph (a)(24) to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATIONS

Subpart A—General

§ 5.1 Delegation from the Secretary, the Assistant Secretary for Health, and Public Health Service officials.

(a) * * *

(24) Functions vested in the Secretary for the health information and health promotion program under Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.), as amended, insofar as the authorities pertain to functions assigned to the Food and Drug Administration. The delegation includes, but is not limited to, the authorities under: section 1702(a) (1) and (3) and section 1704 (1), (2), and (6). The delegation excludes the authority to select all Senior Executive Service, supergrade and equivalent, and Schedule C (GS–12 and above) positions; promulgate regulations; and submit reports to the President.

* * * * *

2. In § 5.25, by revising paragraph (a) to read as follows:

§ 5.25 Research, investigation, and testing programs and health information and health promotion programs.

(a) The Directors of Bureaus, the Executive Director of Regional Operations, and the Director of the National Center for Toxicological Research are authorized under sections 301 as amended by Pub. L. 95–622, 307, 311, 1701, 1702, 1703, and 1704 of the Public Health Service Act to establish research, investigation, and testing programs and health information and health promotion programs which relate to their assigned functions and to approve grants for conducting such programs.

* * * * *

Effective date. This regulation shall be effective April 25, 1980.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: April 17, 1980.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-12732 Filed 4-24-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 510

New Animal Drugs; Change of Sponsor Name and Address

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect the change of sponsor for several new animal drug applications (NADA's) from Parke, Davis & Co. to Parke-Davis, Division of Warner-Lambert Co.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Parke-Davis, Division of Warner-Lambert Co., 201 Tabor Rd., Morris Plains, NJ 07950, has amended several NADA's to provide for the change of sponsor name and address from Parke, Davis & Co., Detroit, MI. The regulations are amended to reflect this change.

Under the proposed BVM supplemental approval policy (42 FR 64367, December 23, 1977), the change is a Category I supplemental approval. The amendments provide for change of sponsor name and address but do not involve any change in manufacturing facilities, procedures, personnel or controls. Accordingly, approval of this supplement does not require a reevaluation of the data and information in the parent applications.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 510 is amended in § 510.600(c) by revising the name and address for "Parke, Davis & Co." to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) Alphabetical listing of sponsors.

Firm name and address	Drug labeler code
* * * * *	
Parke-Davis, Division of Warner-Lambert Co., 201 Tabor Rd., Morris Plains, NJ 07950.....	000071
* * * * *	

(2) Numerical listing of sponsors.

Drug labeler code	Firm name and address
* * * * *	
000071.....	Parke-Davis, Division of Warner-Lambert Co., 201 Tabor Rd., Morris Plains, NJ 07950.
* * * * *	

Effective date. This amendment is effective April 25, 1980.

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

Dated: April 15, 1980.

Robert A. Baldwin,

Associate Director of Scientific Evaluation.

[FR Doc. 80-12428 Filed 4-24-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Diphenylhydantoin Sodium Capsules

Correction

In the **Federal Register** of Friday, April 4, 1980, in FR Doc. 10200 appearing on page 22920, make the following corrections:

In the first column, the effective date of April 1, 1980, should be changed to April 4, 1980. On the same page, second column, under the amendatory language, the effective date of May 5, 1980 should also read April 4, 1980.

BILLING CODE 1505-01-M

21 CFR Part 548

Certifiable Peptide Antibiotic Drugs for Animal Use: Bacitracin, Polymyxin, Neomycin, Hydrocortisone Sterile Ophthalmic Ointment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect that Burroughs Wellcome's sterile ophthalmic ointment contains hydrocortisone base and not the acetate salt.

EFFECTIVE DATE: December 4, 1979.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: A document published in the **Federal Register** of December 4, 1979 (44 FR 69650) reflected approval of Burroughs Wellcome's NADA 65-476. The NADA provides for use of a sterile bacitracin, polymyxin, neomycin, hyrocortisone opthalmic ointment for the treatment of dogs and cats for certain forms of conjunctivitis. The product contains hydrocortisone as a base, not as the acetate salt. Approval was inadvertently codified in 21 CFR 548.314b as the acetate salt (see updating and technical revisions of bacitracin regulations in 44 FR 22053, April 13, 1979). This correction document revises § 548.314b to add approval for use of hydrocortisone base.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Associate Director for Scientific Evaluation of the Bureau of Veterinary Medicine (21 CFR 5.83(b)), § 548.314b is amended by revising paragraphs (a) and (c)(2) to read as follows:

§ 548.314b Bacitracin zinc-polymyxin B sulfate-neomycin sulfate-hydrocortisone, hydrocortisone acetate ophthalmic ointment.

(a) *Requirements for certification.* The requirements for certification for the drug are described in § 548.314a(a), except that each gram of drug contains: (1) 400 units of bacitracin zinc, 5,000 units of polymyxin B sulfate, 5 milligrams of neomycin sulfate (equivalent to 3.5 milligrams of neomycin base), and 10 milligrams of hydrocortisone; or (2) 400 units of bacitracin zinc, 5,000 units of polymyxin B sulfate, 5 milligrams of neomycin sulfate (equivalent to 3.5 milligrams of neomycin base), and 10 milligrams of hydrocortisone acetate.

* * * * *

(c) * * *

(2) *Sponsor.* See 000081 for product described in paragraph (a)(1), see 025463 for product described in paragraph (a)(2) of this section.

* * * * *

Effective date: December 4, 1979.

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

Dated: April 17, 1980.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 80-12748 Filed 4-24-80; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FRL 1475-4; FAP 9H5215/R54]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; N,N-Dimethylpiperidinium Chloride

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in cottonseed meal at 3 parts per million (ppm). The amendment to the regulations was requested by BASF Wyandotte Corp. This rule establishes a maximum permissible level for residues of the plant growth regulator in cottonseed meal.

EFFECTIVE DATE: Effective April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202-755-2196.

SUPPLEMENTARY INFORMATION: On April 14, 1980, the EPA published in the **Federal Register** (45 FR 25098) a notice of proposed rulemaking to amend 21 CFR 561.197 by establishing a regulation permitting residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in cottonseed meal resulting from application of the subject plant growth applicator to growing cotton with a tolerance limitation of 3 ppm. (A related document establishing tolerances for residues of the subject plant growth regulator in or on cottonseed forage; cottonseed; the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep; eggs; and milk appears elsewhere in today's **Federal Register**.) This notice was published in connection with a petition (FAP 9H5215) submitted by BASF Wyandotte Corp., PO Box 181, Parsippany, NJ 07054. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Any person adversely affected by this regulation may, within 30 days after publication in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective April 25, 1980, 21 CFR 561.197 is amended as set forth below.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: April 17, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Part 561, § 561.197 is revised in its entirety to read as follows:

§ 561.197 N,N-Dimethylpiperidinium chloride.

A tolerance is established for residues the plant growth regulator *N,N*-dimethylpiperidinium chloride in the following processed feed when present therein as a result of application of this plant growth regulator to growing cotton:

Feed:	*Parts per million*
Cottonseed meal	3

[FR Doc. 80-12761 Filed 4-24-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

21 CFR Part 640

[Docket No. 79N-0406]

Additional Standards for Human Blood and Blood Products; CPDA-1 in Platelet Concentrates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations to remove the restriction on the use of whole blood collected in anticoagulant citrate phosphate dextrose adenine solution (CPDA-1) for the preparation of Platelet Concentration (Human) and Single Donor Plasma (Human), Platelet Rich. The regulations are being amended because satisfactory data exist to demonstrate that there are no differences in the yield, safety, potency, and effectiveness of platelet concentrates prepared from blood collected in anticoagulant supplemented with adenine and blood collected in anticoagulant without adenine.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Michael L. Hooton, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 15, 1980 (45 FR 2854), FDA proposed to amend the biologics regulations to permit the use of CPDA-1 as the anticoagulant in whole blood intended for the preparation of Platelet Concentrate (Human) and Single Donor Plasma (Human), Platelet Rich. When CPDA-1 is used as the anticoagulant, the storage period for Whole Blood (Human) and Red Blood Cells (Human) may be extended from 21 to 35 days. The data placed on file with the Hearing Clerk, Food and Drug Administration, at the time these rules were proposed, demonstrate that there are no differences in the yield, stability, safety, potency, and hemostatic efficacy in platelet concentrates prepared from blood collected in anticoagulant supplemented with adenine and blood collected in anticoagulant without adenine.

The January 15, 1980 proposed rule provided for a 60-day comment period. The comment period ended on March 17, 1980. No letters were received objecting to the proposed rule. FDA received two letters in support of the proposal. Accordingly, FDA is adopting the proposal as published in the **Federal Register** on January 15, 1980.

FDA advises that licensed blood establishments need not wait until notification of acceptance of appropriate license amendments to prepare Platelet Concentrate (Human) and Single Donor Plasma (Human), Platelet Rich from Whole Blood (Human) collected in CPDA–1. Submission of a label concurrent with the start of manufacture of Platelet Concentrate (Human), and Single Donor Plasma (Human), Platelet Rich in CPDA–1 will constitute an amendment to the license for those products.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 640 is amended as follows:

1. In § 640.22, by revising paragraph (a) to read as follows:

§ 640.22 Collection of source material.

(a) Whole blood used as the source of Platelet Concentrate (Human) shall be collected as prescribed in § 640.4, except that paragraphs (d)(2) and (h) shall not apply.

* * * * *

2. In § 640.32, by revising paragraph (a) to read as follows:

§ 640.32 Collection of source material.

(a) Whole blood shall be collected, transported, and stored as prescribed in § 640.4, except that paragraphs (d)(2) and (h) of that section shall not apply. When whole blood is intended for Single Donor Plasma (Human); Single Donor Plasma (Human), Fresh Frozen; and Single Donor Plasma (Human), Liquid, it shall be maintained at a temperature between 1° and 6° C until the plasma is removed. Whole blood intended for Single Donor Plasma (Human), Platelet Rich shall be maintained as prescribed in § 640.24 until the plasma is removed. The red blood cells shall be placed in storage at a temperature between 1° and 6° C immediately after the plasma is separated.

* * * * *

Effective date. This regulation is effective April 25, 1980. This regulation does not add any new requirements but, rather, relieves a previous restriction on the manufacture of platelet concentrates. Accordingly, under § 10.40(c)(4)(i) (21 CFR 10.40(c)(4)(i)), the agency finds that a delayed effective date is unnecessary.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: April 18, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–12720 Filed 4–24–80; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 1020

[Docket No. 79N–0148]

Diagnostic X-Ray Systems and Their Major Components; Amendments to Performance Standard-Radiation Therapy Simulation Systems

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the performance standard for diagnostic x-ray systems and their major components to (1) revise the definition of a "radiation therapy simulation system"; (2) raise the maximum allowed aluminum equivalent thickness for radiation therapy simulator tabletops; (3) exempt radiation therapy simulator light localizers from requirements concerning minimum illumination; and (4) exempt fluoroscopic therapy simulator systems from requirements concerning maximum allowable entrance exposure rates. The amendments bring applicable provisions of the standard into agreement with existing manufacturing, marketing, and clinical practices as well as with existing FDA interpretations and variances.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Phillips, Bureau of Radiological Health (HFX–460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 3, 1979 (44 FR 45645), FDA proposed to amend the performance standard for diagnostic x-ray systems and their major components (21 CFR 1020.30–1020.32) by: (1) revising the definition for a radiation therapy simulator system in § 1020.30(b)(50) to include radiographic systems within the definition; (2) raising the maximum aluminum equivalent limit in § 1020.30(n) for radiation therapy simulator tabletops from 1.5 millimeters (mm) to 5.0 mm; (3) exempting radiation therapy simulator systems from the requirements of § 1020.31(d)(2)(ii) specifying minimum illumination for defining x-ray fields; and (4) exempting fluoroscopic radiation therapy simulators from the maximum exposure rate limits in § 1020.32(d).

Six comments responded to the proposal within the 60-day comment period: one by a national medical organization, one by a physician, one by a medical physicist, one by a private individual, and two by manufacturers. The manufacturers' comments consisted of requests for variance from the requirements of sections of the standard addressed in the proposal.

Two comments endorsed the proposed action. The two variance requests endorsed the agency action by implication. Two comments, which are addressed as follows, raised questions of substance.

1. One comment objected to raising the maximum aluminum equivalent limit in § 1020.30(n) on the grounds that increased attenuation of the beam would adversely affect image quality because of the additional thickness of the tabletop—that to maintain equivalent image quality, a 1.65 factor increase in dose would be required.

FDA believes that the ability to produce the additional exposure necessary to maintain image quality is within the capacity of present equipment. The automatic exposure rate control, in systems having it, will compensate for the attenuation increase caused by the thicker tabletop. For manual systems, the technique factors can be appropriately adjusted. Furthermore, because the agency is exempting fluoroscopic therapy simulator systems from the maximum entrance exposure limits, the ability to make these adjustments for both large patients and difficult projections will be increased (see comment 3).

The agency believes that the ability to influence positively a cure through the use of radiation therapy is heavily dependent upon the accuracy with which the tumor volume is positioned in the therapeutic beam. Hence, a paramount requirement for a radiation therapy simulator tabletop is its ability to provide positional stability equivalent to that of the radiation therapy unit itself. FDA indicated in the proposal that a variance had been granted to a manufacturer (EMI Therapy Systems, Inc. (43 FR 9862; March 10, 1978)) allowing the manufacture of therapy simulator tabletops whose thickness exceeded the limits given in § 1020.30(n). Since the publication of the proposal, another manufacturer (OLDELFT Corp. of America) has requested a variance (Docket No. 79P–0276) from the maximum thickness requirement. In granting the variance to EMI, the agency noted that the manufacturer had demonstrated that the positional

stability necessary for accurate simulation could not be obtained with a cantilevered table whose thickness was less than 1.5 mm aluminum equivalent and showed that the net increase in dose to the patient from the thicker tabletop was estimated to be between 6 and 12 rads (6 and 12 centigray) for a 3-to-5-minute procedure at 3.5 millamperes, much less than the 1.65 factor increase suggested by the comment. The comment is rejected.

2. One comment contended that the technology to build tabletops, which can meet the 1.5 mm aluminum equivalent and stay within clinically acceptable deflection limits, is currently available at a reasonable cost.

The agency is aware of new materials such as carbon fiber reinforced plastics that, compared with conventional materials, supposedly provide increased strength together with lower x-ray attenuation; however, the agency regards this new technology as unproved and requiring further development and experience before it can mandate, either directly or indirectly, the use of these materials. The agency is not persuaded by the comment to revise or withdraw its proposal.

3. One comment stated that exempting fluoroscopic radiation therapy simulators from the maximum exposure rate limits in § 1020.32(d) increases the potential for overexposure of individuals working in the patient treatment area.

The ability to exceed the maximum exposure rate limits in § 1020.32(d) is not changed by the amendment. The agency notes that even if simulators were not exempted, § 1020.32(d)(2) provides for an optional high-level control that allows fluoroscopic entrance exposure rates to exceed the 10 roentgens per minute (2.58×10^{-3} coulombs per kilogram per minute) limit when both a special means of continuous manual activation and a continuous audible signal indicating such activation are provided. Thus, the amendment only removes the requirement for the special means of continuous manual activation and for the continuous audible signal for fluoroscopic radiation therapy simulators. The agency, therefore, maintains that the amendment does not change the potential for overexposure of individuals working in the patient treatment area during a simulation. The comment is rejected.

Definition of Radiation Therapy Simulator System

4. The agency is deleting the word "primarily" from the proposed definition of a radiation therapy simulator system. The agency has concluded that the word "primarily" in the proposed definition unnecessarily confuses the intended meaning. The purpose of this amendment is to relax certain requirements of the diagnostic x-ray performance standard for only radiation therapy simulator systems. The rationale for these amendments is described in the proposal. The use of the word "primarily" could be interpreted to mean that certain devices for uses other than radiation therapy simulation might qualify for the latitude reserved for radiation therapy simulator systems because of a possible intended dual or multiple use that included radiation therapy simulation. The removal of the word "primarily" from the definition removes this possible confusion with respect to the agency's intent.

Therefore, under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), part 1020 is amended as follows:

1. In § 1020.30 by revising paragraphs (b)(50) and (n) to read as follows:

PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

§ 1020.30 Diagnostic x-ray systems and their major components.

* * * * *

(b)* * *

(50) "Radiation therapy simulation system" means a radiographic or fluoroscopic x-ray system intended for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

* * * * *

(n) *Aluminum equivalent of material between patient and image receptor.* The aluminum equivalent of each of the items listed in Table II, which are used between the patient and image receptor shall not exceed the indicated limits. Compliance shall be determined by x-ray measurements made at a potential of 100 kilovolts peak and with an x-ray beam that has a half-value layer of 2.7 millimeters of aluminum. This requirement applies to front panel(s) of cassette holders and film changers provided by the manufacturer for patient support or for prevention of foreign object intrusions. It does not apply to screens and their associated mechanical support panels or grids.

Table II

Item	Aluminum equivalent (millimeters)
Front panel(s) of cassette holder (total of all)	1.0
Front panel(s) of film changer (total of all)	1.0
Stationary tabletop	1.0
Movable tabletop (including stationary subtop)	1.5
Cradle	2.0
Radiation therapy simulator tabletop	5.0

* * * * *

2. In § 1020.31 by revising paragraph (d)(2)(ii) to read as follows:

§ 1020.31 Radiographic equipment.

* * * * *

(d) * * *

(2) * * *

(ii) When a light localizer is used to define the x-ray field, it shall provide an average illumination of not less than 160 lux (15 footcandles) at 100 centimeters or at the maximum SID, whichever is less. The average illumination shall be based upon measurements made in the approximate center of each quadrant of the light field. Radiation therapy simulation systems are exempt from this requirement.

* * * * *

3. In § 1020.32 by adding new paragraph (d)(4) to read as follows:

§ 1020.32 Fluoroscopic equipment.

* * * * *

(d) * * *

(4) *Exemptions.* Fluoroscopic radiation therapy simulation systems are exempt from this requirement.

* * * * *

Effective date. This regulation is effective May 27, 1980.

(Sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f))

Dated: April 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-12733 Filed 4-24-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 203

[Docket No. R-80-695]

Change in Notification to HUD of Sale of Insured Mortgages and Loans

AGENCY: Department of Housing and Urban Development, Office of the Assistant Secretary of Housing—Federal Housing Commissioner.

ACTION: Final rule.

SUMMARY: This final rule changes the responsibility for notifying HUD of sales of insured mortgages and loans from (a) both the seller and the buyer to (b) only the seller. This amendment will also decrease the number of days HUD requires to receive such notification from 30 to 15 calendar days. Until notification has been received by HUD of the transfer of the mortgage or loan to another mortgagee or lender or until termination of the insurance contract, the mortgagee or lender of record with HUD will be responsible for payment of mortgage insurance premiums.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: T. J. O'Connor, Director, Office of Finance and Accounting, Room 2202, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, Telephone [202] 755-6310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Under existing regulations, both the seller and the buyer of HUD-insured mortgages and loans are required to notify HUD of the sale of such mortgages and loans within 30 days. This requirement has been accomplished by having the seller initiate a HUD-prescribed form and send this form to the buyer to complete his/her portion. The buyer then sends the completed form to HUD.

This process has proven to be too time-consuming. This amendment will require the seller to notify HUD directly within 15 calendar days, after the mortgage or loan is sold to another approved mortgagee or lender. As a result, HUD's billing records would be more promptly updated and HUD's delinquent premium inventory would be reduced.

To encourage the selling mortgagee or lender to notify HUD within 15 calendar days, it is further required that the mortgagee or lender of record with HUD would be responsible for payment of mortgage insurance premiums until notification has been received by HUD of the transfer of the mortgage or loan to another approved mortgagee or lender or until termination of the insurance contract.

Public comments were solicited on the Proposed rule, published in the **Federal Register** 9/20/79 at 44 FR 54492, and the only comment received was a suggestion that a penalty for non-compliance by the seller be imposed. However, it is felt that to impose a penalty on the seller is unwarranted at this time, at least until some experience is gained under this new rule.

The Department has determined that an environmental impact statement is not required with respect to this rule. A copy of the Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule is not listed in the Department's Semiannual Agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, Chapter II, 24 CFR, Part 203, is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

1. § 203.431 is amended to read as follows:

§ 203.431 Sale of insured mortgage to approved mortgagee.

An insured mortgage may be sold to another approved mortgagee.

The seller shall notify HUD of the sale within 15 calendar days, on a form prescribed by HUD and acknowledged by the buyer.

2. § 203.432 is amended to read as follows:

§ 203.432 Effect of sale of insured mortgage.

When an insured mortgage is sold to another approved mortgagee, the buyer shall thereupon succeed to all the rights and become bound by all the obligations of the seller under the contract of insurance and the seller shall be released from its obligations under the contract, provided that the seller shall not be relieved of its obligation to pay mortgage insurance premiums until the notice required by § 203.431 is received by HUD.

3. § 203.489 is amended to read as follows:

§ 203.489 Sale of insured loan to approved lender.

An insured loan may be sold to another approved lender. The seller shall notify HUD of the sale within 15 calendar days, on a form prescribed by HUD and acknowledged by the buyer.

4. § 203.491 is amended to read as follows:

§ 203.491 Effect of sale of insured loan.

When an insured loan is sold to another approved lender, the buyer shall thereupon succeed to all the rights and become bound by all the obligations of the seller under the contract of insurance and the seller shall be released from its obligations under the contract, provided that the seller shall not be relieved of its obligation to pay insurance premiums until the notice required by § 203.489 is received by HUD.

Authority: (Section 207, Title II of the National Housing Act of 1934, 12 U.S.C. 1713; Section 7(d), Department of HUD Act of 1965, 42 U.S.C. 3535(d)).

Issued at Washington, D.C., on April 16, 1980.

Lawrence B. Simons,

Assistant Secretary of Housing-Federal Housing Commissioner.

[FR Doc. 80-12774 Filed 4-24-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 150

[T.D. 7694]

Temporary Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980; Withholding and Depositing of Windfall Profit Tax Where the Producer is an Integrated Oil Company

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary excise tax regulations relating to the windfall profit tax on domestic crude oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. The temporary regulations provide rules to be followed by purchasers of domestic crude oil and integrated oil companies. In addition the text contained in the temporary regulations set forth in this document serves as the comment document for the notice of proposed rulemaking published in the Proposed Rules section of this issue of the **Federal Register**.

DATES: These temporary regulations are effective with respect to oil removed after February 29, 1980. Written comments and requests for a public hearing must be delivered or mailed by June 24, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-71-80), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224 (Attention: CC:LR:T) (202-566-3926 or 202-566-3299).

SUPPLEMENTARY INFORMATION:

Background

On April 4, 1980, the Federal Register published temporary regulations (45 FR 23384) under sections 4986, 4987, 4988, 4989, 4991, 4992, 4993, 4994, 4995, 4996, 4997, 6050C, 6076, and 6402 of the Internal Revenue Code of 1954. The temporary regulations were required to implement various sections of the Crude Oil Windfall Profit Tax Act of 1980. This document contains amendments to those temporary regulations.

The regulations promulgated in this document are also proposed to be prescribed as final Excise Tax Regulations (26 CFR Part 51).

Explanation of Provisions

Under the rules contained in the temporary regulations published on April 4, 1980 to implement the windfall profit tax (26 CFR Part 150), the first purchaser of domestic crude oil generally is responsible for withholding tax from the purchase price, depositing the tax, and filing quarterly tax returns. However, withholding is not required when the oil is removed from the premises before sale or refined on the premises, or when the producer of the oil is an integrated oil company. When withholding is not required, each producer of the oil is required to make deposits of the windfall profit tax liability and file quarterly tax returns.

After publication of the temporary regulations, purchasers of crude oil have commented that in certain instances they may have difficulty determining whether any of the producers (as defined in the temporary regulations) of oil produced from a property are integrated oil companies and hence not subject to withholding.

Furthermore, it has been suggested that when an integrated oil company holds an interest in the production from a property but is not the operator of the property, there is frequently a substantial passage of time between the removal of oil and the receipt by the company of information necessary to properly compute its windfall profit tax due on that removal. As a result, the estimation of tax deposits and the timely filing of accurate quarterly tax returns may be difficult.

The amendments to the regulations made by this document are intended to ease these administrative difficulties without imposing new administrative burdens on purchasers who have developed the techniques necessary to comply with the original rules.

As amended, the regulations provide the general rule that the purchaser of oil produced by an integrated oil company is required to withhold unless the purchaser has received a certificate identifying the producer as an integrated oil company. Withholding is improper after receipt of a certificate. The certificate is required to be furnished to the purchaser if the integrated oil company is the operator of the property. In other cases, it may be furnished at the option of the integrated oil company.

However, an interim rule is provided for oil payments made during the period ending 30 days after the publication of final regulations (which will occur after written comments are received and a public hearing if requested, is held). The interim rule provides that purchasers are not required to withhold tax from payments made to an integrated oil company if the purchaser does not, in fact, deduct, withhold, and deposit. Thus, in effect, the interim rule provides purchasers with the option of withholding or not withholding tax from payments made to an integrated oil company prior to receipt of the company's certificate, if any. After the receipt of a certificate, the purchaser no longer has the option to withhold.

The respective obligations of purchasers or producers to make windfall profit tax deposits flow from the withholding requirement. If withholding is required, the purchaser is required to deposit the amount required to be withheld, and the producer is not required to deposit tax with respect to that oil. If withholding is not required, the producer must deposit the tax liability with respect to that oil.

In sum, the amended regulations provide the following rules:

1. Every integrated oil company that is the producer of oil from a property of which the company is the operator (as determined in the temporary regulations) must submit a certificate to each purchaser of its oil from that property (unless the operator and purchaser have made the election permitted in § 150.4995–4). In other cases, integrated oil companies, at their option, may furnish a certificate.

2. It is improper for a purchaser to withhold tax from payments made for an integrated oil company's share of production after receipt of a certificate.

3. Prior to the receipt of a certificate, the purchaser must withhold except in the case of oil payments made during the interim period. During the interim period the purchaser, at its option, may treat withholding from payments for an integrated oil company's share of production either as required or not required. Withholding is considered to be required if the purchaser deducts, withholds, and deposits the tax. Withholding is considered not to be required if the purchaser does not deduct, withhold, and deposit. If the purchaser has withheld but chooses before depositing the withheld amount to treat withholding as not required, the withheld amount should be refunded to the producer.

4. The obligation of the integrated oil company producer to deposit is imposed if withholding is not required. Thus, the producer must generally deposit the tax imposed upon its production if the company is the operator of the property. However, during the interim period, if the purchaser treats withholding as required the producer need not deposit prior to the receipt by the purchaser of the integrated oil company's certificate. In the case of an integrated oil company that is not the operator, the company is required to deposit the tax on its production if the company furnishes a certificate to the purchaser or if, during the interim period, the purchaser treats withholding as not required. Accordingly, it is necessary for such companies to determine the practice of the purchaser for the interim period so that the company can meet its deposit responsibilities in the absence of withholding.

Waiver of Procedural Requirements of Treasury Directive

The expeditious adoption of the provisions contained in this document is necessary because of the need for immediate guidance to taxpayers liable for the windfall profit tax on domestic crude oil and to other persons required to withhold and deposit tax, file returns, provide information, etc. For this reason, Jerome Kurtz, Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive implementing Executive Order 12044 must be waived.

Comments and Requests for a Public Hearing

Before adoption of the final regulations proposed in this document, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Drafting Information

The principal author of these regulations is David B. Cubeta of the Legislation and Regulations Division of

the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of amendments to the regulations. Accordingly, Part 150, Temporary Excise Tax Regulations under the Crude Oil Windfall Profit Tax Act of 1980, is amended as follows:

Paragraph 1. Paragraph (a) of § 150.4995–1 is amended by revising subparagraph (3). Amended paragraph (a) reads as follows:

PART 150—TEMPORARY EXCISE TAX REGULATIONS UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980

§ 150.4995–1 Requirement of withholding.

(a) *General rule; when required.* Except as otherwise provided in this section, the purchaser (as defined in § 150.4996–1(a)) of domestic crude oil shall deduct and withhold tax from amounts payable by that purchaser for the oil. However, the preceding sentence shall not apply if—

(1) The crude oil is removed from the premises (as defined in § 150.4996–1(d)) before it is sold, or

(2) The manufacture or conversion of crude oil into refined products begins before the oil is removed from the premises, or

(3) The producer of the oil is an integrated oil company (as defined in § 150.4996–1(g)) that has furnished a certificate to the purchaser pursuant to paragraph (c)(2) of § 150.4995–2 (or, in the case of any payment for oil produced by an integrated oil company made before the date that is 30 days after the date of publication of final regulations under this paragraph, the purchaser does not in fact deduct, withhold, and deposit the tax).

The amount of tax to be deducted and withheld shall be determined in accordance with the rules of paragraphs (b) and (c) of this section. See, however, paragraph (d) of this section for rules applicable to certain payments made prior to June 4, 1980. The producer shall be treated as having paid on the last day of the first February after the calendar year in which the oil is removed from the premises the amount deducted and withheld with respect to such oil by the purchaser under this section.

* * * * *

Par. 2. Section 150.4995–2 is amended by adding a sentence to paragraph (a) and by revising paragraph (c). These added and revised provisions read as follows:

§ 150.4995–2 Producer's certificate.

(a) *In general.* The producer of "exempt Indian oil", as defined in section 4994(d), or the holder of any interest in crude oil that is a "qualified governmental interest" as defined in section 4994(a) or is a "qualified charitable interest" as defined in section 4994(b), may furnish an exemption certificate with respect to such oil to the purchaser of the oil or to the operator of the property from which the oil is produced (or, if the producer is a partner, to the partnership (see paragraph (e) of this section)), in accordance with the rules of paragraph (b) of this section. Any producer of "independent producer oil", as defined in section 4992, may furnish a certificate with respect to such oil to the purchaser of the oil or to the operator of the property is a partner, to the partnership from which the oil is produced (or, if the producer (see paragraph (e) of this section)), in accordance with the rules of paragraph (c) of this section. Every integrated oil company shall follow the rules of paragraph (c)(2) of this section (relating to mandatory and optional withholding exemption certificates). Any certificate provided under this section must set forth the facts that establish entitlement to the exemption or lower rates claimed. The certificate (or any revocation of a certificate) shall identify the producer by name, address, and employer identification (or social security) number and shall be signed by the producer (under the penalties of perjury except in the case of a revocation). For the requirement that the operator of a property who has received such a certificate furnish a copy of the certificate, or certify as to its contents, to each purchaser of oil from that property, see § 150.6050C–1(f). For the effect of the furnishing of such a certificate, see § 150.4995–1(b)(3) (relating to the withholding requirement). For the criminal penalty applicable to the furnishing of a false statement, see section 7206.

* * * * *

(c) *Other producers' certificates*—(1) *Independent producer's certificate.* An independent producer's certificate is a written statement certifying that the entire amount of the producer's oil expected to be sold to the purchaser is subject to the rates of tax provided in section 4987(b)(2) because the oil constitutes "independent producer oil" as defined in section 4992. No certificate may be furnished with respect to oil if it is reasonable to believe that the number of barrels to be affected by the certificate, taken together with all other oil with respect to which a certificate has been furnished by the producer to any operator, purchaser, or partnership, will exceed the producer's independent producer amount (see section 4992 (c) and (e)).

(2) *Integrated oil company's certificate*—(i) *Mandatory certificates.* Every integrated oil company that is a producer of oil from a property of which that company is the operator (or would be the operator in the absence of a designation under § 150.4996–1(c)) shall furnish the statement described in paragraph (c)(2)(iii) of this section to each purchaser of oil from that property no later than the date by which the first statement by the operator to the purchaser under § 150.6050C–1 is required to be furnished (or May 12, 1980, if later).

(ii) *Optional certificate.* Any integrated oil company that is a producer of oil from a property of which that company is not the operator may, at its option, furnish such a statement with respect to such oil to the purchaser of the oil or to the operator of the property from which the oil is produced (or, if the producer is a partner, to the partnership (see paragraph (e) of this section)).

(iii) *Contents of certificate.* The certificate furnished pursuant to this subparagraph shall state that the producer is an integrated oil company (as defined in § 150.4996–1(g)), that the producer will deposit its own windfall profit tax liability, and that the producer's share of production is not to be withheld upon under § 150.4995–1.

(iv) *Date certificate becomes effective.* Any certificate furnished pursuant to this subparagraph shall apply to all payments for oil of which the integrated oil company is the producer made after the date on which the purchaser received the certificate.

* * * * *

Par. 3. So much of paragraph (a)(1) or § 150.4995–3 as precedes subdivision (i) is amended to read as follows:

§ 150.4995–3 Depositary requirements.

(a) *Deposits by integrated oil companies other than independent refiners*—(1) *In general.* Every integrated oil company (as defined in § 150.4996–1(g)) other than an independent refiner (as defined in § 150.4996–1(h)) that is either liable as a producer for the tax imposed by section 4986 (unless such tax is required by § 150.4995–1 to be deducted and withheld by the purchaser) or is required as a purchaser to deduct and withhold tax pursuant to § 150.4995–1 shall make deposits with respect to semimonthly periods (as defined in subparagraph (3)(i) of this paragraph). The amount to be deposited for each

semimonthly period is the amount of tax imposed by section 4986 that is not required to be withheld under § 150.4995–1 on oil removed from the premises during that semimonthly period for which the company is liable as a producer, plus the amount required to be withheld by the company as a purchaser pursuant to § 150.4995–1 from payments that have been or will be made for oil removed from the premises during that semimonthly period. The deposits shall be made on or before the depositary date (as defined in subparagraph (3)(ii) of this paragraph) for the semimonthly period in which the oil was removed. These depositary requirements will be considered to have been met for a semimonthly period with respect to estimated deposits only if—

* * * * *

Par. 4. Section 150.6050C–1 is amended by deleting a sentence in the portion of paragraph (b) that precedes subparagraph (1) and by revising paragraph (f). The revised provisions read as follows:

§ 150.6050C–1 Information furnished by operator for purposes of windfall profit tax.

* * * * *

(b) *Information to be certified.* In the case of exempt Alaskan oil or exempt front-end oil, the statement shall certify that the oil is exempt from tax. In all statements not certifying exemption, the following information is to be certified in the statement required under paragraph (a) of this section:

* * * * *

(f) *Producer's certificate.* If, pursuant to § 150.4995–2, the operator receives a producer's certificate certifying a share of production to be exempt from tax, subject to a lower rate of tax, or not to be withheld upon, the operator shall either (1) furnish a copy of that certificate to each purchaser of oil from that property by the 15th day of the month following the month in which the certificate was received, or (2) if payment is to be received by the operator on behalf of the producers, furnish a certificate that summarizes the contents of the producers' certificates and states that the operator has received and has such certificates available for inspection.

* * * * *

There is need for the immediate guidance provided by the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 4995, 6050C, and 7805 of title 26 of the United States Code and section 101(i)(2) of the Crude Oil Windfall Profit Tax Act of 1980.

Approved: April 21, 1980.

Jerome Kurtz,

Commissioner of Internal Revenue.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80–12690 Filed 4–22–80; 12:30 pm]

BILLING CODE 4830–01–M

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26 CFR Part 403

[T.D. 7695]

Disposition of Seized Personal Property; Compensation Paid to Appraisers

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the rate of compensation that is paid to appraisers of property seized as subject to forfeiture. These regulations provide necessary guidance to the public for compliance with the law, and affect appraisers of such property.

DATE: The regulations are effective from May 25, 1980.

FOR FURTHER INFORMATION CONTACT: Kyllikki Kusma of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, LR–2–80, 202–566–3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

The regulations at § 403.50 currently set the rate of compensation that is paid to an appraiser of property seized as subject to forfeiture at $3.00 per hour or portion thereof. Because this rate is inadequate, these regulations change the rate of compensation that is paid from $3.00 per hour to "a reasonable fee not to exceed $15.00 per hour or a portion thereof." Because this regulation is nonsubstantive and essentially procedural, it is found unnecessary to issue this Treasury decision with notice and public procedure. For the same reasons, this regulation is not a significant regulation under paragraph 8 of the Treasury Directive appearing in the **Federal Register** for November 8, 1978 (43 FR 52120).

Drafting Information

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

Adoption of amendments to the regulations. Accordingly, 26 CFR Part 403.50 is amended as follows.

PART 403—DISPOSITION OF SEIZED PERSONAL PROPERTY

§ 403.50 Rate of compensation.

Each appraiser selected under § 403.26(a)(2) shall receive as compensation a reasonable fee not to exceed $15.00 per hour or portion thereof for the performance of such appraiser's duties in appraising property seized as subject to forfeiture under the internal revenue laws and this part.

Because this regulation is nonsubstantive, liberalizing and essentially procedural, it is found unnecessary to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: April 11, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80–12772 Filed 4–24–80; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2520

Exemption From Reporting and Disclosure Requirements for Apprenticeship and Other Training Plans; Correction

AGENCY: Department of Labor.

ACTION: Amendment of regulation.

SUMMARY: This document amends 29 CFR 2520.104–22 (45 FR 15527; March 11, 1980), which contains an exemption from the reporting and disclosure requirements of Part 1 of Title I of the Employee Retirement Income Security

Act of 1974 (ERISA) covering employee welfare benefit plans that provide exclusively: (1) Apprenticeship training benefits; (2) other training benefits; or (3) apprenticeship and other training benefits. The amendment provides a filing address for the notice referred to in paragraph (a) of the regulation.

EFFECTIVE DATE: April 18, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Doyle, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216, (202) 523-7901 (not a toll-free number) or Douglas Wham, Esq., Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20216, (202) 523-9141 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The amendment being adopted has not been deemed to be a "significant regulation" under the Department's guidelines (44 FR 5570; January 26, 1979) issued to implement Executive Order 12044 (43 FR 12661; March 23, 1978). The amendment set forth below is adopted under the statutory authority of sections 104, 109 and 505 of the Act (29 U.S.C. 1024, 1029 and 1135).

Because the amendment being adopted imposes no additional burden on private parties, the Department finds, pursuant to section 5 U.S.C. 553(d)(3), that it is unnecessary to delay its effective date. Accordingly, the amendment is effective immediately.

29 CFR 2520.140-22 is amended, by the addition of the following new paragraph (c), to read as follows:

§ 2520.104-22 Exemption from reporting and disclosure requirements for apprenticeship and training plans.

* * * * *

(c) *Filing Address.* The notice referred to in paragraph (a) of this section shall be filed with the Secretary of Labor by mailing it to: Apprenticeship and Training Plan Exemption, Office of Reports and Disclosures, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216, or by delivering it during normal working hours to the Division of Receipt and Identification, Office of Reports and disclosure, Pension and Welfare Benefit Programs, Room N-4635, U.S. Department of Labor, 200 Constitution Avenue, N.W.,Washington, D.C.

Signed at Washington, D.C. this 18th day of April 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-12888 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-29-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1473-7]

Approval and Promulgation of Implementation Plans Approval of Revision of the State of Maryland; Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On October 16, 1979, EPA proposed a rule which would approve consent orders issued by the State of Maryland to the Westvaco Corporation concerning its paper mill at Luke, Maryland. The orders permit Westvaco to burn fuel with more than one-percent sulfur, the limit set by Maryland regulations approved by EPA, provided that the aggregate emissions of sulfur dioxide (SO_2) from the six hundred (600) foot stack shall not exceed 49 tons per day. The orders require Westvaco to install and operate a sulfur dioxide and meteorological monitoring network.

Data from two years' operation of that network will be used to validate a rough terrain diffusion model which, in turn, is to be used to develop a permanent sulfur dioxide emission limitation. The Administrator determined that the consent orders conform to the requirements of the Clean Air Act and therefore has approved them as a revision of the Maryland State Implementation Plan.

EFFECTIVE DATE: April 25, 1980.

ADDRESSES: Copies of the proposed revision, together with supporting documentation and correspondence, are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th & Walnut Sts., Philadelphia, PA 19106, ATTN: Israel Z. Milner (3AH10)

Air Quality Programs, State of Maryland, O'Conor Office Bldg., 201 West Preston St., Baltimore, Maryland 21201, ATTN: George Ferreri, Administrator

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Israel Z. Milner, Manager, Plans Management Group, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106; telephone number (215) 597-8174.

SUPPLEMENTARY INFORMATION:

I. Introduction

On October 16, 1979, EPA published a notice of proposed rulemaking, 44 FR 59564, which proposed to approve as a revision of the Maryland State Implementation Plan (SIP) a consent order issued on June 12, 1979 by the State to the Westvaco Corporation concerning its paper mill at Luke, Maryland. Maryland had submitted this order to EPA as a supplement to earlier submissions of orders issued in July, 1975 and October, 1977, which have already been published in the **Federal Register** for public comment (see below). The June, 1979 order permits Westvaco to burn fuel with more than one percent sulfur, the limit set by Maryland regulations approved by EPA, provided that the aggregate emissions of sulfur dioxide (SO_2) from the six hundred (600) foot stack shall not exceed 49 tons per day. The order requires Westvaco to install and operate a sulfur dioxide and meteorological monitoring network for two years. Data from that network will be used to validate a rough terrain diffusion model which, in turn, is to be used to develop a permanent sulfur dioxide emission limitation.

In an earlier notice, published on March 6, 1978, 43 FR 9162, EPA stated its intention to disapprove as a SIP revision orders issued by Maryland; July 8, 1975 and October 21, 1977. The March 6, 1978 notice solicited public comment on the proposed revision. The request would except Westvaco from the applicable State and Federal sulfur-in-fuel regulations but would limit sulfur dioxide emissions from the 600 foot stack at this facility to 49 tons per day. Extensions to the comment period were granted on April 11, 1978, 43 FR 15167; May 26, 1978, 43 FR 22748; June 29, 1978, 43 FR 28214; July 13, 1978, 43 FR 30075; and August 16, 1978, 43 FR 36283. The last notice granted a final extension for the receipt of comments until September 8, 1978.

II. Background

The Westvaco pulp and paper mill in Luke, Maryland emits sulfur dioxide to the atmosphere primarily as a result of the combustion of coal and oil at three principal boiler units whose emissions are vented through a 600-foot stack. Boilers 24 and 25 burn coal with a variable sulfur content. The number 26 package boiler is fired by residual oil with an essentially constant sulfur content of about 1% by weight. The SO_2 emissions from the 600-foot stack also include those non-condensible gases from the batch pulp digesters which are combusted into SO_2 in the principal boiler units. The non-condensible gases

are estimated to contribute 3–4 tons per day of SO_2. This revision deals with the impact on local air quality of all the SO_2 emissions from the 600-foot stack.

On August 8, 1974, Maryland's Department of Health and Mental Hygiene issued a notice of violation to the Westvaco Corporation charging that the company was burning coal with more than one percent sulfur at its Luke mill, in violation of Maryland Regulation 10.18.02.04B (formerly identified as 10.03.36.04B). Maryland, on July 16, 1975, submitted to the Regional Administrator of EPA, Region III, a proposed revision of the Maryland SIP for the attainment and maintenance of national ambient air quality standards. The revision consisted of a consent order issued by the Secretary of the Maryland Department of Health and Mental Hygiene on July 6, 1975 to the Westvaco Corporation which allowed the company to burn at its Luke, Maryland paper mill fuel with more than one percent sulfur so long as total emissions from the fuel burning equipment did not exceed 58 tons per day of sulfur dioxide. The order required Westvaco to discharge its emissions through a new, 600-foot stack, and to pay the costs of a compliance monitoring program. The State retained the authority to require further measures if it determined that low-sulfur coal or other control technology were available or if other corrective action were needed to protect State or Federal ambient air standards. In support of its request, Maryland stated among other things that:

1. Westvaco wished to burn coal at the Luke mill, but was unable to secure an adequate supply of one percent sulfur coal, and

2. The proposed increase in sulfur dioxide emissions would not cause violations of Federal or State standards for sulfur dioxide in ambient air.

In further support of its request, Maryland submitted a modeling analysis intended to demonstrate that the proposed 58-ton-per-day limit on SO_2 emissions would not result in violations of standards for SO_2.

As discussed in Section III below, EPA reviewed the analysis and noted deficiences in it.

Maryland also submitted proof that a public hearing with adequate public notice was held on May 26, 1975, in accordance with 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

On November 18, 1977, Maryland submitted to the Regional Administrator a new consent order amending the 1975 Luke mill consent order. The amendment reduced the total allowed emissions of SO_2 from the 600-foot stack from 58 tons per day, as first proposed, to 49 tons per day, roughly equivalent to a limit of 2.3 percent sulfur-in-fuel. Westvaco also consented to install two meteorological stations and an unspecified number of additional SO_2 monitors. The additional equipment was to provide information regarding air quality levels and to verify the adequacy of the 49 tons per day emission limitation as determined by the company's modeling analysis, or to establish with any new data a different emission limitation. The new order provided that the State would require corrective action if the data being collected by the monitors resulted in either measured or predicted violations of ambient air quality standards. As discussed in Section III below, EPA reviewed the additional material received in support of the amendment and on March 6, 1978, published a notice of its intention to disapprove the proposed revision of Maryland's plan, 43 FR 9162.

Maryland submitted proof that a public hearing on the amendment was held on October 7, 1977, after adequate public notice, in accordance with 40 CFR Part 51.

III. Evaluations of Proposed SIP Revisions

Initial Submittal of July 16, 1975. EPA reviewed the analysis provided in support of the requested SIP revision and noted several defects. EPA found that the modeling technique rested on what the agency believed to be unrealistic assumptions about meteorological conditions and the behavior of the plume from the mill's emissions, and that averaging emissions over large areas may have concealed locally high concentrations of pollutants. After meetings with Maryland and Westvaco that answered some questions, EPA concluded that the modeling analysis did not demonstrate that the SO_2 limitations of 58 tons per day specified in the consent order would not result in violations of applicable SO_2 standards. Accordingly, EPA informed the State of Maryland, in a letter dated February 28, 1977, that the Agency would not approve the requested revision of the Maryland SIP.

Amended Submittal of November 18, 1977. Following additional discussions among representatives of Westvaco, Maryland, and EPA, Maryland submitted an amendment to the consent order which reduced the SO_2 limitation to 49 tons per day and which provided for an enlarged monitoring network described in Section II above.

After evaluating the revised submittal, EPA found that an updated modeling analysis was in substantially the same form as first submitted, and had the same methodological weaknesses. Westvaco subsequently submitted a February 12, 1978 report to EPA in further support of the mathematical modeling previously provided. EPA also reviewed this material. That action was followed by the aforementioned March 6, 1978 notice proposing to disapprove the requested SIP revision.

During the period for comment on EPA's proposal which was extended until September 8, 1978, a great many individuals and organizations, totaling approximately 3000 in number including Westvaco, submitted comments and suggestions. The overwhelming majority of the commenters were supportive of the company's position. It was EPA's position that little new information was provided concerning the adequacy of the air quality modeling demonstration.

A number of commenters, including a national civic organization, suggested a period of monitoring and data evaluation (at the proposed higher emission limitation) as an interim solution. A very small number of commenters recommended that the proposed SIP revision be disapproved, generally on the grounds that attainment of air quality standards was not demonstrated.

EPA Analysis. In addition to considering the relevant comments received, EPA had also performed an additional analysis using a different model which the agency found to be acceptable in this circumstance. On further study, EPA continued to believe that the assumptions and techniques employed in support of Maryland's submittal were unrealistic and might underestimate sulfur dioxide concentrations. However, in the present state of modeling techniques regardless of what modeling is used, unverified assumptions are required to simplify calculations in an area like that surrounding the Luke mill, where hills and variable meteorological conditions create extremely complex movements of pollutants. Another analysis performed for EPA, using a technique it had approved in other situations and which did not suffer from what the agency believed to be the particular deficiencies of Maryland's demonstration, predicted ambient air concentrations in excess of ambient air standards under certain assumed worst case meteorological conditions; the differences, however, may be within the margin of error of either model. Thus, it was not possible to determine which model's assumptions were more reasonable in the particular circumstances.

EPA therefore suggested to Maryland that it have Westvaco perform a study to measure the actual air concentrations which result from emissions from the Luke mill, and in this way test or validate the various techniques of analysis. This would enable an evaluation of modeling assumptions and a narrowing of the range of uncertainties of modeling analyses in the area of the Luke mill. Maryland and Westvaco subsequently agreed that the company would perform such a study at the company's own expense.

Amended Submittal of June 15, 1979. On June 15, 1979, Maryland submitted a new consent order as a "supplement" to its two earlier requests for a SIP revision. The order requires Westvaco to carry out a detailed two-year research program described in the order, and limits SO_2 emissions from the 600 foot stack at the Luke mill to 49 tons per day. After the research program, Westvaco must submit to Maryland a new analysis of the effects of its Luke mill emissions. Maryland will subsequently submit to EPA any modification to the 49 tons per day emission limitation which is necessary to prevent violations of national ambient air quality standards. The emission limit of 49 tons per day will remain in effect until any such modification to the emission limitation is approved by EPA.

Other details of the consent order submitted on June 15, 1979, that are in addition to the requirements of the earlier orders, are:

1. Westvaco will install and operate nine continuous SO_2 monitors and two meteorological stations at locations (defined in Attachment 1 of the order) in the vicinity of the Luke mill. (Additional monitors or stations can be added by Westvaco if it so chooses.)

2. The monitoring program and data transfer will be substantially as set forth in Attachment 2 of the order.

3. The following schedule shall apply:

a. Ambient air and meteorological monitoring at all locations is to begin no later than six months after the June 12, 1979 effective date of the order. (The monitoring network went into operation on December 12, 1979. Early data have already been reported).

b. Monitoring is to continue for 24 months, or until such time as 24 months of valid data are collected.

c. Ninety days after completion of monitoring, Westvaco is to submit a new diffusion analysis and validation which is to be in accordance with applicable EPA guidelines.

Following review of the Amended Consent Order, the agency has determined that it constitutes an appropriate mechanism to obtain data needed for validating techniques of model analysis.

As indicated above, the assumptions underlying the modeling analysis submitted in support of the proposed rule have not been verified and it may have certain deficiencies in complex terrain situations. EPA believes that due to the unknowns in the present circumstances, Maryland's air quality predictions may be within the margin of error of other modeling techniques (which also rest on unverified assumptions). The June, 1979 consent order, like the 1975 and 1977 orders, contains a number of recitals and stipulations of fact, including statements of the parties' understanding of EPA's views. These recitals and stipulations are not necessarily correct, but as they are generally not relevant to the approvability of a plan revision, EPA expresses no views on the accuracy of these recitals and stipulations.

Based upon the foregoing evaluation, the agency determined that the June 15, 1979 submittal may be approved until an appropriate limitation based on the monitoring and validation program is approved by EPA. If during the term of the Maryland consent orders, monitoring or modeling show that a more stringent limitation is needed to preserve ambient air quality, the terms of this SIP revision and federal law require that such a new limitation be submitted to EPA as a new SIP revision.

Accordingly, on October 16, 1979, EPA published in the **Federal Register**, 44 FR 59564, a notice proposing to approve the requested revision of the Maryland SIP. During the public comment period which followed the publishing of the October 16, 1979 **Federal Register** notice, only one comment, from Westvaco, was received. Westvaco repeated its earlier arguments for a 49-ton-per-day limit and disputed the need for additional data. While EPA still holds its earlier reservations, described above, there evidently is continuing disagreement about the mathematical modeling submitted in support of the 49-ton-per-day limit; the monitoring program the company has agreed to carry out is designed to resolve the remaining uncertainty, and EPA need not respond to these arguments except by the general remarks already given. The company also commented that the proposed rule would remain as a federal regulation until amended. This is correct; it is also worth noting that this SIP revision requires both the company and Maryland to prepare and submit suitable amendments to EPA whenever the monitoring program or any other data show the need for a more stringent emission limitation to protect ambient air quality.

IV. EPA Actions

The revision has been found to meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

In view of this finding, the Administrator approves the amended consent orders of June, 1979, October, 1977, and July, 1975 as a revision of the Maryland SIP.

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.

(42 U.S.C. 7401–642)

Dated: April 16, 1980.

Douglas M. Costle,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS APPROVAL OF REVISION OF THE STATE OF MARYLAND

Part 52 of Title 40, Code of Federal Regulations § 52.1070 is amended by adding paragraph (c)(30) as follows:

Subpart V—Maryland

§ 52.1070 Identification of plans.

* * * * *

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

(30) Consent orders submitted by the Governor on July 16, 1975, November 18, 1977, and by the Administrator, Air Quality Programs on June 15, 1979 granting the Westvaco Corporation an exception to Regulation COMAR 10.18.02.04B.

[FR Doc. 80–12702 Filed 4–24–80; 8:45 am]

BILLING CODE 6560–01–M

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40 CFR Part 81

[FRL 1473–6]

Air Quality Control Regions, Criteria, and Control Techniques; Michigan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rulemaking changes the State attainment status relative to the total suspended particulate national ambient air quality secondary standard for a certain portion of Delta County in Michigan. On January 28, 1980, a redesignation of this area from nonattainment to attainment of the secondary standards was proposed in the **Federal Register** (45 FR 6418), and a 30-day comment period was established.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT:

Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6029.

SUPPLEMENTARY INFORMATION: Pursuant to section 107(d) of the Clean Air Act (Act) the State of Michigan designated areas within the State as either attainment or nonattainment for the national ambient air quality standards (NAAQS). The Administrator of the U.S. Environmental Protection Agency (USEPA) published notice of these designations in the **Federal Register** on March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993). On January 28, 1980, USEPA in a Notice of Proposed Rulemaking proposed to change the attainment status for a portion of Delta County in Michigan from nonattainment to attainment of the national ambient air quality secondary standard for total suspended particulates (TSP). Although a 30 day public comment period was provided no comments were submitted regarding the redesignation of Delta County, Michigan.

The redesignation is based on a showing by Mead Corporation and the State of Michigan that the original designation was based on monitored 24-hour excursions of the secondary standard from monitors which were on company property owned by the company prior to 1970.

Pursuant to section 107 of the Clean Air Act USEPA approves the redesignation submitted by Michigan as proposed in the Notice of Proposed Rulemaking on January 28, 1980 at 45 FR 6418. The redesignation is effective May 27, 1980.

USEPA has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044 (43 FR 12661).

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Subpart C—Section 107 Attainment Status Designations

Section 81.323 of Part 81 of Chapter I, Title 40, Code of Federal Regulations is amended as follows. In the table for "Michigan—TSP" the entry for AQCR 126, Item 1, is revised to read as follows:

§ 81.323 Michigan.

* * * * * * *

Michigan—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * * * *				
AQCR 126, except sub-areas as defined				x
1. Delta County R22W, T39N, sections S 1/2 17, S 1/2 18, 19; and 30.		x		
* * * * * * *				

(Section 107(d) of the Clean Air Act, as amended (42 U.S.C. 7407(d))

Dated: April 16, 1980.

Douglas Costle,

Administrator.

[FR Doc. 80–12703 Filed 4–24–80; 8:45 am]

BILLING CODE 6560–01–M

40 CFR Part 180

[FRL 1475–5; PP 9F2189/R244]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; N,N-Dimethylpiperidinium Chloride

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride on a variety of raw agricultural commodities. The amendment to the regulations was requested by BASF Wyandotte Corp. This rule establishes maximum permissible levels for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride on certain raw agricultural commodities.

EFFECTIVE DATE: Effective April 25, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202–755–2196.

SUPPLEMENTARY INFORMATION: On April 14, 1980, the EPA published a notice of proposed rulemaking in the **Federal Register** (45 FR 25100) in response to a pesticide petition (PP 9F2189) submitted to the Agency by BASF Wyandotte Corp., 100 Cherry Hill Road, PO Box 181, Parsippany, NJ 07054. This petition proposed that 40 CFR 180 be amended by the establishment of tolerances for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in or on the raw agricultural commodities cotton forage at 3 parts per million (ppm); cottonseed at 2 ppm; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm; and eggs and milk at 0.05 ppm. (A related document concerning establishment of a feed additive regulation for residues of the subject plant growth regulator appears elsewhere in today's **Federal Register**.) No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before May 27, 1980, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–

110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective April 25, 1980, Part 180, Subpart C, is amended by adding the new § 180.384 as set forth below.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)).)

Dated: April 17, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, is amended by adding the new § 180.384 to read as follows:

§ 180.384 N,N-Dimethylpiperidinium chloride; tolerances for residues.

Tolerances are established for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Cotton forage	3
Cottonseed	2
Eggs	0.05
Cattle, fat	0.1
Cattle, mbyp	0.1
Cattle, meat	0.1
Goats, fat	0.1
Goats, mbyp	0.1
Goats, meat	0.1
Hogs, fat	0.1
Hogs, mbyp	0.1
Hogs, meat	0.1
Horses, fat	0.1
Horses, mbyp	0.1
Horses, meat	0.1
Milk	0.05
Poultry, fat	0.1
Poultry, mbyp	0.1
Poultry, meat	0.1
Sheep, fat	0.1
Sheep, mbyp	0.1
Sheep, meat	0.1

[FR Doc. 80-12787 Filed 4-24-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 5810]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh St. SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood Insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving in the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.7 List of Communities with Minimal Flood Hazard Areas.

State	County	Community name	Date of conversion to regular program
Illinois	Cass	City of Beardstown	May 2, 1980.
Illinois	McLean	City of LeRoy	May 2, 1980.
Illinois	Cook	Village of South Chicago Heights	May 2, 1980.
Indiana	Marshall	Town of Culver	May 2, 1980.
North Dakota	Nelson	City of Petersburg	May 13, 1980.
New York	Rensselaer	Village of Hoosick Falls	May 16, 1980.
Utah	Summit	Town of Henefer	May 20, 1980.
Utah	Box Elder	City of Perry	May 20, 1980.
Minnesota	Fillmore	City of Rushford	May 23, 1980.
North Dakota	Nelson	City of Michigan	May 27, 1980.
Alabama	Walker	Town of Parrish	May 30, 1980.

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12705 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

These base (100-year) flood elevations are the basis for the flood plain

management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Nationl Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska, and Hawaii, call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, SW, Washington, D.C. 20410.

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the administrator has resolved the appeals presented by the community.

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

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

Final Base (100-Year) Flood Elevations

State	City/Town/County (Docket No.)	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Colton (City), San Bernardino, (Docket No. FI-5258).	11th Street Storm Drain	Atchison, Topeka and Santa Fe Railroad Bridge (First downstream crossing 100 feet upstream from centerline).	*922
			M Street—50 feet upstream from centerline	*953
		Highgrove Channel	Riverside Reservation Spillway—75 feet downstream from centerline	*853
			Riverside Reservation Spillway—25 feet upstream from centerline	*865
			Trailer Park (Upper Crossing)—100 feet	*883
			Iowa Avenue—75 feet upstream from centerline	*912
		Reche Canyon Channel	Barton Road—120 feet upstream from centerline	*1042
		Santa Ana River	At Downstream Corporate Limits	*860
			La Cadena Avenue—25 feet upstream from centerline	*913
			Mount Vernon Avenue 50 feet from centerline	*946
			At intersection of I-395 and Southern Pacific Railroad	#3
		Colton Southwest Storm Drain	At the intersection of N Street and the Atchison, Topeka and Santa Fe Railroad.	*953
			At the intersection of Pennsylvania Avenue and Valley Boulevard	*981
			At the intersection of Hert Street and La Cadena Drive	#1
Maps are available at the Civic Center, 650 North La Cadena Drive, Colton, California.				
California	Lake Elsinore (City), Riverside County, FI-5034.	Lake Elsinore	At end of Chaney Street (extended)	*1265
		Elsinore Spillway Channel	Limited Street at centerline	*1265
			Flint Street at centerline	*1270
		San Jacinto River	State Highway 71—100 feet upstream from centerline	*1273
			At Upstream Corporate Limits	*1313
		Temescal Wash	Atchison, Topeka and Santa Fe Railroad at centerline	*1258
			Chaney Street at centerline	*1266
		Wasson Canyon Creek	Mint Horn Avenue at centerline	*1275
			State Highway 71 at centerline	*1289
Maps available at the Office of the City Manager, City Hall, Main Street, Lake Elsinore, California.				
Illinois	Lisle, Village, DuPage County (Docket No. FI-3938).	East Branch DuPage River	Maple Avenue (Upstream)	*664
			Short Street (Upstream)	*665
			Burlington Avenue (Upstream)	*666
			Ogden Avenue	*668
			Warrenville Road (Upstream)	*671
			Upstream Corporate Limits	*671
		St. Joseph Creek	Dumoulin Avenue	*669
			Lincoln Street	*670
			Main Street*670	
			Center Avenue (Upstream)	*671
			Ogden Avenue (Upstream)	*673
			Burlington Northern Railroad (Upstream)	*676
			Upstream Corporate Limits	*677
		Tributary 1 (St. Joseph Creek Tributary in Center Avenue vicinity).	Middleton Avenue (Upstream)	*674
			Footbridge 130' upstream of Middleton Avenue	*675
			Footbridge 355' downstream of Buckley Avenue	*679
			Buckley Avenue (Upstream)	*681
			Corporate Limits	*683
			Warrenville Road (Upstream)	*698
			Upstream Study Limits—approximately 2,675' upstream of Warrenville Road.	*729
		Tributary 2 (St. Joseph Creek Tributary in Burlington Northern Railroad area).	Burlington Northern Railroad	*685
			Footbridge approximately 2,300' above mouth (Upstream)	*698

Final Base (100-Year) Flood Elevations—Continued

State	City/Town/County (Docket No.)	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rott Creek	Private Drive (Upstream) approximately 1,600' above mouth	*670
			Varsity Drive (Upstream)	*671
			Yackley Drive (Upstream)	*677
			Burlington Northern Railroad (Downstream)	*688
			Burlington Northern Railroad (Upstream)	*692
			Fender Avenue (Upstream crossing)	*722
			Old Tavern Road (Upstream)	*725
			Warrenville Road (Upstream)	*731
			Naperville Road	*732
		Tributary 3 (Unnamed stream in Devon Avenue area).	River Drive	*686
			Swartz Avenue (Upstream)	
			Private Drive 260' upstream of Swartz Avenue (Upstream)	
			Devon Avenue (Upstream)	*687
			Winchester Avenue	*698
			Middleton Avenue	*714
		Tributary 4 (Unnamed stream in Leask Lane area).	Leask Lane	*701
			Upstream Corporate Limits (900' above Leask Lane)	*703
		St. Procopius Creek	Downstream Corporate Limits	*701
			Mill Bridge Lane	*709
			Private Road 475' downstream of College Road	*714
			College Road	*718
Maps available at the Village Hall.				
Maryland	Emmitsburg, Town, Frederick County (Docket No. FI-4692).	Flat Run	Upstream Corporate Limits	*391
			Downstream Corporate Limits	*387
			U.S. Route 15 (Upstream)	*386
		Tributary A to Flat Run	Upstream Corporate Limits	*430
			Irishtown Road	*410
			Downstream Corporate Limits	*395
Maps available at the Emmitsburg Town Hall, Main Street, Emmitsburg, Maryland.				

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21706 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5727]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the Village of Liverpool, Onondaga County, New York.

SUMMARY: The Federal Insurance Administation has erroneously published the final flood elevation determination for the Village of Liverpool, Onondaga County, New York. This notice will serve to delete that publication. Following an engineering analysis and review, a revised notice of proposed flood elevation determination will be issued.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872, (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: As a result of a recent engineering analysis, the Federal Insurance Administration has determined that the notice of final flood elevation determination for the Village of Liverpool, New York, published at 45 FR 9925, on February 14, 1980, should be deleted. After a technical evaluation, a revised notice of proposed flood elevations will be issued, with a ninety-day period specified for comments and appeals.

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

Issued: March 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12708 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5047]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the Town of Merrillville, Lake County, Indiana.

SUMMARY: The Federal Insurance Administration has erroneously published the final flood elevation determination for the Town of Merrillville, Lake County, Indiana. This notice will serve to delete that publication. Following an engineering analysis and review, a revised notice of proposed flood elevation determination will be issued.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872, (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: As a result of a recent engineering analysis, the Federal Insurance Administration has determined that the notice of final flood elevation determination for the Town of Merrillville, Lake County, Indiana, published at 45 FR 12430, on February 26, 1980, should be deleted. After a technical evaluation, a revised notice of proposed flood elevations will be issued, with a ninety-day period specified for comments and appeals.

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

Issued April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12709 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5102]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the Town of Williamsburg, Hampshire County, Massachusetts.

SUMMARY: The Federal Insurance Administration has erroneously published the final flood elevation determination for the Town of Williamsburg, Hampshire County, Massachusetts. This notice will serve to delete that publication. Following an engineering analysis and review, a revised notice of proposed flood elevation determination will be issued.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872, (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: As a result of a recent engineering analysis, the Federal Insurance Administration has determined that the notice of final flood elevation determination for the Town of Williamsburg, Hampshire County, Massachusetts, published at 45 FR 5726, on January 24, 1980, should be deleted. After a technical evaluation, a revised notice of proposed flood elevations will be issued, with a ninety-day period specified for comments and appeals.

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12710 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5207]

Final Flood Elevation Determination for the Village of Bensenville, Du Page and Cook Counties, Ill.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the Village of Bensenville, Du Page and Cook Counties, Illinois.

SUMMARY: The Federal Insurance Administration has erroneously published the final flood elevation determination for the Village of Bensenville, Du Page and Cook Counties, Illinois. This notice will serve to delete that publication. Following an engineering analysis and review, a revised notice of proposed flood elevation determination will be issued.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: As a result of a recent engineering analysis, the Federal Insurance Administration has determined that the notice of final flood elevation determination for the Village of Bensenville, Du Page and Cook Counties, Illinois, published at 45 FR 5721 on January 24, 1980, should be deleted. After a technical evaluation, a revised notice of proposed flood elevations will be issued, with a ninety-day period specified for comments and appeals.

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12711 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5227]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the Township of Colebrook, Clinton County, Pennsylvania.

SUMMARY: The Federal Insurance Administration has erroneously published the final flood elevation determination for the Township of Colebrook, Clinton County, Pennsylvania. This notice will serve to delete that publication. Following an engineering analysis and review, a revised notice of proposed flood elevation determination will be issued.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872, (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: As a result of a recent engineering analysis, the Federal Insurance Administration

has determined that the notice of final flood elevation determination for the Township of Colebrook, Clinton County, Pennsylvania, published at 44 FR 44851, on July 31, 1979, should be deleted. After a technical evaluation, a revised notice of proposed flood elevations will be issued, with a ninety-day period specified for comments and appeals.

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

Issued: January 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12712 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FI-5400]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the Township of North Versailles, Allegheny County, Pennsylvania.

SUMMARY: The Federal Insurance Administration has erroneously published the final flood elevation determination for the Township of North Versailles, Allegheny County, Pennsylvania. This notice will serve to delete that publication. Following an engineering analysis and review, a revised notice of proposed flood elevation determination will be issued.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872, (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: As a result of a recent engineering analysis, the Federal Insurance Administration has determined that the notice of final food elevation determination for the Township of North Versailles, Allegheny County, Pennsylvania, published at 44 FR 51602, on September 4, 1979, should be deleted. After a technical evaluation, a revised notice of proposed flood elevations will be issued, with a ninety-day period specified for comments and appeals.

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

Issued: January 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12714 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FI-5532]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the Borough of Turtle Creek, Allegheny County, Pennsylvania.

SUMMARY: The Federal Insurance Administration has erroneously published the final flood elevation determination for the Borough of Turtle Creek, Allegheny County, Pennsylvania. This notice will serve to delete that publication. Following an engineering analysis and review, a revised notice of proposed flood elevation determination will be issued.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872, (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410

SUPPLEMENTARY INFORMATION:

As a result of a recent engineering analysis, the Federal Insurance Administration has determined that the notice of final flood elevation determination for the Borough of Turtle Creek, Allegheny County, Pennsylvania, published at 44 FR 64427, on November 7, 1979, should be deleted. After a technical evaluation, a revised notice of proposed flood elevations will be issued, with a ninety-day period specified for comments and appeals.

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

Issued: January 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12715 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FI-5547]

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of Final rule for the City of Augusta, Kennebec County, Maine.

SUMMARY: The Federal Insurance Administration has erroneously published at 44 FR 64424 on November 7, 1979, the final flood elevation determination for the City of Augusta, Kennebec County, Maine. This notice will serve to delete that publication. A new notice of flood elevation determination will be published in the near future.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, (In Alaska and Hawaii call Toll Free Line (800) 424–9080, Room 5150, 451 Seventh St. SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Due to a recent engineering analysis, the final flood elevation determination for the City of Augusta, Kennebec County, Maine, previously published at 44 FR 64424 on November 7, 1979, should be deleted. Following a complete technical review, a new determination of flood elevation will be made.

The Federal Insurance Administrator gives notice of the deletion of the Notice of proposed determinations of base (100-Year) flood elevations for selected locations in the City of Augusta, Kennebec County, Maine, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a))

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

Federal Insurance Administrator, 44 FR 20963)

Issued: January 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12716 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FI-5600]

Final Flood Elevation Determination; Under the National Flood Insurance Program; Deletion

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the Township of Mount Pleasant, Columbia County, Pennsylvania.

SUMMARY: The Federal Insurance Administration has erroneously published at 44 FR 68850, on November 30, 1979, the final flood elevation determination for the Township of Mount Pleasant, Columbia County, Pennsylvania. This notice will serve as a deletion of that publication. A new notice of flood elevation determination will be published in the near future.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. R. Gregg Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line (800) 424-8872, (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the deletion of the Notice of final determinations of base (100-year) flood elevations for selected locations in the Township of Mount Pleasant, Columbia County, Pennsylvania, previously published at 44 FR 68850 on November 30, 1979, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

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

Issued January 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12717 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FI-5688]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the City of Auburn, Androscoggin County, Maine.

SUMMARY: The Federal Insurance Administration has erroneously published the final flood elevation determination for the City of Auburn, Androscoggin County, Maine. This notice will serve to delete that publication. Following an engineering analysis and review, a revised notice of proposed flood elevation determination will be issued.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: As a result of a recent engineering analysis, the Federal Insurance Administration has determined that the notice of final flood elevation determination for the City of Auburn, Androscoggin County, Maine, published at 45 FR 5723, on January 24, 1980, should be deleted. After a technical evaluation, a revised notice of proposed flood elevations will be issued, with a ninety-day period specified for comments and appeals.

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12718 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5723]

National Flood Insurance Program; Final Flood Elevation Determination; Vermont

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the Town of Alburg, Grand Isle County, Vermont.

SUMMARY: The Federal Insurance Administation has erroneously published the final flood elevation determination for the Town of Alburg, Grand Isle County, Vermont. This notice will serve to delete that publication. Following an engineering analysis and review, a revised notice of proposed flood elevation determination will be issued.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: As a result of a recent engineering analysis, the Federal Insurance Administration has determined that the notice of final flood elevation determination for the Town of Alburg, Grand Isle County, Vermont, published at 45 FR 12438, on February 26, 1980, should be deleted. After a technical evaluation, a revised notice of proposed flood elevations will be issued, with a ninety-day period specified for comments and appeals.

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

Issued: April 9, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12797 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5723]

National Flood Insurance Program; Final Flood Elevation Determinations; Vermont

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the Village of Alburg, Grand Isle County, Vermont.

SUMMARY: The Federal Insurance Administration has erroneously published the final flood elevation determination for the the Village of Alburg, Grand Isle County, Vermont. This notice will serve to delete that publication. Following an engineering analysis and review, a revised notice of proposed flood elevation determination will be issued.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: As a result of a recent engineering analysis, the Federal Insurance Administration has determined that the notice of final flood elevation determination for the Village of Alburg, Grand Isle County, Vermont published at 45 FR 12438, on February 26, 1980, should be deleted. After a technical evaluation a revised notice of proposed flood elevations will be issued, with a ninety-day period specified for comments and appeals.

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

Issued: April 9, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12798 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 45, No. 82
Friday, April 25, 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

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program; Proposed 1980 Price Support Levels and Program Methods

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (CCC) is proposing to determine and announce the levels of support and the procedures for making price support available to producers of 1980 crop tobacco. The statutory levels of support for the various grades of tobacco are required by law, to be announced prior to the planting season, insofar as practicable. This proposal would continue the present method of supporting tobacco through loans to producer associations and through purchases of Puerto Rican tobacco. You are invited to submit written views and recommendations regarding this proposal.

DATE: Written comments must be received by May 27, 1980, in order to be sure of consideration.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday in Room 3741 South Building, USDA, 14th and Independence Avenue S.W., Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, Price Support and Loan Division, Room 3714 South Building, ASCS U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, telephone number (202) 447-6733. The Draft Impact Analysis considered in developing this proposed rule is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044. It has been classified "not significant" and is being published without a full 60-day comment period. It has been determined by Jerome F. Sitter, Directror, Price Support and Loan Division, that an emergency exists which warrants less than a full 60-day comment period on this proposal because of producers of tobacco need to be informed of loan rates prior to the opening of the markets.

The Agricultural Act of 1949, as amended, (the "Act") requires the Secretary of Agriculture, through loans, purchases and other operations, to make price support available on any crop of tobacco for which marketing quotas are in effect, or for which marketing quotas have not been disapproved by producers. The required support is made available by the Secretary through the Commodity Credit Corporation.

The level of support in cents per pound for each crop of each kind of tobacco for which marketing quotas are in effect, or for which marketing quotas are not disapproved, is prescribed by Section 106 of the Act. That Section provides that support for the 1980 crop of tobacco, is mandatory at the support level for the 1959 crop of such kind of tobacco, multiplied by the ratio of (i) the average of the index of prices paid by farmers for the three calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being determined to (ii) the average index of prices paid by farmers for he 1959 calendar year. The average of the index of such prices paid for calendar years 1977–79 will be used in computing the 1980 tobacco support levels. The average is 761. The average index of prices paid during the calendar year 1959 is 298, and the resulting ratio is 2.55. Thus, the support level for the 1980 crop of each eligible kind of tobacco will be 255 percent of the 1959 level.

Before the marketing season begins for each eligible kind of tobacco, CCC will publish in the **Federal Register** loan rates, computed in accordance with Sections 106 and 403 of the Act, for the various types and grades of tobacco.

On February 27, 1980, CCC published in the **Federal Register** (45 FR 12826) a notice of proposed rulemaking announcing that the 1980 crop of flue-cured tobacco would be supported at $1.415 cents per pound.

That proposal also announced that CCC is considering terminating price support on eight grades of low quality flue-cured tobacco. The public was afforded opportunity to comment separately on that proposal.

Under this proposal, tobacco would contine to be supported through loans on all eligible kinds of tobacco except Puerto Rican tobacco for which a separate purchase program exists.

Prior to making any determination, the Department will give consideration to comments, views, and recommendations submitted to the Director, Price Support and Loan Division.

Proposed Rule

Commodity Credit Corporation is preparing to deterime and announce the statutory levels of support for the various kinds of 1980 crop tobacco eligible for price support. The Corporation is inviting public comment on the regulations for implementing the 1980 Tobacco Loan Program set forth in 7 CFR Part 1464. Although the Corporation has no immediate plans to significantly revise these regulations, comments received from the public regarding these requlations will be evaluated to determine whether future amendments to the regulations are needed.

Signed at Washington, D.C. on April 21, 1980.

Ray Fitzgerald,
Executive vice President Commodity Credit Corporation.

[FR Doc. 80-12770 Filed 4-24-80; 8:45 am]
BILLING CODE 3410-05-M

Food Safety and Quality Service

7 CFR Part 2852

U.S. Standards for Grades of Frozen Strawberries [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

1 Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

SUMMARY: The purpose of this proposed rule is to revise the voluntary grade standards for frozen strawberries. The proposed rule is submitted at the initiative of the U.S. Department of Agriculture and by the request of the forzen fruit industry. The proposed rule would (1) provide a definition for halves style; (2) convert to statistical sampling; (3) replace dual grade nomenclature with single letter designations; (4) establish standards similar to those of the Food and Drug Administration and the Codex Alimentarius; and (5) assign "A" or "B" grades to all sizes of containers while limiting other quality levels to nonretail size containers over 2.7 kg (6 lb).

DATES: Comments must be received on or before October 31, 1980.

ADDRESSES: Comments should be sent to Eecutive Secretariat, Attn: Annie Johnson, Food Safety and Quality Service, U.S. Department of Agriculture, Room 3807 South Building, Washington, DC 20250. (For additional information on comments, see Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Howard W. Schutz, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–6247.

SUPPLEMENTARY INFORMATION:

Comments

Interested persons are invited to submit comments concerning this proposal. Comments must be sent in duplicate to the office of the Executive Secretariat and should bear reference to the date and page number of this issue of the **Federal Register.** All comments submitted regarding this notice will be made available for public inspection in the office of the Executive Secretariat during regular business hours (7 CFR 1.27(b)).

Background

The current voluntary U.S. grade standards for frozen strawberries were last revised in 1958. Since then, several changes in marketing practices have occurred. The style of halves of frozen strawberries has become very popular and produced widely by the industry, processing technology has become more mechanized, and there have been indications of a preference for simpler grade nomenclature (U.S. Grades "A" and "B") rather than the descriptive grades (U.S. "Fancy" or "Choice").

In addition, during the late 1960's, the frozen food industry requested the variables type (scorepoint) frozen strawberry standard be converted to an attributes (statistical) type standard. Variables sampling is a procedure which inspects finished lots of product based on average quality values of the product sampled. Attributes sampling consists of the on-line random sampling of the product (grading as the strawberries are frozen) and lot random sampling of the product (grading after the strawberries are frozen). Its advantage over the older variables method is that product quality is tracked and reported continuously without waiting until the end of a production run. In addition, while the classification of defects and defective product still requires the expertise of the Department's Agricultural Commodity graders, the final results of grading are more easily understood by all others.

This proposal would assign the quality level, "Strawberries for Remanufacture," only to nonretail size containers weighing over 2.7 kg (6 lb). Containers in this size range are not normally found on retail shelves but instead are commonly used by industry for nonretail, remanufacturing purposes such as preserves and dessert toppings.

After much deliberation and several study drafts, which included data gathered over several frozen strawberry pack seasons, the U.S. Department of Agriculture (USDA) responded to the request by the frozen food industry and, on July 9, 1976, published a proposed revision of the standard in the **Federal Register** (41 FR 28291).

Negative comments were received regarding what consituted an acceptable color range, the definition of a broken berry, the allowances for deformed, hard, seedy berries and tolerances for extraneous vegetable material. The overall concept of the revision was well received. Comments received from a national association, The American Frozen Food Institute, which represents the majority of the frozen strawberry processors in the United States, suggested a second proposal be published to give interested persons additional time to become familiar with the attributes concept and to further study the proposed changes. The justification offered was that the period from July 9, 1976, to October 31, 1976, was not adequate for a reliable study since the season for production of frozen strawberries was over in many areas before or shortly after the July 9, 1976, publication date.

In response to this request, the USDA offered a second proposal to allow interested persons additional time to become more familiar with the attributes concept and to further study the proposed changes. The second Notice of Proposed Rulemaking was published in the **Federal Register** (42 FR 21742) on April 28, 1977.

On April 21, 1978, the Food and Drug Administration (FDA) published a proposal to establish standards of identity and quality for frozen strawberries in the **Federal Register** (43 FR 16991). In this proposal, FDA determined that it would be in the interests of consumers and would facilitate international trade to adopt the International Codex Frozen Strawberry Standard to the extent practicable. If these standards of identity and quality are accepted by the public, they would become mandatory in the USA. Consequently, the Department would recommend that, where practicable, the USDA standards for frozen strawberries be amended to conform with the FDA proposed standards of identity and quality for frozen strawberries.

Three options were considered regarding these suggested revisions to the U.S. standards for grades of frozen strawberries. Option I would include all of the proposed changes described above. Option II would include all of the same changes as in Option I except that the standards would not adopt the attributes sampling procedure. Option III would retain the present standards. Option I was selected for ressons discussed herein.

Thus, in order to promote the orderly marketing of frozen strawberries, USDA is proposing a revision of the U.S. standards which would (1) provide for a definition of halves style of frozen strawberries; (2) follow the USDA policy of replacing the dual grade nomenclature with single grade designations (Grades "A" and "B"); (3) convert to statistical (attributes) sampling for inspection of frozen strawberries; and (4) assign the grades of "A" or "B" to all sizes of containers while limiting the quality level, "Strawberries for Remanufacture," to nonretail size containers over 2.7 kg (6 lb).

Accordingly, the proposed revision of Subpart—United States Standards for Grades of Frozen Strawberries (7 CFR 2852.1981 through 2852.1993) would read as follows:

Subpart—United States Standards for Grades of Frozen Strawberries

2852.1981 Product description.
2852.1982 Styles.
2852.1983 Definition of terms.
2852.1984 Recommended sample unit sizes.
2852.1985 Grades.
2852.1986 Factors of quality.
2852.1987 Size requirements (whole style).
2852.1988 Tolerances for flat extraneous vegetable material.
2852.1989 Classification of defects.

2852.1990 Tolerances for defects.
2852.1991 Sample size.
2852.1992 Conformance with quality requirements.
2852.1993 [Reserved]

§ 2582.1981 Product description.

Frozen strawberries is the product represented as defined in the Standards of Identity for Frozen Strawberries (21 CFR 148.170) under the Federal Food, Drug, and Cosmetic Act.

§ 2582.1982 Styles.

(a) *"Whole"* consists of frozen strawberries that are essentially intact.

(b) *"Sliced"* consists of frozen strawberries produced by slicing whole strawberries into slices such that the majority of the slices have two approximately parallel cut surfaces.

(c) *"Halved"* consists of frozen strawberries produced by cutting whole strawberries into two approximately equal parts.

§ 2582.1983 Definition of terms.

(a) *Acceptable Quality Level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Blemished* means any unit that is affected by scab, sunburn, insect or bird damage, or other discoloration to the extent that the appearance is materially affected.

(c) *Brightness* means the extent that the overall appearance of the sample unit as a mass is dulled by oxidation.

(1) "Grades A and B"—not affected.

(2) "Strawberries for Remanufacture"—slightly affected.

(3) "Substandard"—fails "Grade B" or "Strawberries for Remanufacture."

(d) *Character* means the degree of firmness and seediness of all styles of strawberries and the degree of disintegration of whole style only.

(1) Whole style:

(i) *Disintegrated* means a strawberry that is mashed, crushed or mushy and has completely lost resemblance to its original conformation;

(ii) *Mechanical damage* means a unit that is less than 90 percent intact but not less than 25 percent of an apparent whole strawberry;

(iii) *Chip* means a portion or small piece that has been broken or severed from a strawberry and is less than 25 percent of an average apparent whole strawberry;

(iv) *Seedy* means units that are affected by hard, seedy or deformed ends or units in which the seeds have become abnormally enlarged to the extent that the appearance or eating quality is affected:

(A) Seriously;

(B) Critically.

(2) Halved and sliced styles:

(i) *Mushy* means units that are so soft as to be a pulpy mass or have separated into small pieces which have no conformation;

(ii) *Seedy* means units that are affected by hard, seedy or deformed ends or units in which the seeds have become abnormally enlarged to the extent that the appearance or eating quality is affected:

(A) Seriously;

(B) Critically.

(e) *Color* refers to the degree of redness of the individual strawberries characteristic of the variety.

(1) *Good color* means the outer uncut surface of the individual strawberry unit is a pinkish-red to intense red color and free from any grayish or brownish cast. Such color includes the whitish or light colored areas around the stem cavity that do not extend over the shoulder of the strawberry.

(2) *Fairly good color* means the outer uncut surface of the individual strawberry unit is a reddish-pink to pale-pink and may have a slight grayish or brownish cast. Such units may have white, pinkish-white or green areas that do not exceed 25 percent of the outer uncut surface areas, exclusive of the stem cavity, in the case of whole strawberries and 50 percent of the outer uncut surface in the case of sliced or halved strawberries.

(3) *Partially uncolored (whole strawberries only)* means that more than 25 percent but not more than 75 percent of the outer uncut surface of the individual strawberry unit is a white, pinkish-white or green color.

(4) *Completely uncolored (whole strawberries only)* means that more than 75 percent of the outer uncut surface of the individual strawberry unit is a white, pinkish-white or green color.

(5) *Uncolored (sliced, halved)* means that more than 50 percent of the outer uncut surface is a white, pinkish-white or green color.

(6) *Materially darkened* means a strawberry unit that is materially darkened due to over-maturity and is a blackish-red or brownish-red color.

(f) *Defect* means any nonconformance of a unit(s) of product from a specified requirement of a single quality characteristic.

(g) *Extraneous Vegetable Material (EVM).*

(1) *EVM, measurable by area,* means harmless vegetable material such as caps, sepal-like bracts and leaves or portions thereof.

(2) *EVM, not measurable by area,* means harmless vegetable material such as strawberry vines, weeds, weed seeds, grass or portions thereof.

(h) *Sample unit* means the amount of product specified to be used for grading. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of two or more containers;

(4) A portion of unpacked product.

(i) *Small strawberry* means a strawberry of which the greatest dimension, measured at right angles to a straight line extending from the stem to the apex, is less than 16 mm (0.62 in).

(j) *Stem* means a stem that attaches the strawberry to the plant, which may be loose or attached, and is longer than 3 mm (0.12 in).

(k) *Unit* means a whole, half or slice of a strawberry.

§ 2852.1984 Recommended sample unit sizes.

(a) Conformance with requirements for factors of quality as based on the following sample unit sizes:

(1) *Without* dry sweetener(s) or sirup packing medium (all styles)—500 g (17.6 oz);

(2) *With* dry sweetener(s) or sirup packing medium (all styles)–650 g (22.9 oz).

(b) Conformance with requirements for size (Grade A, whole style only) is based on the following sample unit size—650 g (22.9 oz).

§ 2852.1985 Grades.

(a) *"U.S. Grade A"* is the quality of frozen strawberries that:

(1) Meets the following prerequisites in which the strawberries:

(i) Have a normal flavor and odor;

(ii) As a mass, possess a bright, overall appearance;

(iii) Meet the limits for flat EVM in Table II;

(iv) With respect to whole style only, the number of "small size" berries does not exceed the limits in Table I;

(2) Is within the limits for defects as classified in Tables III or IV and specified in Tables V or VI, as applicable.

(b) *"U.S. Grade B"* is the quality of frozen strawberries that:

(1) Meets the following prerequisites in which the strawberries:

(i) Have a normal flavor and odor;

(ii) As a mass, possess a bright, overall appearance;

(iii) Meet the limits for flat EVM in Table II;

(2) Is within the limits for defects as classified in Tables III or IV and

specified in Tables V or VI, as applicable.

(c) *"Strawberries for Remanufacture"* (bulk pack—in containers with more than 2.7 kg (6 lb) net weight) is the quality of frozen strawberries that:

(1) Meets the following prerequisites in which the strawberries:

(i) Have a normal flavor and odor;

(ii) Have an overall brightness of the sample unit, as a mass, that may be slightly affected by dullness;

(iii) Do not contain more than 250 g (8.8 oz) of uncolored strawberry units per recommended sample unit size;

(2) Does not exceed the following per recommended sample unit size:

(i) 6 stems (greater than 3 mm);

(ii) 9 cm^2 (1.4 in^2 or 1 x 1.4 in) of flat EVM;

(iii) 2 pieces of other EVM;

(iv) 50 g (1.75 oz) of "blemished" or "seedy" units or combination thereof;

(3) Is suitably designated or labeled as a remanufacture item. "Strawberries for Remanufacture" shall not be packaged in containers used for normal retail marketing.

(d) *"Substandard"* is the quality of frozen strawberries that fail to meet the requirements for:

(1) *"U.S. Grade B"* (containers with net weight of not more than 2.7 kg (6 lb)).

(2) *"Strawberries for Remanufacture"* (containers with net weight of more than 2.7 kg (6 lb)).

§ 2852.1986 Factors of quality.

The grade of a lot of frozen strawberries is based on conformance with requirements for the following:

(a) Prerequisite quality factors:

(1) Flavor and odor;

(2) Brightness;

(3) Size requirements (Grade A, whole style only);

(4) Flat EVM; and

(5) Individual unit color ("Strawberries for Remanufacture" only).

(b) Classified quality factors:

(1) Individual unit color (Grades A and B);

(2) Workmanship; and

(3) Character.

§ 2852.1987 Size requirements (whole style).

Table I.—*Allowance for Small Strawberries*

[Whole style only]

	Grade A
AQL [2]	4.0

[2] AQL expressed as percent defective.

§ 2852.1988 Tolerances for flat extraneous vegetable material.

Table II.—*Allowance for Flat EVM* [3]

[All styles]

	Grade A	Grade B
AQL [4]	4.0	8.5

[3] Each 0.5 cm^2 of flat EVM = 1 defect.
[4] AQL expressed as defects per hundred units.

§ 2852.1989 Classification of defects.

Defects are classified as "minor," "major," "severe," or "critical" in Table III or IV, as applicable. Each "X" mark represents "one (1) defect."

Table III.—*Classification of Defects; Whole Style (Grades A and B Only)*

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
Individual unit color	Fairly good (each 5 g increment)	X			
	Partially uncolored and materially darkened (each 5 g increment).		X		
	Completely uncolored (each berry)				X
Workmanship	Blemished (each 5 g increment)			X	
	Stems greater than 3 mm (each stem)			X	
	EVM not measured by area (each piece)				X
Character	Disintegrated (each 5 g increment)	X			
	Mechanical damage (each 5 g increment)	X			
	Chips (each 5 g increment)		X		
	Seedy units:				
	Serious (each 5 g increment)			X	
	Critical (each 5 g increment)				X

NOTE.—5 g increments are calculated to the nearest 5 g.

Table IV.—*Classification of Defects; Halved and Sliced Styles (Grades A and B Only)*

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
Individual unit color	Fairly good (each 5 g increment)	X			
	Uncolored and materially darkened (each 5 g increment).		X		
Workmanship	Blemished (each 5 g increment)			X	
	Stems greater than 3 mm (each stem)			X	
	EVM not measurable by area (each piece)				X
Character	Mushy (each 5 g increment)	X			
	Seedy units:				
	Serious (each 5 g increment)			X	
	Critical (each 5 g increment)				X

NOTE.—5 g increments are calculated to the nearest 5 g.

§ 2852.1990 Tolerances for defects.

Table V.—*Whole*

	Total [5]	Major	Severe	Critical
	GRADE A			
AQL [4]	15.0	5.0	4.0	1.0
	GRADE B			
AQL [4]	25.0	8.5	6.5	2.5

Table VI.—*Halves; Slices*

	Total [5]	Major	Severe	Critical
	GRADE A			
AQL [4]	25.0	5.0	4.0	1.0
	GRADE B			
AQL [4]	33.0	8.5	6.5	2.5

[4] AQL expressed as defects per hundred units.
[5] Total = Minor + Major + Severe + Critical.

§ 2852.1991 Sample size.

The sample size to determine conformance with requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1–2852.83) for lot grading and on-line grading, as applicable.

§ 2852.1992 Conformance with quality requirements.

(a) *Lot grading.* A lot of frozen strawberries is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.1985 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables V and VI, as applicable for the style, are not exceeded.

(b) *On-line grading.* A portion of production is considered as meeting the

requirements for quality if:

(1) The prerequisite requirements specified in § 2852.1985 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables V or VI, as applicable for the style, are not exceeded.

(c) *Single sample unit.* Each single sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.1985 are met; and

(2) The Acceptable Quality Levels (AQL) in Table V or VI, as applicable for the style, are not exceeded.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624))

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Draft Impact Analysis has been prepared and is available from Mr. Howard W. Schutz, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, D.C., on April 22, 1980.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 80-12812 Filed 4-24-80; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

Energy Information Administration

10 CFR Part 1000

Discontinuance of Proposed Rulemakings

AGENCY: Energy Information Administration, DOE.

ACTION: Discontinuance of proposed rulemaking.

SUMMARY: The Energy Information Administration hereby gives notice of the cancellation of 13 rulemakings issued by the Federal Power Commission under 18 CFR Parts 250, 260, and 141 relative to the development of several reporting forms.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Irene C. Montie, Director, Survey and Statistical Design Division, Energy Information Administration, Room 4146, Federal Building, Washington, DC 20451, (202) 633-9464.

SUPPLEMENTARY INFORMATION: Responsibility for these rulemakings was transferred to the Secretary of Energy from the Federal Power Commission (FPC) by regulation appearing at 10 CFR 1001.1(b)(16)(C) (42 FR 55534, October 17, 1977). This regulation was promulgated pursuant to section 301(a) of the Department of Energy Organization Act (Pub. L. 95-91), which transferred to the Secretary the responsibilities of the FPC to which these rulemakings relate. The responsibility for these rulemakings was delegated to the Administrator of the Energy Information Administration by DOE Order No. 0204-3, dated October 1, 1977, in which the Secretary delegated "all functions vested in me by law * * * relating to the gathering, analysis, and dissemination of energy information * * *."

Effective immediately the rulemakings set forth below are cancelled:

Note.—The following rulemakings were proposed under 18 CFR Parts 250, 260 and 141 by the Federal Power Commission.

PART 250—FORMS

151, notice issued June 28, 1976, Docket No. RM76-19 (41 FR 29165)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

153, notice issued July 28, 1976, Docket No. RM76-27 (41 FR 33642);
154, notice issued August 27, 1976, Docket No. RM76-33 (41 FR 37882);
155, notice issued July 30, 1976, Docket No. RM76-28 (41 FR 33782).

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

156, notice issued August 23, 1976, Docket No. RM76-32 (41 FR 36926);
157, notice issued June 30, 1976, Docket No. RM76-21 (41 FR 28416);
158, notice issued August 18, 1976, Docket No. RM76-31 (41 FR 37323);
159, notice issued July 7, 1976, Docket No. RM76-23 (41 FR 28904);
160, notice issued June 28, 1976, Docket No. RM76-20 (41 FR 29179);
161, notice issued July 20, 1976, Docket No. RM76-26 (41 FR 31714);
162, notice issued August 31, 1976, Docket No. RM76-34 (41 FR 39448);
163, notice issued August 13, 1976, Docket No. RM76-30 (41 FR 36402);
164, notice issued July 12, 1976, Docket No. RM76-25 (41 FR 31340).

No further action relative to these rulemakings is anticipated by EIA.

Issued in Washington, D.C., on April 14, 1980.

Lincoln E. Moses,

Administrator, Energy Information Administration.

[FR Doc. 80-12689 Filed 4-24-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 377

Exports of Ferrous Scrap; Notice of Receipt of Second Petition Requesting Monitoring; Consolidation of Proceeding on Petition; and Announcement of Hearing Locations

AGENCY: Office of Export Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of receipt of second petition requesting monitoring; consolidation of proceedings; and establishment of public hearing locations.

SUMMARY: The Department has received a second petition requesting the monitoring of exports of ferrous scrap and public hearings thereon. This issuance provides notice of the Department's intended consolidation of the proceedings on both petitions (see 45 FR 25034, April 11, 1980 for notice of first petition) and establishes precise locations and times for the public hearings.

DATES: Hearings will be held in Washington, DC—April 28-29, 1980; in New Orleans, Louisiana—May 1-2, 1980; in Chicago, Illinois—May 12-13, 1980; and in San Francisco, California—May 15-16, 1980. See Supplementary Information below. Comments: By May 27, 1980.

ADDRESS: Send written comments on the subject of the proceeding in twenty copies to Office of Export Administration, Attention: Short Supply Division, P.O. Box 7138, Ben Franklin Station, Washington, DC 20044. For addresses of hearings see Supplementary Information below.

FOR FURTHER INFORMATION CONTACT: Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, (202) 377-3984.

SUPPLEMENTARY INFORMATION:

Hearings

Washington, DC—April 28-29, 1980; 9:30 a.m.-4:30 p.m. EDT, Federal Aviation Administration, 800 Independence Avenue SW., Room 300 (3rd Floor) Auditorium.

New Orleans, Louisiana—May 1-2, 1980; 9:30 a.m.-4:30 p.m. CDT, International Trade Mart, No. 2 Canal Street, Executive Suite, 29th Floor.

Chicago, Illinois—May 12-13, 1980; 9:30 a.m.-4:30 p.m. CDT, Federal Courthouse, 219 South Dearborn Street, Room 2548 (25th Floor).

San Francisco, California—May 15-16, 1980; 9:30 a.m.-4:30 p.m. PDT, Federal Building, 450 Golden Gate Avenue, Room 2007.

By notice published in the **Federal Register** on April 11, 1980 (45 FR 25034), the Department announced receipt of a petition from the Ferrous Scrap Consumer's Coalition requesting the monitoring of exports of ferrous scrap; defined the scope of its intended proceeding on the petition; invited public comment on the subject of the proceeding; and established locations and dates for public hearings in connection with this proceeding.

On April 10, 1980, the Department received a petition from the Labor-Management Committee for Fair Foreign Competition, 44–461 San Pascual Street, P.O. Box 486, Palm Desert, CA, 92260, requesting that the Department immediately monitor exports of iron and steel scrap and further requesting that public hearings be held on the petition. After reviewing this petition, the Department has determined that it substantially meets the criteria established in 15 CFR 377.8 and the Department has accordingly accepted it for consideration under those regulations. The Department further notes that all of the commodities which are the subject of this second petition, as well as the action requested with respect to those commodities, will be covered by the proceeding announced by the Department in the **Federal Register** of April 11, 1980 (45 FR 25034).

In view of the fact that the subject matter of this second petition is the same as that of the first, the Department has decided to consolidate its proceeding on this second petition with that on the earlier petition. Such consolidation is consistent with the provisions of Section 7(c) of the Export Administration Act of 1979 (the Act). Interested persons are accordingly invited to submit comments in accordance with the invitation contained in the earlier announcement and those persons desiring to present testimony at a hearing are invited to submit a request to do so in accordance with that earlier announcement. As noted in the earlier announcement, the period for submission of comments will end as of 5:00 p.m. EDT, May 27, 1980.

Requests to present oral testimony at a hearing must be in writing. To permit an orderly presentation of testimony, requests should be presented as far in advance of the hearing date as possible. However, in order to provide an opportunity for persons with a bona fide interest in the subject of the consolidated proceedings to present their views, requests to present oral testimony may be submitted directly to the presiding officer up until 10:00 a.m. on the first day of the hearing in each location. Time permitting, requests to testify in behalf of organizations which have not previously testified may be granted by the presiding officer. Oral testimony at the hearings will be governed by Section 377.9 of the Export Administration Regulations. As previously noted, all public comments, whether written or oral, on the subject of this proceeding will be made a matter of public record and will be available for public inspection and copying.

Section 7(c) of the Act requires that the Department reach a final decision on the subject of the consolidated proceeding within 45 days of the close of the comment period. Consistent with this provision, the Department's decision and any regulations necessary to implement it, together with a detailed statement of the reasons for that decision, will be published in the **Federal Register.**

(Secs. 3, 7, 15, and 21, Pub. L. 96–72, to be codified at 50 U.S.C. App. 2401 et seq.; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10–3, 45 FR 6141 (January 25, 1980); International Trade Administration Organization and Function Order 41–1, 45 FR 11862 (February 22, 1980))

Dated: April 23, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80–12934 Filed 4–23–80; 4:43 pm]

BILLING CODE 3510–25–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 801 0081]

Clinique Laboratories, Inc.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a New York City manufacturer and distributor of cosmetics and related products to cease establishing, fixing or maintaining resale prices for its products and compelling adherence to suggested resale prices through coercion or otherwise. The firm would be prohibited from seeking the identify of dealers who fail to conform to established prices and taking adverse action against them. The order would further bar the company from restricting the lawful use of brand names and trademarks in the advertising and sale of its products, and withholding earned cooperative advertising credits or allowances from recalcitrant dealers. Additionally, the firm would be prohibited from suggesting retail prices for its products for a specified period.

DATES: Comments must be received on or before June 24, 1980.

ADDRESSES: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: William A. Arbitman, Director, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102 (415) 556–1270.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

United States of America Before Federal Trade Commission

File No. 801 0081, Agreement Containing Consent Order To Cease and Desist

In the Matter of Clinique Laboratories, Inc., a Corporation

The Federal Trade Commission having initiated an investigation of certain acts and practices of Clinique Laboratories, Inc., a corporation, and it now appearing that Clinique Laboratories, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Clinique Laboratories, Inc., by its duly authorized officer and its attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Clinique Laboratories, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 767 Fifth Avenue, in the City of New York, State of New York.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in dispostion of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purposes of this Order, the following definitions shall apply:

A. *"Product."* "Product" is defined as any item of cosmetic, fragrance or soap, any accessory containing any item of cosmetic, fragrance or soap, or any related accessory, including but not limited to any applicator or brush, which is manufactured, offered for sale or sold by respondent.

In addition to the foregoing, "product" is defined to include any item which is manufactured, offered for sale or sold by respondent for resale to consumers together with any "product" as defined hereinabove.

B. *"Dealer."* "Dealer" is defined as any person, partnership, corporation or firm which sells any product in the course of its business.

C. *"Resale Price."* "Resale Price" is defined as any price, price floor, price ceiling, price range, or any mark-up, formula or margin of profit used by any dealer for pricing any product. Such term includes, but is not limited to, any suggested, established or customary resale price as well as the retail price in effect at any dealer.

It is ordered that respondent Clinique Laboratories, Inc., a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I

1. Fixing, establishing, controlling or maintaining, directly or indirectly, the resale price at which any dealer may advertise, promote, offer for sale or sell any product.

2. Requesting, requiring or coercing, directly or indirectly, any dealer to maintain, adopt of adhere to any resale price.

3. Requesting or requiring, directly or indirectly, any dealer to report the identity of any other dealer who deviates from any resale price; or acting on any reports or information so obtained by threatening, intimidating, coercing or terminating said dealer.

4. Requesting or requiring that any dealer refrain from or discontinue selling or advertising any product at any resale price.

5. Hindering or precluding the lawful use by any dealer of any brand name, trade name or trademark of respondent in connection with the sale or advertising of any product at any resale price.

6. Conducting any surveillance program to determine whether any dealer is advertising, offering for sale or selling any product at any resale price, where such surveillance program is conducted to fix, maintain, control or enforce the resale price at which any product is sold or advertised.

7. Terminating or taking any other action to restrict, prevent or limit the sale of any product by any dealer because of the resale price at which said dealer has sold or advertised, is selling or advertising, or is suspected of selling or advertising any product.

8. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer, or limiting or restricting the right of any dealer to participate in any cooperative advertising program for which it would otherwise qualify, because of the resale price at which said dealer advertises or sells any product, or proposes to sell or advertise any product.

9. Making any payment or granting any other consideration or benefit to any dealer because of the resale price at which any other dealer has sold or advertised any product.

II

1. For a period of three (3) years from June 30, 1980, orally suggesting or recommending any resale price to any dealer.

2. For a period of three (3) years from June 30, 1980, communicating in writing any resale price to any dealer.

3. After said three (3) year period, respondent shall not suggest or recommend to any dealer any resale price on any list or order form, or in any catalogue or stock control book, unless it is clearly and conspicuously stated on each page thereof where any suggested or recommended resale price appears, the following:

"THE RETAIL PRICES QUOTED HEREIN ARE SUGGESTED ONLY. YOU ARE COMPLETELY FREE TO DETERMINE YOUR OWN RETAIL PRICES."

III

1. Nothing contained in this Order shall preclude respondent from publishing or printing any resale price which is specified by any dealer for use or inclusion in any advertising, mailer or promotional material which said dealer intends to disseminate to consumers; *provided, however,* that for a period of three (3) years from June 30, 1980, in connection with each advertising, mailer or promotional material which any dealer intends to disseminate to consumers, respondent shall make a written request to said dealer to specify its resale price(s), and shall disclose therein in a clear and conspicuous manner the following:

"CLINIQUE DEALERS ARE COMPLETELY FREE TO SPECIFY RETAIL PRICES OF THEIR OWN CHOOSING FOR INCLUSION IN THIS [ADVERTISING, MAILER OR PROMOTIONAL MATERIAL]. PLEASE INSERT THOSE RETAIL PRICES YOU WISH TO BE PRINTED ON THIS [ADVERTISING, MAILER OR PROMOTIONAL MATERIAL]."

2. After said three (3) year period, respondent shall not suggest any resale price to any dealer for use or inclusion in any advertising mailer or promotional material which said dealer intends to disseminate to consumers, unless respondent, in connection with each advertising, mailer or promotional material, makes a written request to said dealer to review said advertising, mailer or promotional material for its resale price(s), and discloses therein in a clear and conspicuous manner the following:

"CLINIQUE DEALERS ARE COMPLETELY FREE TO SPECIFY RETAIL PRICES OF THEIR OWN CHOOSING FOR INCLUSION IN THIS [ADVERTISING, MAILER OR PROMOTIONAL MATERIAL]. YOU MAY CHANGE THE PRICES WE HAVE SUGGESTED."

IV

It is further ordered that respondent shall:

1. Within sixty (60) days after service of this Order, mail under separate cover a copy of the enclosure set forth in the attached Exhibit A to each of its present accounts. An affidavit shall be sworn to by an official of respondent verifying that the attached Exhibit A was so mailed.

2. Mail under separate cover a copy of the enclosure set forth in the attached Exhibit A to any person, partnership, corporation or firm that becomes a new account within three (3) years after service of this Order.

3. For a period of three (3) years from the date of service of this Order, mail semiannually under separate cover a copy of the enclosure set forth in the attached Exhibit B to each of respondent's then present accounts.

V

It is further ordered that respondent shall forthwith distribute a copy of this order to all operating divisions of said corporation; and, for a period of five years from the date of service of the order, to all personnel, agents or representatives having sales, advertising or policy responsibilities with respect to the subject matter of this order, and that respondent secure from each such person a signed statement acknowledging receipt of said order.

VI

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

VII

It is further ordered that respondent shall within seventy-five (75) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Exhibit A

Dear Retailer: This letter is being sent to all Clinique accounts. On [date], Clinique Laboratories, Inc. agreed to the entry of a Consent Order with the Federal Trade Commission concerning certain distribution practices. This Consent Order was entered into for settlement purposes only and does not constitute an admission that Clinique violated the law. As part of that Consent Order, we are obligated to send you this letter.

Clinique wants its accounts to know and understand the following:

1. You can advertise and sell Clinique products at any price you choose.

2. Clinique will not take any action against you, including termination, because of the price at which you advertise or sell Clinique products.

3. Clinique will not suggest retail prices for any product until July 1, 1983.

4. The price at which you sell or advertise Clinique products will not affect your right to lawfully use Clinique trademarks or other identification in your sale or advertising of products bearing Clinique trademarks or identification.

5. You are free to participate in any cooperative advertising program sponsored by Clinique for which you would otherwise qualify, and to receive any advertising credit or allowance allowed thereunder regardless of the price at which you advertise a Clinique product.

6. Clinique will continue to publish or print mailers, advertising and other promotional materials which you intend to disseminate to consumers containing retail prices which you specify. Until July 1, 1983, in connection with each advertising, mailer or promotional material we will publish for you to disseminate to consumers, we will be requesting in writing that you specify the retail prices you wish to be printed on these materials.

After July 1, 1983, we will send you materials for your review which may contain our suggested retail prices. You are completely free, however, to change these prices, and we will then print the materials with the retail prices which you have specified.

7. The price at which a store sells or advertises a Clinique product is its own business. Clinique does not want to be informed by an account of the price at which any other store sells or advertises any Clinique product.

If you have any questions regarding the Consent Order or this letter, please call————.

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for Clinique Laboratories, Inc.

Exhibit B

Dear Retailer: We wish to remind you of the following:

1. You can advertise and sell Clinique products at any price you choose.

2. Clinique will not take any action against you, including termination, because of the price at which you advertise or sell Clinique products.

3. Clinique will not suggest retail prices for any product until July 1, 1983.

4. The price at which you sell or advertise Clinique products will not affect your right to lawfully use Clinique trademarks or other identification in your sale or advertising of products bearing Clinique trademarks or identification.

5. You are free to participate in any cooperative advertising program sponsored by Clinique for which you would otherwise qualify, and to receive any advertising credit or allowance allowed thereunder regardless of the price at which you advertise a Clinique product.

6. Clinique will continue to publish or print mailers, advertising and other promotional materials which you intend to disseminate to consumers containing retail prices which you specify. Until July 1, 1983, in connection with each advertising, mailer or promotional material we will publish for you to disseminate to consumers, we will be requesting in writing that you specify the retail prices you wish to be printed on these materials.

After July 1, 1983, we will send you materials for your review which may contain our suggested retail prices. You are completely free, however, to change these prices, and we will then print the materials with the retail prices which you have specified.

7. The price at which a store sells or advertises a Clinique product is its own business. Clinique does not want to be informed by an account of the price at which any other store sells or advertises any Clinique product.

If you have any questions, please call————.

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for Clinique Laboratories, Inc.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Clinique Laboratories, Inc., a prominent manufacturer and distributor of cosmetics, fragrances, soaps and related accessories.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that Clinique restrained trade by fixing the resale prices at which its dealers advertise, offer for sale and sell Clinique products.

The consent agreement provides as follows:

1. Clinique cannot fix or otherwise control the resale prices at which its products are sold or advertised.

2. Clinique cannot take any action against any dealer, including termination, because of the resale prices at which the dealer sells or advertises any Clinique product.

3. As to products which bear any of its trademarks or other identifications, Clinique cannot restrict any dealer from lawfully using any such trademark or other identification in the sale or advertising of such products.

4. Clinique cannot suggest retail prices for any product for a period of three years from June 30, 1980.

5. For a period of three years from June 30, 1980, Clinique will request its accounts to specify the retail prices to be printed on mailers, advertisements or promotional materials which Clinique will publish for accounts to disseminate to consumers. After this period, Clinique may suggest to its accounts retail prices to be printed on these materials.

Accounts may, however, change these prices and Clinique will then print the materials with the retail prices specified by the accounts.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 80-12827 Filed 4-24-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Parts 610 and 640

[Docket No. 79N-0326]

Additional Standards for Human Blood and Blood Products; Antihemophilic Factor (Human); Correction

In FR Doc. 80-10091 appearing at page 22975 in the issue for Friday, April 4, 1980, make the following changes:

(1) On page 22975, first column, twelfth line "be" should be changed to read "the".

(2) On page 22976, first column, second complete paragraph, second line, "43 CFR 1131" should be changed to read "43 FR 1131".

(3) On page 22976, second column, section 610.20 should be changed from:

§ 610.20 Standard preparations.

* * * * *

Blood Derivative

Antihemophilic Factor (Human) Thrombin.

* * * * *

to read:

§ 610.20 Standard preparations.

* * * * *

(a)* * *

Blood Derivative

Antihemophilic Factor (Human) Thrombin.

* * * * *

(4) On page 22976, third column, under § 640.121, paragraph (b), fourth line, "form" should be changed to read "from".

(5) On page 22976, third column under § 640.121, paragraph (b)(4), third line, "contimination" should be changed to read "contamination".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 251

Trader's Licenses

April 14, 1980.

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking invites public comment on the proposed rule to insure better consumer protection for Indians living in isolated communities where retail sellers are without competition.

DATE: Comment due date: Comments should be submitted on or before May 15, 1980.

ADDRESSES: Comments should be mailed to: Eugene F. Suarez, Sr., Chief, Division of Law Enforcement Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets NW., Room 1342, Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Mr. Eugene F. Suarez, Sr., Division of Law Enforcement Services, telephone (202) 343-5786.

SUPPLEMENTARY INFORMATION: This proposal would amend 25 CFR, Part 251 and act to relieve certain areas of Indian country from the requirements of 25 CFR Part 251.

At the time when various Indian trading laws were passed, most Indians lived in isolated areas where usually only one trader was available. Indians either had to buy at the prices offered by that trader or do without. The trader laws were designed to protect Indians in that kind of situation. There are still areas of Indian country where isolation and lack of competition allow traders to charge higher prices than they would be able to, if there were nearby competitiors. This is true, despite improvements in transportation systems and some economic development in some Indian communities.

Conversely, there are Indian communities which have sufficient merchants to force competition or which are close enough to outside population centers to permit trade in a competitive mercantile environment.

It is the intent of this proposal to insure protection to Indian consumers who live in isolated communities and are either at the mercy of one trader or where there is no competition between traders sufficient to keep prices down. For protection of these Indians, the following regulations are proposed.

It is proposed to add as new § 251.0 to read as follows:

251. Definitions: For purpose of this part only: (a) "Indian Trader" means any natural person, corporation, trust, estate, partnership cooperative or association not subject to the provisions of Part 252 of this Title that held an Indian trading license as of March 1, 1980, or that sells goods at retail prices to Indians from a fixed location on an Indian reservation as defined in Subsection (b) of this section.

(b) "Indian Reservation" means the following reservations or portions of Indian reservations, which have been determined by the Assistant Secretary—Indian Affairs to be isolated to such a degree that retail businesses located there are not subject to sufficient competitive pressures from other retail businesses to assure protection of Indian consumers:

Reservation Listings

Area	State	Reservation	Location
Aberdeen	Nebraska		
	North Dakota		
	South Dakota	Pine Ridge	(Entire Reser)
Albuquerque	New Mexico	Acoma	(Entire Pueblo)
		Cochiti	(Entire Pueblo)
		Jemez	(Entire Pueblo)
		Rahmah	(Entire Pueblo)
		Santo Domingo	(Entire Pueblo)
		San Felipe	(Entire Pueblo)
		Zia	(Entire Pueblo)
	Colorado		
Anadarko	Oklahoma	None	
	Kansas		
Billings	Montana	Blackfeet	Heart Butte
		Fort Belknap	Hayes
			Lodge Pole
Eastern	Florida	None	
	North Carolina		
	Maine		
	Mississippi		
Juneau	Alaska	None	
Minneapolis	Minnesota	Red Lake	(Entire Reser)
	Wisconsin		
	Iowa		
Phoenix	Arizona	Papago	(Entire Reser)
		Havasupai	Supai
		Hualapai	Peach Springs
		White Mountain	Cibicue
		Apache	
		Shoshone Paiute (Duck Valley).	Owyhee
		Fort McDermitt	Fort McDermitt
		Yomba	Yomba
	Utah	Uintah and Ouray	Ouray
			Randelett
			White Rock
Portland	Washington	Makah	(Entire Reser)
	Oregon		
	Idaho		
Sacramento	California	None	

(c) Reservations not listed are relieved from the provisions of 25 CFR 251.

Sidney L. Mills,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-12564 Filed 4-24-80; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[LR-71-80]

Withholding and Depositing of Windfall Profit Tax Where the Producer Is an Integrated Oil Company

AGENCY: Internal Revenue Service, Treasury.

ACTION: Proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary excise tax regulations relating to title I of the Crude oil Windfall Profit Tax Act of 1980. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 24, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-71-80), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224 (Attention: CC:LR:T) (202-566-3926 or 3299).

SUPPLEMENTARY INFORMATION: The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** amend part 150 of title 26 of the Code of Federal Regulations. The final regulations which are proposed to be based on the temporary regulations would amend 26 CFR Part 51.

For the text of the temporary regulations, see FR Doc. 80-12690 (T.D. 7694) published in the Rules and Regulations portion of this issue of the **Federal Register**.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-12691 Filed 4-22-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Determination of Completeness for Permanent Program Submission From the State of Iowa

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

ACTION: Proposed rule: Notice of determination of completeness of submission.

SUMMARY: On February 28, 1980, the State of Iowa submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the Iowa program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded a review and has determined the program submission is incomplete.

ADDRESSES: Written comments on the Iowa program and a summary of the public meeting are available for public review, 8 a.m.-4 p.m., Monday through Friday, excluding holidays at: Office of Surface Mining Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Bldg., 818 Grand Avenue, Kansas City, MO 64106.

Copies of the full text of the proposed Iowa program are available for review during regular business hours at the OSM regional office above and at the following office of the state regulatory authority: Iowa Department of Soil Conservation, Mines and Minerals Division, Wallace State Office Building, Des Moines, Iowa 51319.

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

SUPPLEMENTARY INFORMATION: On February 28, 1980, OSM received a proposed permanent regulatory program from the State of Iowa. Pursuant to the provisions of 30 CFR Part 732, "Procedures and Criteria for Approval

or Disapproval of State Program Submissions" (44 FR 15326–15328, March 13, 1979), the Regional Director, Region IV, published notification of receipt of the program submission in the **Federal Register** of March 6, 1980, (45 FR 14598–14599) and in the following newspapers of general circulation within Iowa:

Des Moines Register & Tribune, Des Moines Iowegian & Citizen, Centerville

The March 6, 1980, notice set forth information concerning public participation pursuant to 30 CFR 732.11. This information included a summary of the program submission, announcement of a public review meeting on April 15, 1980, in Des Moines, Iowa, to discuss the submission and its completeness, and annoucement of a public comment period until April 15, 1980, for members of the public to submit written comments relating to the program and its completeness. Further information may be found in the permanent regulatory program regulations and **Federal Register** notice referenced above.

This notice is published pursuant to 30 CFR 732.11(b), and constitutes the Regional Director's decision on the completeness of the Iowa program.

Having considered public comments, testimony presented at the public review meeting and all other relevant information, the Regional Director has determined that the Iowa submission does not fulfill the content requirements for program submissions under 30 CFR 731.14 and is therefore incomplete.

In accordance with 30 CFR 732.11(c), the Regional Director has determined that the following required element is missing from the proposed Iowa permanent regulatory program: A section-by-section analysis of the Iowa regulations with the federal regulations as required by 30 CFR 731.14(c).

Iowa may submit appropriate additions to remedy the incomplete element and any other modifications of the proposed Iowa program until June 11, 1980. If the state fails to submit this missing element by that deadline, its program will be initially disapproved by the Secretary, as set forth in 30 CFR 732.11(d). The Regional Director's determination that the proposed program is complete with respect to the remaining elements required by 30 CFR 731.14 does not mean those elements are substantively adequate.

No later than June 16, 1980, the Regional Director will publish a notice in the **Federal Register** and in the following newspapers of general circulation in Iowa initiating substantive review of the program submission:

Des Moines Register, Des Moines Iowegian & Citizen, Centerville

The review will include a formal public hearing and written comment period. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the Iowa regulatory program, in accordance with Section 702(d) of SMCRA (30 U.S.C. Section 1292(d)) which states that approval of state programs shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

Dated: April 21, 1980.

Raymond L. Lowrie,

Regional Director.

[FR Doc. 80-12776 Filed 4-24-80; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Ch. VII

Determination of Completeness for Permanent Program Submission From the State of Oklahoma

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

ACTION: Proposed rule: Notice of determination of completeness of submission.

SUMMARY: On February 28, 1980, the State of Oklahoma submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the Oklahoma program submission contains each required element specified in the permanent regulations. The Regional Director has concluded a review and has determined that the program submission is incomplete.

ADDRESSES: Written comments on the Oklahoma program and a summary of the public meeting are available for public review, 8 a.m.–4 p.m., Monday through Friday, excluding holidays at: Office of Surface Mining Reclamation and Enforcement Region IV, 5th Floor, Scarritt Bldg., 818 Grand Avenue Kansas City, MO. 64106.

Copies of the full text of the proposed Oklahoma program are available for review during regular business hours at the OSM regional office above and at the following office of the state regulatory authority: Oklahoma Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, Oklahoma 73105.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, Office of Surface Mining Reclamation and Enforcement, Scarritt Bldg., 818 Grand Avenue, Kansas City, MO 64106, Telephone: (816) 374–3920.

SUPPLEMENTARY INFORMATION: On February 28, 1980, OSM received a proposed permanent regulatory program from the State of Oklahoma. Pursuant to the provisions of 30 CFR Part 732, "Procedures and Criteria for Approval or Disapproval of State Program Submissions" (44 FR 15326–15328, March 13, 1979), the Regional Director, Region IV, published notice of receipt of the program submission in the **Federal Register** of March 6, 1980, (45 FR 14599–14600) and in the following newspapers of general circulation within Oklahoma:

The Tulsa Tribune, Tulsa; The Daily Oklahoman, Oklahoma City; The Muskogee Daily Phoenix, Muskogee

The March 6, 1980, notice set forth information concerning public participation pursuant to 30 CFR 732.11. This information included a summary of the program submission, announcement of a public review meeting on April 17, 1980, in Oklahoma City, Oklahoma, to discuss the submission and its completeness, and announcement of a public comment period until April 17, 1980, for members of the public to submit written comments relating to the program and its completeness. Further information may be found in the permanent regulatory program regulations and **Federal Register** notice referenced above.

This notice is published pursuant to 30 CFR 732.11(b), and constitutes the Regional Director's decision on the completeness of the Oklahoma program. Having considered public comments, testimony presented at the public review meeting and all other relevant information, the Regional Director has determined that the Oklahoma submission does not fulfill the content requirements for program submissions under 30 CFR 731.14 and is therefore incomplete.

In accordance with 30 CFR 731.11(c) the Regional Director has determined that the following required element is missing from the proposed Oklahoma regulatory program:

A legal opinion from the Attorney General of the state or the chief legal officer of the state regulatory authority that includes a section-by-section comparison of the state's regulations with the federal regulations, explaining

any differences and their legal effect, as required by 30 CFR 731.14(c).

Oklahoma may submit appropriate additions to remedy the incomplete element and any other modifications of the proposed Oklahoma program until June 11, 1980. If the state fails to supply the missing elements by that deadline, its program will be initially disapproved by the Secretary as set forth in 30 CFR 732.11(d). The Regional Director's determination that the proposed program is complete with respect to the remaining elements required by 30 CFR 731.14 does not mean that those elements are substantially adequate.

No later than June 16, 1980, the Regional Director will publish a notice in the **Federal Register** and in the following newspapers of general circulation in Oklahoma initiating substantive review of the program submission:

The Tulsa Tribune, Tulsa; The Daily Oklahoman, Oklahoma City; The Muskogee Daily Phoenix, Muskogee

The review will include a formal public hearing and written comment period. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the Oklahoma regulatory program, in accordance with Section 702(d) of SMCRA (30 U.S.C. Section 1292(d)) which states that approval of state programs shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Dated: April 21, 1980.

Raymond L. Lowrie,

Regional Director.

[FR Doc. 80-12777 Filed 4-24-80; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Chapter VII

Public Hearing and Public Comment Period on the Louisiana Permanent Regulatory Program

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

ACTION: Proposed rule: Comment period and public hearing on Louisiana permanent program submission.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substance of the proposed Louisiana regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Louisiana program is available for public inspection; additions or modifications to the submission made since January 3, 1980; the date when and the location where OSM will hold a public hearing on the submission; the comment period during which interested persons may submit written comments and data on the proposed program and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the Louisiana program submission will be held from 4:00 p.m. to 7:00 p.m. on May 28, 1980, at the address listed below. Written comments, data or other relevant information may be submitted as a supplement to, or in lieu of, an oral presentation at the hearing. Comments from the public must be received on or before 4:30 p.m., June 4, 1980, to be considered in the Secretary of the Interior's decision on the proposed Louisiana regulatory program.

ADDRESSES: The public hearing will be held at the State Land and Natural Resources Building, Office of Conservation, Public Hearing Auditorium, 625 N. 4th, Baton Rouge, Louisiana 70804. Written comments should be sent to:

Raymond L. Lowrie, Regional Director, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Mo. 64106, or may be hand-delivered to the Regional Office.

A listing of scheduled public meetings and copies of all written comments are available for review and copying at the OSM Region IV Office and the Louisiana Office of Conservation listed below, Monday through Friday, 8 a.m., to 4 p.m., excluding holidays:

Office of Surface Mining, Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

Office of Conservation, 625 N. 4th, Baton Rouge, Louisiana 70804.

Copies of the full text of the proposed program are available for inspection during regular business hours at the OSM Region IV Office and the Louisiana Office of Conservation listed above, and the OSM Headquarters Office, and field offices of the Office of Conservation listed below:

U.S. Department of the Interior, Office of Surface Mining, Interior South Building, Washington, D.C. 20240.

Office of Conservation, Monroe District, Room 214, St. Johns Street, Monroe, Louisiana 71201.

Office of Conservation, Shreveport District, 960 Jorden Street, P.O. Box 3250, Shreveport, Louisiana 71103.

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

SUPPLEMENTARY INFORMATION: On January 3, 1980, the State of Louisiana submitted to OSM a proposed state regulatory program. Pursuant to the provisions of 30 CFR Part 732 (44 FR 15326-15328, March 13, 1979), the Regional Director published notification of receipt of the program submission in the January 9, 1980, **Federal Register** (44 FR 1949-1950) and in newspapers of general circulation in Louisiana. In accordance with that announcement public comments were solicited and a public meeting was held on February 14, 1980, on the issue of the program's completeness.

On February 27, 1980, the Regional Director published a notice announcing that he had determined the program to be incomplete (**Federal Register** 44 FR 12917-12918). The notice specified that the program submission was missing the following required elements:

1. A copy of Act #553, enacted in 1978, amending the Louisiana Surface Mining Act of 1978 as required by 30 CFR 731.14(b).

2. A copy of the Louisiana Code of Civil Procedure as required by 30 CFR 731.14(b).

On March 10, 1980, the Louisiana Office of Conservation submitted to the Regional Director copies of items 1 and 2 above, plus a page that had been inadvertently omitted from the section-by-section analysis in the program ssubmission. Upon receipt of those materials the Regional Director determined that the Louisiana program submission was complete within the meaning of 30 CFR 732.11(b). This determination of completeness is not a determination of whether the submitted materials comply with the substantive provisions of SMCRA and the Permanent Regulatory Program.

On April 15th and 16th the Louisiana Office of Conservation submitted additional amendments to its program submission as follows:

1. Proposed amendments to Statewide Order 29-0-1, the Louisiana Regulations. These regulations will be subject to a public hearing conducted by the state in Baton Rouge on May 30, 1980.

2. A bill to amend certain provisions of the Louisiana Surface Mining and Reclamation Act. This bill will be

introduced in the Louisiana Legislature which commences on April 21, 1980.

3. Other materials, including revised section-by-section analyses of state and Federal laws and regulations and revised cooperative agreements between the Office of Conservation and other state agencies.

Copies of these amendments are available for public inspection at the offices listed above.

Subsequent to the public hearing announced today and review of all comments the Regional Director will transmit to the Director of OSM his recommended decision along with a record composed of the hearing transcript, written presentations, exhibits and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that the program be approved or disapproved, in whole or in part, or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the secretary are established in 30 CFR 732.12(d) and (e) (44 FR 15326–15327). For further details refer to Sections 732.12 and 732.13 of the permanent regulatory program (44 FR 15326–15327) and corresponding sections of the preamble (44 FR 14959–14961).

At the public hearing, all persons wishing to comment on the proposed program will have the opportunity to do so. Persons who wish to make arrangements to comment at a specific time at the hearing may contact Richard Rieke at the OSM Region IV Office or by phone at (816) 374–3920. In addition, the Regional Director has prescribed the following hearing format and rules of procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter.

The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers.

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

Set forth below is a summary of the contents of the proposed Louisiana Program:

1. The Louisiana Surface Mining and Reclamation Act.

2. Surface coal mining regulations (Statewide Order 29–0–1).

3. Other state laws directly affecting the regulation of surface coal mining operations, i.e., the Louisiana Administrative Procedure Act, the Louisiana Code of Civil Procedures, and Act 449 of 1979 (consolidating functions of the state relative to protection of the environment), and Section 115 of the State Mineral Code (31 L.R.S. 115).

4. A legal opinion of the Louisiana Attorney General stating that the Office of Conservation has the necessary authority to implement, administer and enforce a permanent regulatory program in accordance with SMCRA and all regulations promulgated thereunder.

5. A section-by-section comparison of the state's laws and regulations with SMCRA and 30 C.F.R. Chapter VII.

6. A letter from Governor Edwards designating the Department of Natural Resources, Office of Conservation, as the regulatory authority for administering SMCRA.

7. A description of the existing and proposed structural organization of the Office of Conservation and the Division of Surface Mining.

8. A Copy of supporting agreements between the Office of Conservation and other agencies that will have duties in the state program.

9. A description of the proposed system for:

(a) Receiving, reviewing, disapproving or approving and issuing permits for exploration and mining operations;

(b) Assessing fees for permit applications, including a fee schedule;

(c) Implementing, administering and enforcing a system of performance bonds and public liability insurance;

(d) Inspecting and monitoring coal exploration and mining and reclamation operations, and providing opportunity for public participation in the inspection process;

(e) Enforcing the administrative, civil and criminal provisions of the state Act and regulations, including citizen suit provisions;

(f) Administering and enforcing the permanent program performance standards of the state Act and regulations;

(g) Assessing and collecting civil penalties;

(h) Issuing public notices and holding public hearings;

(i) Coordinating issuance of permits with other state, Federal and local agencies;

(j) Consulting with other appropriate state and Federal agencies in the implementation of the program;

(k) Designating lands unsuitable for surface coal mining operations, including a description of a planning process for identifying lands unsuitable, a description of the Louisiana Natural Resources information system, and a process to allow the public to petition the Office of Conservation to have lands designated as unsuitable for mining;

(l) Monitoring, reviewing and enforcing restrictions against financial interests of state employees in coal mining operations;

(m) Training, examining and certifying blasters;

(n) Providing for public participation in the promulgation of regulations, in the development of the state program under SMCRA, and in the permitting process;

(o) Providing administrative and judicial review of actions taken by regulatory authority, including permit decisions and enforcement actions;

(p) Providing a Small Operator Assistance Program.

10. A listing of statistical information pertaining to the existing program as well as information pertinent to the proposed regulatory program, including:

(a) Coal production figures for each of the last three years;

(b) Acreage approved or permitted for exploration or mining for each of the last three years;

(c) A map showing the geologic distribution of coal in Louisiana;

(d) The number of applications for Exploration and Development Operations permits received by the Office of Conservation for each of the last three years;

(e) Projections of annual production and geographic distribution of both exploration and mining operations for the next five years.

11. A summary of both the existing and proposed staff of the Division of Surface Mining and Reclamation showing job functions, titles, and required job experience and training.

12. A description of how the proposed staffing will be adequate to carry out the functions for the projected workload.

13. A description of projected use of professional and technical personnel available from other state and Federal agencies.

14. A description of the projected annual budget for each of the next two fiscal years.

15. A description of the existing and proposed physical resources to be used in implementing the permanent program.

16. A brief description of other programs administered by the Office of Conservation.

Single copies of the Louisiana Surface Mining Act and regulations adopted under that act are available to the public at no charge. Persons interested in obtaining copies should write the Regional Director of OSM at the address listed above.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Louisiana program. Under Section 702(d) of SMCRA (30 U.S.C. Section 1292(d)) approval of a state program does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

Dated: April 18, 1980.

Allyn O. Lockner,

Acting Regional Director.

[FR Doc. 80-12771 Filed 4-24-80; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1479-3]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Extension of the public comment period.

SUMMARY: On February 25, 1980 the U.S. Environmental Protection Agency proposed rulemaking on the State of Ohio's submittal to revise the existing Federally promulgated State Implementation Plan (SIP) for the control of sulfur dioxide (SO_2) in Ohio.

At the time of the proposed rulemaking a 60 day public comment period was provided. However, in response to the request of several utilities in Ohio and due to the complexity of the proposed rulemaking, the public comment period is extended to May 26, 1980.

DATES: Comments must be received on or before (Monday) May 26, 1980.

ADDRESSES: Comments should be submitted to Gary Gulezian, Chief, Regulatory Analysis Section, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The docket (#5A-80-3) for the revision is available for inspection and copying during normal business hours at the above address and at the Central Docket Section, Room 2903B, USEPA, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312-886-6039.

Dated: April 22, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-12899 Filed 4-24-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 81

[FRL 1475-6]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designation—Nevada and California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: As a result of redesignation requests from the states of Nevada and California, this notice proposes to revise the attainment status designation of Packard Valley in Nevada, and Contra Costa and San Francisco Counties in California from nonattainment to attainment for particulate matter.

The Nevada redesignation request indicates that Packard Valley should not be considered nonattainment since no air quality data have been recorded in the area. Based on this request and EPA's findings that neither urban areas nor major sources of particulate matter are located in Packard Valley, EPA proposes to approve the redesignation.

The California redesignation request includes air quality data for Contra Costa and San Francisco Counties which indicate that the national standards for particulate matter have not been violated during the last two years and are not expected to be exceeded in the future. Based on these data, EPA proposes to approve the redesignation of the counties.

DATE: Comments must be submitted on or before May 27, 1980.

ADDRESSES: Comments should be directed to: Arnold Den, Chief, Air Technical Branch (A-4), Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Information pertinent to the proposed redesignation is available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Room 2404, Washington D.C. 20460.

EPA Region IX Office, 215 Fremont Street, San Francisco, CA 94105.

Nevada State Environmental Commission, 201 South Fall Street, Carson City, NV 89710.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: Rodney L. Cummins, Chief (A-4-3), Technical Analysis Section, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, Phone: (415) 556-2002.

SUPPLEMENTARY INFORMATION: Under section 107(d)(5) of the Clean Air Act, a state may revise its designations of attainment status and submit them to the EPA for promulgation.

By letter of December 12, 1979, the State of Nevada, Department of Conservation and Natural Resources, requested that EPA not consider hydrographic area #101(A) Packard Valley as part of nonattainment hydrographic area #101 Carson Desert. The letter indicates that no air quality measurements have been made in Packard Valley.

EPA's Fugitive Dust Policy of August 1, 1977 and a related EPA memorandum (Hawkins to Regional Administrators, October 7, 1977) allow areas with low urbanized populations to be designated as attainment areas if they lack major industrial sources of particulate matter. EPA has determined that neither urban areas nor major industrial sources of particulate matter are located in Packard Valley. Therefore, EPA concludes that hydrographic area #101(A) Packard Valley, Nevada, should be redesignated from nonattainment to attainment for particulate matter. Hydrographic area #101 Carson Desert will retain its current nonattainment designation.

The California Air Resoures Board (ARB), on January 17, 1980, requested that EPA redesignate Contra Costa and San Francisco Counties, California, from nonattainment to attainment for the national particulate matter standards. EPA policy generally requires that eight consecutive quarters of data, showing no violations, are necessary to justify a redesignation to attainment. Air quality data provided by the ARB indicate that

the national standards for particulate matter have not been violated during the most recent eight consecutive quarters for which data are available (through August, 1979). The ARB has also indicated that future violations of the particulate standard are not expected. Thus, EPA concludes that Contra Costa and San Francisco Counties, California, should be redesignated to attainment for particulate matter.

If the areas are redesignated as proposed, the requirements of Part D of the Clean Air Act would no longer apply for particulate matter in Packard Valley, and Contra Costa and San Francisco Counties. However, these areas remain subject to the requirements of Part D until the EPA approves in a final rulemaking action the requested redesignations.

The EPA invites public comments on the proposed redesignations. Comments received on or before May 27, 1980 will be considered in the final rulemaking action.

Note.—The Environmental Protection Agency has determined that this document is not a "significant" regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

(Secs. 107(d) and 3–1(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d) and 7801(a)))

Dated: April 15, 1980.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 80–12788 Filed 4–24–80; 8:45 am]

BILLING CODE 6560–01–M

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40 CFR Part 86

[FRL 1474–5; Docket No. A–79–14]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Proposed High-Altitude Emission Standards for 1982 and 1983 Model Year Light-Duty Motor Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: On January 24, 1980 EPA proposed high-altitude exhaust and evaporative emission standards for 1982 and 1983 model year light-duty motor vehicles (45 FR 5988). The comment period for this Notice of Proposed Rulemaking (NPRM) closed on April 8, 1980. The principal purpose of the present notice is to reopen the comment period to allow the submission of gaseous emission test data from a motor vehicle manufacturer who is currently generating such information.

DATES: All relevant comments received on or before April 30, 1980 will be considered.

ADDRESS: Interested persons may participate in this relemaking by submitting written comments to: U.S. Environmental Protection Agency, Central Docket Section (A–130), ATTN: A–79–14, Waterside Mall, Room 2903B (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard S. Wilcox, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, 313–668–4390.

SUPPLEMENTARY INFORMATION: EPA proposed emission standards on January 24, 1980 which would be applicable to 1982 and 1983 light-duty vehicles (LDVs) and light-duty trucks (LDTs) when sold for principal use at altitudes above 4,000 feed (1,219 meters). The Agency recently received a request from Ford Motor Company asking that the comment period be extended to April 30, 1980. Ford stated that a vehicle test program had been initiated to obtain data on the high-altitude emission capabilities of several representative vehicles and that the results of these tests would not be available until the end of April 1980. EPA is reopening the comment period so that this potentially important test data, along with Ford's other final written comments, may be considered in the final rulemaking process. However, any interested party is invited to submit comment on the rulemaking before the close of the extended comment period.

Dated: April 21, 1980.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 80–12789 Filed 4–24–80; 8:45 am]

BILLING CODE 6560–01–M

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40 CFR Part 163

[FRL 1475–1; OPP–250024]

Pesticide Programs; Guidelines for Registering Pesticides in the United States: Subpart E; Notification of the Secretary of Agriculture of a Final Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of final regulation.

SUMMARY: Notice is given under Section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, that the Administrator, EPA, has forwarded to the Secretary of the U.S. Department of Agriculture a copy of EPA's proposed regulation to implement Section 3(c)(2) of FIFRA, which requires the Administrator to publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide. Subpart E, entitled Hazard Evaluation: Wildlife and Aquatic Organisms, is the portion of the guidelines involved.

FOR FURTHER INFORMATION CONTACT: William Preston, Hazard Evaluation Division (TS–769), Office of Pesticide Programs, EPA, Washington, D.C. 20460 (703) 557–1405.

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(B) of FIFRA requires that the Administrator shall provide the Secretary of Agriculture a copy of any final regulation at least 30 days prior to signing it for publication in the **Federal Register.** If the Secretary comments in writing regarding the final regulation within 15 days after receiving it, the Administrator shall publish in the **Federal Register** (with the final regulation) the comments of the Secretary, and the response thereto of the Administrator. If the Secretary does not comment in writing within 15 days after receiving the final regulation, the Administrator may sign such regulation for publication in the **Federal Register** any time after such 15-day period.

Pursuant to FIFRA Section 25(a)(3), a copy of this final regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate. The Section 3(c)(2) final regulation has also been submitted to the FIFRA Scientific Advisory Panel, as required by Section 25(d).

Authority: Section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92–516; 89 Stat. 973; Pub. L. 94–140, 89 Stat. 751; 7 U.S.C. 136 *et seq.*).

Dated: April 17, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80–12780 Filed 4–24–80; 8:45 am]

BILLING CODE 6560–01–M

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40 CFR Part 180

[FRL 1474–7; PP 9E2148/P131]

Oxamyl; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA.)

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the insecticide and nematocide oxamyl on bananas at 0.1 part per million (ppm), of which not more than 0.02 ppm shall

be present in the pulp after the peel is removed. The proposal was submitted by E. I. du Pont de Nemours & Co., Inc. This regulation would establish a maximum permissible level on bananas.

DATE: Comments must be received on or before May 27, 1980.

ADDRESS COMMENTS TO: Mr. Charles Mitchell, Acting Product Manager (PM) 12, Office of Pesticide Programs, Registration Division (TS–767), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Mitchell at the above address (202–426–2635).

SUPPLEMENTARY INFORMATION: E. I. du Pont de Nemours & Co., Wilmington, DE 19898, has submitted a pesticide petition (PP 9E2148) to the EPA. This petition requests that the Administrator propose that 40 CFR 180.303 be amended by the establishment of a tolerance for residues of the insecticide and nematicide oxamyl (methyl *N',N'*-dimethyl-*N*-[(methylcarbamoyl)-oxy]-1-thiooxamidate) in or on the raw agricultural commodity bananas at 0.1 ppm (of which no more than 0.02 ppm shall be present in the edible pulp after peel is removed).

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a two-year rat feeding/oncogenicity study and a two-year dog feeding study with no-observed-effect levels (NOEL) of 50 ppm and 100 ppm, respectively; a three-generation rat reproduction study with an NOEL of 50 ppm; and a rat teratogenicity study, which was negative. Based on the two-year chronic rat feeding/oncogenicity study with a 50 ppm NOEL and using a safety factor of 100, the acceptable daily intake (ADI) for man is 0.025 milligram (mg)/kilogram (kg) of body weight (bw)/day. The theoretical maximum residue contribution (TMRC) in the human diet from the previously established tolerances at levels ranging from 0.1 ppm to 10.0 ppm and the proposed tolerance does not exceed the ADI.

Desirable data that are lacking from the petition are a second oncogenicity study and a second teratology study. In a letter of February 8, 1980, the petitioner indicated that the oncogenicity study would be submitted to the Agency in the third quarter of 1980 and that the teratology study scheduled for March 1980 is to be completed in late 1980.

Although the evaluation of the oncogenic potential of oxamyl is not complete, it is concluded that based on the available data, the risks are acceptable since the absence of an oncogenic potential is adequately shown in the two-year rat feeding study.

The metabolism of oxamly is adequately understood, and an adequate analytical method (gas chromatography using a flame photometric detector) is available for enforcement purposes. No actions are currently pending against continued registration of oxamyl, nor are there any other relevant considerations involved in establishing the proposed tolerance. There is no reasonable expectation of secondary residues in eggs, meat, milk, or poultry since bananas are not a feed item.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the tolerance of 0.1 ppm on bananas (of which not more than 0.02 ppm shall be present in the edible pulp after the peel is removed) established by amending 40 CFR 180.303 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before May 27, 1980, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 9E2148/P131". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of PM 12, Room 303, East Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

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". This proposed 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.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e))

Dated: April 18, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

It is proposed that Part 180, Subpart C, § 180.303 be amended by alphabetically inserting bananas at 0.1 ppm in the table to read as follows:

§ 180.303 Oxamyl; tolerances for residues.

* * * * *

Commodity:	Parts per million
* * * * *	
Bananas (NMT 0.02 ppm shall be present in the pulp after peel is removed)	0.1
* * * * *	

[FR Doc. 80-12779 Filed 4-24-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5702]

Proposed Flood Elevation Determinations for the Village of Lower Salem, Washington County, Ohio; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 57455 of the **Federal Register** of October 5, 1979.

EFFECTIVE DATE: October 5, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The notice of proposed flood elevation determination for the Village of Lower Salem, Washington County, Ohio published in the **Federal Register** on October 5, 1979 at 44 FR 57455, and in the *Marietta Times* on September 22, 1979 and September 29, 1979 showing the following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Fork Duck Creek	At southwest corporate limits	652*
	Approximately 400 feet upstream of Route T-38.	656*
	Approximately 1500 feet upstream of Route T-38.	657*
	At northeast corporate limits..	658*

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Fork Duck Creek	At southwest corporate limits, about 1000 feet downstream of State Route 821.	652*
	Approximately 400 feet upstream of Route T-38.	655*
	Approximately 1500 feet upstream of Route T-38.	656*
	At northeast corporate limits, about 2200 feet upstream of Route T-38.	657*

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12725 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5757]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction to proposed rule for the Town of Montgomery, Franklin County, Vermont.

SUMMARY: In order for the following locations to be more easily identified with the corresponding Flood Insurance map and profile for Black Falls Brook, the descriptions should be clarified to read as follows. The elevations are correct as cited.

Source of flooding	Location	*Elevation in feet (NGVD)
Black Falls Brook	Approximately 820 feet upstream of confluence with Trout River.	473
	Approximately 1,400 feet upstream of covered bridge.	526

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410.

EFFECTIVE DATE: April 25, 1980.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of proposed determinations of base (100-year) flood elevations for selected locations in the Town of Montgomery, Franklin County, Vermont, previously published at 44 FR 76326 on December 26, 1979, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12728 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5723]

Proposed Flood Elevation Determinations; Town of Troy, Orleans County, Vt.; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction to proposed rule for the Town of Troy, Orleans County, Vermont.

SUMMARY: In the notice of proposed flood elevation determination, published at 44 FR 63555 on November 5, 1979, under the Source of Flooding of Missisquoi River, the location described as "1,200 feet downstream of North Troy Dam" with an elevation of 549 feet should be corrected to read "1,200 feet upstream of North Troy Dam." The elevation is correct as cited.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free line (800) 424–9080), room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

EFFECTIVE DATE: April 28, 1980.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of proposed determinations of base (100-year) flood elevations for selected locations in the Town of Troy, Orleans County, Vermont, previously published at 44 FR 63555 on November 5, 1979, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12726 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5769]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the City of Overland, St. Louis County, Mo., Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 45 FR 5354 of the **Federal Register** of January 23, 1980.

EFFECTIVE DATE: January 23, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The notice of proposed flood elevation determination for the City of Overland, St. Louis County, Missouri published on January 23, 1980 at 45 FR 5354 in the **Federal Register**, and in the *St. Louis County Star* on January 2, 1980 and January 9, 1980 showing the following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
River Des Peres	Approximately 3750 feet upstream of confluence with North Tributary River Des Peres.	576*
North Tributary River Des Peres.	Just upstream of St. Louis Belt and Terminal Railroad.	562*

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
River Des Peres	Approximately 3830 feet upstream of confluence with River Des Peres North Tributary.	577*
River Des Peres North Tributary.	Just upstream of Chicago, Rock Island and Pacific Railroad.	562*

The following elevation should be added:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
River Des Peres North Tributary.	Downstream corporate limit ...	557*

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12730 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5765]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the Village of Bolingbrook, Du Page County, Ill., Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTIONS: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 45 FR 3605 of the **Federal Register** of January 18, 1980.

EFFECTIVE DATE: January 18, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The notice of proposed flood elevation determination for the Village of Bolingbrook, Du Page County, Illinois published in the **Federal Register** on January 18, 1980 at 44 FR 3605, and the *Bolingbrook Metropolitan* on January 3, 1980, and January 10, 1980 showing the following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lilly Cache Creek	At downstream corporate limit (about 1720 feet downstream of Naperville Road).	653*
	Just upstream of Falcon Ridge Way.	701*
	Just dowstream of Kildeer Drive.	721*

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lilly Cache Creek	At downstream corporate limit (about 1720 feet downstream of Naperville Road).	651*
	About 150 feet upstream of Falcon Ridge Way.	701*
	About 250 feet dowstream of Kildeer Drive.	721*

The following elevations should be added:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lilly Cache Creek	Just upstream of Naperville Road.	655*
	Just upstream of Orchard Drive.	663*
	Just dowstream of Lilly Cache Lane.	667*

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

Issued April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12729 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5725]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Deep River, Middlesex County, Connecticut.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 64453 on November 7, 1979, and in the *Middletown Press*, published on September 21, 1979, and September 28, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Deep River Town Hall. Send comments to: Mr. Joseph Miezejeski, First Selectman of Deep River, Town Hall, Main Street, Deep River, Connecticut 06417.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Deep River, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Deep River, Town, Middlesex County.	Deep River	Connecticut Valley Railroad (Upstream side)	*11
			Dam No. 1 (Downstream side)	*11
			Dam No. 1 (Upstream side)	*19
			State Route 9A (Upstream side)	*21
			Dam No. 3 (Downstream side)	*29
			Dam No. 3 (Upstream side)	*39
			Bridge Street (Upstream side)	*41
			Dam No. 4 (Downstream side)	*43
			Dam No. 4 (Upstream side)	*45
			Middle crossing of Elm Street (Upstream side)	*47
			State Route 9 Northbound (Downstream side)	*57
			State Route 9 Southbound (Upstream side)	*62
			Upstream crossing of Elm Street (Upstream side)	*73
			Dam No. 5 (Downstream side)	*78
			Dam No. 5 (Upstream side)	*83
			Dam No. 6 (Downstream side)	*115
			Dam No. 6 (Upstream side)	*129
		Connecticut River	Entire length within community	*11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12277, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: April 3, 1980.

Gloria M. Jimenez

Federal Insurance Administrator.

[FR Doc. 80-12727 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5233]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the City of Cape Girardeau, Cape Girardeau County, Mo.; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 13526 of the **Federal Register** of March 12, 1979.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The notice published on March 12, 1979 at 44 FR 13526 in the **Federal Register**, and in the *Southeast Missourian* on March 18, 1979 and March 25, 1979 showing the following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cape La Croiz Creek	Just upstream of Route W	*394
	528 feet downstream of Private Drive.	*397
Walker Branch	106 feet downstream of Cape Rock River.	*396

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cape La Croix Creek	Just upstream of County Highway W.	*394
	About 1600 feet upstream of County Highway W.	*397
Walker Branch	106 feet downstream of Cape Rock Drive.	*396

In addition the following elevations should be added:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cape La Croix Creek	About 1.0 mile upstream of County Highway W.	*416
Walker Branch	Just downstream of Cape Rock Drive.	*397

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12765 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5778]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the City of Hammond, Wabasha County, Minn.; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 45 FR 9039 of the **Federal Register** of February 11, 1980.

EFFECTIVE DATE: February 11, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The notice of proposed flood elevation determination for the City of Hammond, Wabasha County, Minnesota published in the **Federal Register** on February 11, 1980 at 45 FR 9039, and in the *Plainview News* on January 31, 1980 and February 7, 1980 showing the following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Tributary Zumbro River.	About 1,500 feet upstream of Bridge Street.	*808
	About 150 feet downstream of Bridge Street.	*809
South Tributary Zumbro River.	Just upstream of Bridge Street.	*808

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Zumbro River Tributary.	About 1,500 feet upstream of Bridge Street.	*810
	About 800 feet downstream of Bridge Street.	*809
South Zumbro River Tributary.	Just upstream of Bridge Street.	*809

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–12767 Filed 4–24–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA–5778]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the City of Lafayette, Tippecanoe County, Ind.; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 45 FR 9038 of the **Federal Register** of February 11, 1980.

EFFECTIVE DATE: February 11, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, National Flood Insurance Program (202) 426–1460 or Toll Free Line 800–424–8872; Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The notice of proposed flood elevation determination for the City of Lafayette, Tippecanoe County, Indiana published in the **Federal Register** on February 11, 1980 at 45 FR 9038 and in the *Lafayette Courier Journal* on February 1, 1980 and February 8, 1980 showing the following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Elliott Ditch	Just downstream Concord Road.	642*
Wabash River	Just downstream of U.S. Route 52 bypass bridge.	632*

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Elliott Ditch	Just upstream of 250 South Road.	642*
Wabash River	Just downstream of U.S. Route 52 bypass bridge.	532*

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–12768 Filed 4–24–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA–5788]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the Village of Brookfield, Cook County, Ill.; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 45 FR 15225 of the Federal Register on March 10, 1980.

EFFECTIVE DATE: March 10, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: The notice of proposed flood elevation determination for the Village of Brookfield, Cook County, Illinois published in the Federal Register on March 10, 1980 at 45 FR 15225 and in the *Brookfield Sun* on March 5, 1980 and March 12, 1980 showing the following:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Salt Creek	At downstream corporate limit (about 880 feet downstream of Burlington Northern Railroad).	*614
	About 1.12 miles upstream of Logan Avenue.	*620

Should be corrected to read:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Salt Creek	At downstream corporate limit (about 1600 feet downstream of Burlington Northern Railroad).	*614
	About 1.12 miles upstream of 31st Street.	*620

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–12764 Filed 4–24–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FI–5081]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for Douglas County, Wis.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Douglas County, Wisconsin.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 6943 on February 5, 1979 and in *The Superior Evening Telegram*, published on or about January 31, 1979, and February 7, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Douglas County Courthouse, 1313 Belknap Street, Superior, Wisconsin.

Send comments to: Mr. Donald Leggate, Chairman, County Board of Supervisors, Douglas County, Douglas County Courthouse, Room 103, 1313 Belknap Street, Superior, Wisconsin 54880.

FOR FURTHER INFORMATION CONTACT:
Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5148, 451 Seventh Street, SW., Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Douglas County, Wisconsin, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Souce of flooding	Location	# Depth and *elevation
Lake Superior	Confluence of Pearson Creek and shoreline.	*605
	Confluence of Smith Creek and shoreline.	*605
	Confluence of Amnicon River and shoreline.	*605
	Confluence of Bardon Creek and shoreline.	*605
Minnesueing Creek	Intersection of the corporate limits of the Village of Lake Nebagamon and the channel.	*1,111
	Intersection of Trunk Highway P and channel.	*1,116
Lake Minnesueing	The lake shoreline upstream of Trunk Highway P.	*1,117
St. Croix River	Intersection of the Soo Line Railroad and the channel.	*1,020
	Intersection of Cranberry Bog Road and Chicago and Northwestern Railroad.	*1,020
	Intersection of Cut-A-Way Dam Road and the channel.	*1,020
Upper St. Croix Lake	Intersection of Zachau Road and the shoreline.	*1,020
Eau Claire Flowage	Upstream of Eau Claire River Dam to the Brule River State Forest Annex.	*1,047

Depth in feet above ground.
*Elevation in feet, national geodetic vertical datum.

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–12766 Filed 4–24–80; 8:45 am]

BILLING CODE 6718–03–M

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 435

[Docket No. CAS–RM–79–112]

Energy Performance Standards for New Buildings

AGENCY: Department of Energy.

ACTION: Notice of Availability of Draft Environmental Impact Statement Supplement for Energy Performance Standards for New Buildings; cancellation of public hearing.

SUMMARY: The Department of Energy hereby cancels the public hearing on the Draft Environmental Impact Statement Supplement which was scheduled for April 28 and 29, 1980, in Washington, D.C. The public hearing is cancelled due to lack of public interest in making oral presentations at the hearing. As stated in the notice of availability issued on April 10, 1980 (45 FR 25097, April 14, 1980), written comments on the Draft Environmental Impact Statement Supplement must be received by the Department by close of business, May 26, 1980.

FOR FURTHER INFORMATION CONTACT:
James L. Binkley, A.I.A., Buildings and Community Systems, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2855

Issued in Washington, D.C., April 24, 1980.

Kelly Sandy,

Executive Director, Conservation and Solar Energy.

[FR Doc. 80–13016 Filed 4–24–80; 11:47 am]

BILLING CODE 6450–01–M

10 CFR Chs. II, III, and V

Semiannual Agenda of Regulations

AGENCY: Department of Energy.

ACTION: Notice of Regulations Under Development or Review.

SUMMARY: The Department of Energy (DOE) is publishing an agenda of regulations under development or review as of April 1, 1980. Because of delays that have arisen in preparation of the agenda, the original publication date of April 25, 1980 has been changed to April 29, 1980.

FOR FURTHER INFORMATION CONTACT:
Jeffrey D. Stoermer (Office of General Counsel), Department of Energy, Room 6A–127, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–6911

Issued in Washington, D.C., April 24, 1980.

Eric J. Fygi,

Deputy General Counsel.

[FR Doc. 80–13027 Filed 4–24–80; 11:47 am]

BILLING CODE 6450–01–M

Notices

Federal Register
Vol. 45, No. 82
Friday, April 25, 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

Land and Resource Management Plan, National Forests in Florida; Notice of Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the Land and Resource Management Plan for the National Forests in Florida which includes the Ocala National Forest in Lake, Marion, and Putnam Counties; the Osceola National Forest in Baker, and Columbia Counties; and the Apalachicola National Forest in Leon, Liberty, and Wakulla Counties.

The Land and Resource Management Plan is being prepare in accordance with requirements of the Secretary's regulations promulgated pursuant to the National Forest Management Act of 1976. The resulting plan will provide for the multiple use and sustained yield of goods and services from the National Forests in Florida.

The planning process will integrate all resource planning—timber, range, fish and wildlife, water, wilderness, and recreation—together with resource protection and resource use activities. The process will be issue-oriented, i.e., public issues, management concerns, and development opportunities will be analyzed continually throughout the process.

A reasonable range of alternatives will be formulated by an interdisciplinary team to provide different ways to address and respond to the major public issues, management concerns, and resource opportunities identified during this planning process.

Alternatives will reflect a range of resource outputs and expenditure levels. In formulating these alternatives, the following criteria will be met:

(1) Each alternative will be capable of being achieved;

(2) A no-action alternative will be formulated, that is the most likely condition expected to exist in the future if current management direction would continue unchanged;

(3) Each alternative will provide for orderly elimination of backlogs of needed treatment for the restoration of renewable resources as necessary to achieve the multiple-use objectives of that alternative;

(4) Each identified major public issue and management concern will be addressed in one or more alternatives; and

(5) Each alternative will represent to the extent practicable the most cost efficient combination of management practices examined that can meet the objectives established in the alternative.

Each alternative will state at least:

(1) The condition and uses that will result from long-term application;

(2) The goods and services to be produced, and the timing and flow of these outputs;

(3) Resource management standards and guidelines; and

(4) The purposes of the management direction proposed.

As an early step in the planning process, Federal, State, and local agencies, organizations, and individuals who may be interested in, or be affected by the decision will be invited to participate in a scoping process which includes: (a) identification of those issues to be addressed; (b) identification of those issues to be analyzed in depth; and (c) elimination from detailed study those issues which are not significant, or which have been covered by prior environmental review. To accomplish this scoping effort, the National Forests in Florida will send out information packets in late April or early May, 1980. The packets will be sent to and comments solicited from Federal, State, and local agencies, organizations, and individuals who may be interested or have expressed an interest in National Forest Planning. The comment period will be from May 12–June 13, 1980.

Written comments should be sent to: Mr. Donald E. Percival, National Forests in Florida, P.O. Box 13549; Tallahassee, Florida 32308. The office is located at 2586 Seagate Drive in Tallahassee. The commercial telephone number is 904–878–1131. To facilitate input, interested people in Florida may call 1–800–342–3198 toll free to have their comments recorded.

The draft environmental impact statement and plan will be available by January 1982 for a 90 day comment period. The final environmental impact statement and plan is scheduled for completion in September, 1982.

Lawrence M. Whitfield, Regional Forester, Southern Region of the Forest Service, is the responsible official for approval of the environmental impact statement and plan.

For further information about the planning process or the environmental impact statement, contact: Raymond K. Mason, ID Team Leader, National Forests in Florida (904–878–1131).

Dated: April 17, 1980.

James S. Sabin, Jr.,

Acting Regional Forester.

[FR Doc. 80-12753 Filed 4-24-80; 8:45 am]
BILLING CODE 3410-11-M

Rural Electrification Administration

Deseret Generation and Transmission Cooperative Sandy, Utah; Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Final Environmental Impact Statement (FEIS) in accordance with Section 102 (2)(c) of the National Environmental Policy Act of 1969, and with the Council of Environmental Quality (CEQ) Regulations. Deseret Generation and Transmission Cooperative, 8722 South 300 West, Sandy, Utah 84070, has notified REA that it proposes to submit an application for financing to assist it in obtaining an ownership share in Emery Station Unit 2 (also known as Hunter Station Unit 2) which is currently under construction by the Utah Power and Light Company. REA financing and adopts the Emery Station Final Environmental Statement

This statement examines the impacts of published by the Department of Interior, Bureau of Land Management in 1977. The REA FEIS concludes that the environmental effects of the project were adequately assessed in the BLM FES and REA pursuant to the CEQ Regulations adopts the BLM FES.

Additional information may be secured on request, submitted to Mr. Joe S. Zoller, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Copies of the REA FEIS have been sent to various Federal, state, and local agencies, as outlined in the Regulations of the Council of Environmental Quality. The FEIS may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 5839, or at Deseret's address indicated above.

Final REA action, will respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C. this 17th day of April 1980.

Susan T. Shepherd,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 12506 Filed 4-24-80; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended April 18, 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 applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate application (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
Apr. 18, 1980	38062	North Cariboo Flying Service Ltd., c/o Edwin T. Nobbs, Q. C. Hamilton, Torrance, Stinson, Campbell, Nobbs and Woods, 196 Adelaide Street West, Toronto, Ontario M5H 1W7. Application of North Cariboo Flying Service Ltd. pursuant to Section 402 of the Act and Subpart Q of the Board's Regulations requests a foreign air carrier permit authorizing small and large aircraft charter operations between Canada and the United States pursuant to the Non-Scheduled Air Service Agreement signed by the Governments of Canada and the United States on May 8, 1974. Answers are due May 16, 1980.
Apr. 14, 1980	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 pursuant to Section 401 of the Act 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 Houston, Texas. Conforming Applications and Answers are due April 28, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-12794 Filed 4-24-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

University of California; Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, NW. (Room 735), Washington, D.C.

Docket No. 79-00453. Applicant: University of California at Los Angeles, 405 Hilgard Avenue, Los Angeles, California 90024. Article: LKB 2128-010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section specimens from all areas related to the study of pathologies in the opthalmic field. Samples of retina, choroid, cornea, iris, muscles, etc. are to be studied. Investigations will include ultrastructural studies of normal and pathologic tissues, correlative studies of clinical, gross and microscopic impressions of surgical and autopsy materials.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (February 1, 1979).

Reasons: The foreign article has a cutting speed range of 0.1 to 50 millimeters/second (mm/sec). The MT-5000 ultramicrotome manufactured domestically by the DuPont/Sorvall Division of the DuPont Company (Sorvall) became available on April 24, 1979. The MT-5000 has a cutting speed range of 0.1 to 38 mm/sec. However, at the time the foreign article was ordered the most closely comparable domestic instrument was the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by the Department of Health, Education, and Welfare in its memorandum dated March 10, 1980 that (1) cutting speeds in excess of 4 mm/sec. are pertinent to the applicant's research studies and (2) the domestic instrument

does not provide the pertinent feature. We therefore find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-12736 Filed 4-24-80; 8:45 am]

BILLING CODE 3510-25-M

University of California; Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79-00462. Applicant: University of California, San Diego, Department of Biology, B-022, La Jolla, California 92093. Article: Microtec Warm Stage, Injection Syringe and Microforge. Manufacturer: Micro Instruments, United Kingdom. Intended use of article: The article is intended to be used as part of a system in which blastocysts and cells will be injected with various other cells and parts of cells. While these materials are being manipulated they must be kept at 37°C since they are living and T° sensitive, hence the warm stage. These cells will be injected for the purpose of making chimeric mice. Their size necessitates a very tiny tip on the injection pipet. These are made with the microforge. The injection syringe is used to inject the very tiny amounts of material. The experiment involves making chimeric mice and studying their behavior, including alcohol drinking behavior. Application received by Commissioner of Customs: October 18, 1979.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capabilities to maintain a temperature of 37 degrees centigrade and prepare micropipets suitable for injecting small volumes into growing cells. The Department of Health, Education, and Welfare advises in its memorandum dated February 21, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which are being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-12737 Filed 4-24-80; 8:45 am]

BILLING CODE 3510-25-M

University of Texas; Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00460. Applicant: The University of Texas at Austin, Electric Engineering Research Laboratory, 10100 Burnet Road, Austin, Texas 78758. Article: Millimeter Reflex Klystron. Manufacturer: Varian Associates of Canada, Canada. Intended use of article: The article will be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver which is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency range of 125-133 gigahertz. The National Bureau of Standards advises in its memorandum dated March 5, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-12738 Filed 4-24-80; 8:45 am]

BILLING CODE 3510-25-M

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before May 15, 1980.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 735 at 666 11th Street N.W., Washington, D.C.

Docket No. 80-00163. Application: Trustees of the University of Pennsylvania, 3451 Walnut Street/I6, Philadelphia, PA 19104. Article: Cracking Monitor. Manufacturer: San Denshi Ind. Co., Ltd. Japan. Intended use of article: The article is intended to be used to measure over a wide frequency range the acoustic signals emitted from stressed alloy steel specimens in which solute elements have been allowed to segregate to grain boundaries under either ambient or hydrogen gas atmospheres. The wide frequency capability will be used to identify the signals caused by cracking, distinguishing from those due to plastic

deformation, so that hydrogen-induced cracking may be identified. As additional experiments, the mechanisms of several types of fracture such as cleavage and microvoid coalescense will be studied. The article will be used by graduate students and post-doctoral fellows as a primary research (and educational) tool. Application received by Commissioner of Customs: January 24, 1980.

Docket No. 80–00164. Application: The University of Michigan, Division of Biological Sciences, 3115 Natural Sciences, Ann Arbor, Michigan 48109. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for a research project which utilizes *Drosophila melanogaster* as a model system to investigate ultrastructural changes in cells and tissues of normal and mutant individuals during aging. The research will involve the study in detail of changes mediated by mutant genes at the chromosomal level and the effects of these changes on cytoplasmic organelles, cell surfaces and membrances. Application received by Commissioner of Customs: January 24, 1980.

Docket No. 80–00165. Applicant: University of Chicago, Microbiology Department, 920 East 58th Street, Cummings Life Science Center, Chicago, Illinois 60637. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for conducting studies of deoxyribose nucleic acid (DNA) molecules, both native duplex and heteroduplex preparations in many diverse experiments of a molecular genetic nature. The article will also be used for research training of graduate students and postdoctoral trainees by means of participation in current actual research programs. Application received by Commissioner of Customs: January 24, 1980.

Docket No. 80–00166. Applicant: Main Maritime Academy, Castine, Maine 04421. Article: Marine Diesel Propulsion Simulator. Manufacturer: MacGregor Canada Ltd., Canada. Intended use of article: The article is intended to be used in courses in Advanced Diesel Engineering, which are designed to integrate the total of all diesel and electrical plant operating characteristics into a student response program. The course objectives are to incorporate individually learned systems, operating conditions and procedures into a normal operating engineers response program. The student, after familiarization with the control room, must respond to a full range of casualties and take corrective action. The simulator will make this possible in a laboratory situation. Application received by Commissioner of Customs: January 24, 1980.

Docket No. 80–00167. Applicant: The University of Texas at Austin, Department of Zoology, Austin, Texas 78712. Article: Electron Microscope Model H–300. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for teaching of Zoology 339 and Zoo 382–L2 (Histological and Cytological Techniques). Both courses cover basic light microscope techniques and slide preparation, histochemical analysis, electron microscopy of thin sections of negatively stained materials, and scanning electron microscopy. Application received by Commissioner of Customs: January 30, 1980.

Docket No. 80–00168. Applicant: Massachusetts Eye and Ear Infirmary, Department of Otolaryngology, 243 Charles Street, Boston, MA 02114. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of the normal and pathological anatomy of tissues of the ear, nose, and throat. The experiments to be conducted include the study of the anatomy of the spiral ganglion and organ of Corti of animal and human. Of particular interest are the neural connections and synaptic morphology of these areas. The inner ears of animals with endolymphatic hydrops will be studied after drug application. Other areas of interest include the ultrastructure of abnormalities of nasal and bronchial cilia and neoplasms that occur in the head and neck area. In addition, the article will be used in the training of research and medical students. Application received by Commissioner of Customs: January 31, 1980.

Docket No. 80–00169. Applicant: Sandia Laboratories, Albuquerque, New Mexico 87185. Article: Excimer Laser, Model TE262–2. Manufacturer: Lumonics Ltd., Canada. Intended use of article: The article is intended to be used to evaluate the technology used in its manufacturing and for use as a master oscillator for a large-scale short-pulse Krypton Fluoride laser system. Experiments will be performed to test and improve the optical quality of this laser, to test the efficiency with which it can be used to extract the stored KrF laser energy from a large electron-beam excited KrF amplifier and to test the compatibility of its timing and firing systems with a large-scale laser system. Application received by Commissioner of Customs: January 31, 1980.

Docket No. 80–00170. Applicant: Sandia Laboratories, Division 5111, Albuquerque, New Mexico 87185. Article: Electron Microscope Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine crystalline and non-crystalline solids, including iron and aluminum, which have been ion implanted with a second species. These will be examined (a) just after implantation, (b) after furnace annealing, and (c) after pulsed electron beam or pulsed laser irradiation. Experiments will include transmission electron microscopy to look at lattice defects and second phase particles in thinned sections of material. Electron diffraction will be used to identify precipitated phases. Scanning transmission electron microscopy (STEM) will also be used to image defects and to provide a small diameter electron beam for micro-diffraction of areas as small as 200 A. Secondary electron detection will be used to study changes in the surface of the samples resulting from ion implantation or pulsed irradiation. Application received by Commissioner of Customs: January 31, 1980.

Docket No. 80–00171. Applicant: Presbyterian Hospital, Inc., N.E. 13th at Lincoln Blvd., Oklahoma City, Oklahoma 73104. Article: Electron Microscope, Model EM 109 and Accessories. Intended use of article: The article is intended to be used in a clinical setting to provide differential diagnosis of tumors and kidney disease, as well as other less common applications. This will allow appropriate therapy to be instituted which will give maximum patient benefit. Application received by Commissioner of Customs: January 31, 1980.

Docket No. 80–00172. Applicant: Sandia Laboratories, P.O. Box 5800, Albuquerque, New Mexico 87185. Article: Electron Microscope, Model JEM 200 CX and Accessories. Manufacturer: JEOL Ltd., Japan Intended use of article: the article is intended to be used in materials research projects supporting both nuclear weapons component design and development and energy development programs. These research projects cover a wide range of advanced materials, including high strength metals and alloys, superalloys, complex glass, ceramic, and glass-ceramics, semiconductor materials, and ploymer composites. Specific projects conducted will include the following:

(1) Research on high strength uranium alloys for weapons applications—studies to characterize phase transformations and deformation substructures resulting from thermomechanical processing of U–Ti and U–Mo alloys.

(2) Research on Fe- and Ni-based superalloys for weapons applications—time-temperature-transformation studies to characterize the microstructures in these alloys resulting from isothermal heat treatment.

(3) Research on glass ceramics for weapons components—studies to develop optimum glass-ceramic chemistries and heat treatments for glass-to-glass to metal applications.

(4) Research on epoxy encapsulants for weapons components—studies to understand the mechanism for improved toughness in rubber-strength epoxies.

Other research projects will include characterization of thin film deposits on various substrates for photovoltaic applications, investigations of fired, thick-film resistor and conductor inks on alumina substrates for microelectronic applications, and characterization of the microstructures of complex, multi-component, multi-phase ceramics for simulated radioactive waste forms. Application received by Commissioner of Customs: January 31, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-12739 Filed 4-24-80; 8:45 am]

BILLING CODE 3510-25-M

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before May 15, 1980.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 735 at 666 11th Street, N.W., Washington, D.C.

Docket No. 80–00151. Applicant: Washington University School of Medicine, 660 South Euclid, Box 8101, St. Louis, Missouri 63110. Article: Rapid Mixer Quencher. Manufacturer: Intermekron, AB, Sweden. Intended use of article: The article is intended to be used for the study of the kinetics of the operation of the enzyme that transports salt in the kidney. Application received by Commissioner of Customs: January 23, 1980.

Docket No. 80–00152. Applicant: University of California, Molecular Biology Institute, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Arndt Wonacott Rotation Camera without Controller. Manufacturer: Enraf-Nonius, The Netherlands. Intended use of article: The article is intended to be used for single crystal x-ray diffraction research on the structure of biological macromolecules. A major portion of the work performed in this instrument will be done by graduate students in chemistry, biochemistry, and molecular biology as part of research done in preparation of a thesis. Application received by Commissioner of Customs: January 23, 1980.

Docket No. 80–00153. Applicant: University of California, Los Angeles, Molecular Biology Institute, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Electron Microscope, Model EMB 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in collaborative research on the structure, organization, regulation and function of nucleic acids and nucleic acid complexes.

Research projects will include:

(1) Genome organization and RNA processing—studies on the arrangement of histone genes in sea urchins, on the arrangement of immunoglobulin processing, various aspects of gene organization in SV40 virus genetic organization Vibrio cholera, replication of the bacterial virus M–13 and the genetic organization of bacteriophage >T–4 and cyanobacterial genes.

(2) Gene expression—involves RNA transcription from Drosophila chromosomes, organization and expression of genes coding for globin and for tumor cell products, the expression of mitochondrial DNA from trypanosomes, the expression of SV40 DNA and related human viruses, and the expression of messenger RNA from the arabinose operon of *E. coli.*

(3) Tertiary structure of nucleic acids and nucleoproteins—involves the comparative structure of ribosomes from different sources, message location on the ribosome particle, the structure and arrangement of DNA in nucleosomes, the maturation of M–13 virus involving coat protein, cell membrane and viral DNA, and the structure of antibodies. In addition, the article will be used in the course Structural Molecular Biology by graduate students to obtain research competence in electron microscopy. Application received by Commissioner of Customs: January 23, 1980.

Docket No. 80–00154. Applicant: Indiana University School of Medicine, Department of Anatomy, 1100 West Michigan, Indianapolis, Indiana 46223. Article: Electron Microscope, Model EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used by faculty, post-doctoral fellows, graduate students and trained technicians to study ultrastructural features of human and experimental animal tissues in various research projects. These research projects include:

(1) Mechanism of myelination and demyelination with respect to the position of PNS myelin proteins.

(2) Ultrastructural organization of monoaminergic dendrite bundles in medullary raphe nuclei and locus coeruleus of developing mammalian brains.

(3) Mobility of lecthin receptors and agglutination in developing intestinal absorptive cells.

(4) Cytoskeletal and functional interactions between pulmonary endothelial cells and alveolar macrophages in response to varying states of hyperoxia.

(5) Comparison and correlation of the effect of diabetic neuropathy vs. crush injury on peripheral nerves.

(6) Ultrastructural analysis of the effect of diabetes on microvascular supply to skeletal muscle.

(7) Ultrastructural changes in capillary permeability, correlated with microelectrode studies of K^+ ion exchange.

(8) The regulation of Ga^{2+} in relation to exoplasmic transport.

(9) Ultrastructural studies of Norman and Otosclerotic middle ear ossicles.

(10) Ultrastructural evaluation of a new water-soluble embedment medium for electron microscopy.

In addition, the article will be used to train graduate students in techniques of electron microscopy sufficient to enable them to understand and to professionally perform all aspects of electron microscopy, including, preparation of tissues, operation of the

microscope, and interpretation of scientific data revealed by electron micrographs. Application received by Commissioner of Customs: January 24, 1980.

Docket No. 80–00155. Applicant: University of Illinois at Chicago Circle, Department of Physics, P.O. Box 4348, Chicago, Illinois 60680. Article: Excimer Laser, Model EMG 500. Manufacturer: Lambda Physic, West Germany. Intended use of article: The article is intended to be used to excite atomic and molecular species via multiquantum process. The experimental goals are the study of kinetic and optical properties of high lying electronically excited states. Populations of such states will be monitored by fluorescene detection techniques. The article will also be used by graduate students and postdoctoral level scientists learning advanced techniques of laser applications in fundamental spectroscopic research. Application received by Commissioner of Customs: January 24, 1980.

Docket No. 80–00156. Applicant: Medical University of South Carolina, 171 Ashley Avenue, Charleston, South Carolina 29403. Article: LKB 14800 Cryokit and 14860 Cryotools. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological tissues deviced mainly from mammalian and avian sources. Investigations will be conducted to further elucidate the process of bone mineralization and the nature of the cellular involvement in calcium translocation. The article will also be used to train graduate students for biomedical research in the courses Biophysics 855. Biological Ultrastructure and Biophysics 600. Research for MS. Application received by Commissioner of Customs: January 24, 1980.

Docket No. 80–00157. Applicant: University of Miami, Department of Chemistry, P.O. Box 249118, Coral Gables, Florida 33124. Article: Flow Microcalorimeter Block with Gold Flow and Flow Mixing Reaction Cells and Accessory Kit. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of anhydrous organic solvents and electrolyte solutions of these solvents. The solvents include anhydrous methanol, ethanol, acetonitrile, dimethylformamide, dimethylsulfoxide, acetone, and other polar organic solvents. The electrolytes include soluble alkaki metal halides, alkaline earths and tetraalkylammonium halides. The long range goal of the experiments conducted is to use the information to elucidate structure of electrolytic solutions. The article will be used primarily in graduate education for those students working on Master or Ph.D. degrees. Application received by Commissioner of Customs: January 24, 1980.

Docket No. 80–00158. Applicant: University of Pennsylvania School of Medicine, Department of Pathology and Lab. Med., 36th and Hamilton Walk, Philadelphia, PA 19104. Article: Ultramicrotome Model LKB 2088 Ultrotome V and Cryokit. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section various materials primarily for medical research with particular emphasis on diabetes and related diseases. This research involves investigation of mechanism of action of insulin in adipocytes from its initial binding to the hormone receptor on the plasma membrane through and including its alteration of lipolysis, protein synthesis, calcium binding and distribution, plasma membrane ATPase activity and membrane phosphorylation. Experiments will include:

(1) Comparison of the ultrastructural localizaton of the insulin receptor with the localization of the enzyme.

(2) Studies on the mode and mechanism of insulin uptake into and degradation by cells.

(3) Observation of the alterations of calcium and other ion distribution in cells caused by hormone treatment.

Application received by Commissioner of Customs: January 24, 1980.

Docket No. 80–00159. Applicant: National Institutes of Health, Pathology Unit, 9000 Rockville Pike, Building 28A, Room 111, Bethesda, Maryland 20205. Article: Ultramicrotome, LKB 2128–010 Ultrotome IV. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section animal and microbiological specimens embedded in hardened epoxy resins. Studies will be conducted with the aim of furthering basic knowledge on cell and tissue ultrastructure and to reveal at the ultrastructure level the cellular changes in cells and tissues and to identify the pathogenic factors and causes of animal and experimental diseases. Application received by Commissioner of Customs: January 24, 1980.

Docket No. 80–00160. Applicant: Columbia University, Box 610 Havemeyer Hall, Chemistry Department, New York, New York 10027. Article: Excimer Laser, Model EMG 101. Manufacturer: Lambda-Physik, West Germany. Intended use of article: The article is intended to be used to produce large quantities of excited states of molecules. Post doctoral students and graduate students will use the article for their research and will learn fundamental techniques of laser applications in chemical and physical research while using it. Application received by Commissioner of Customs: January 24, 1980.

Docket No. 80–00161. Applicant: Sinai Hospital of Detroit, 6767 W. Outer Drive, Detroit, Michigan 48235. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for expanded studies directed towards investigation of the possible role of lysosomes in steroidogenesis by conducting various cytochemistry experiments. The article will also be used for a threefold educational purpose:

(1) Training of students in electron microscopy and in basic research methodology,

(2) Exposure of students already interested in electron microscopy to the practicalities of research in this field, and

(3) Preparation and presentation of material at pathology conferences.

Application received by Commissioner of Customs: January 24, 1980.

Docket No. 80–00162. Applicant: California Institute of technology, Pasadena, California 91125. Article: Nuclear Magnetic Resonance Spectrometer, Model JNM/FX–90Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine samples of organic and inorganic materials produced in various research groups in the Department of Chemistry. Research projects to be undertaken will include:

(a) Activation of Molecular Nitrogen, Carbon Monoxide, and Hydrocarbons With Organometallic Compounds of the Early Transition Metals. Organometallic complexes will be examined by ^{13}C, ^{1}H, ^{2}H, ^{31}P, ^{15}N F.T. NMR.

(b) Chemistry of 1,1-Diazenes—Low concentrations, low temperature samples of these reactive molecules will be examined by ^{13}C, ^{1}H, ^{2}H, ^{15}N F.T. NMR. The structures of organic precursors will be routinely examined.

(c) Molecular Recognition of DNA by Small Molecules—^{13}C, ^{1}H, ^{2}H, ^{29}Si, ^{31}P F.T. NMR spectra of small synthetic organic molecules which can serve as bis-intercalators will be obtained.

(d) Studies in Organic Synthesis—Organic natural products and their synthetic precursors require ^{13}C (^{17}O) for identification.

(e) Copper (I) Coordination Chemistry—Copper complexes will be examined by ^{65}Cu, ^{13}C, ^{17}O, and ^{1}H NMR spectroscopy. These include complexes with both polydentate synthetic and polypeptide ligands.

(f) Metal Catalyzed Reactions of Olefins—Alkyl complexes of Ni, Ti, Pd, Pt and Rh will be studied by using ^{19}F, ^{13}C, ^{1}H, ^{31}P, ^{2}H, and ^{195}Pt, NMR. Similar work will be carried out on catalytic systems.

(g) Polymer Attached Catalysts—Metal Complexes attached by covalent links to swellable polymers will be studied by ^{31}P, ^{13}C and, ^{19}F NMR.

(h) Preparation of Theoretically Interesting Organic Molecules—The precursors of reactive intermediates will be examined by ^{1}H, ^{13}C, ^{15}N, and ^{2}H, NMR.

(i) Use of Sugars As Chiral Synthetic Intermediates—Highly oxygenated species will be examined by ^{13}C, and ^{17}O NMR.

(j) Dynamics and Structure of Enzymes—Enzymes from species grown on enriched ^{15}N amino acids are to be studied by ^{15}N NMR.

This research will be carried out by graduate students as part of their education for which they received formal course credit. Application received by Commissioner of Customs: January 24, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-12740 Filed 4-24-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 84-265), will hold its 29th regular meeting to consider: (1) status reports on the Spiny Lobster; Shallow-water Reef Fishes; Migratory Coastal Pelagics; Mollusks; Deep-water Reef Fishes, and Billfishes Fishery Management Plans (FMP's); (2) report on the April 30, 1980, Scientific and Statistical Committee meeting; (3) the Council's education and information program; (4) hearings for the Spiny Lobster Draft FMP; (5) Draft FMP for Shallow-water Reef Fishes; (6) work plan for a Bait Fishes FMP, and other Council business.

DATES: The meetings will convene on May 14-15, 1980, at 9 a.m., and will adjourn May 14, 1980, at 5 p.m., and on May 15, 1980, at approximately 12 noon. The meetings are open to the public.

ADDRESS: The meetings will take place at the Conference Room of the Virgin Isles Hotel, St. Thomas, U.S. Virgin Islands.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753-4926.

Dated: April 22, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-12801 Filed 4-24-80; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Limited Exclusive Patent Technical License

Notice is hereby given that the National Technical Information Service (NTIS), U.S. Department of Commerce, proposes to grant to Kontes, of Vineland, New Jersey 08360 a limited exclusive right in the United States for the manufacture, use and worldwide sale of the products embodied in an invention on "Horizontal Flow-Through Coil Planet Centrifuge Without Rotating Seals," protected by U.S. Patent No. 4,058,460 (dated November 15, 1977).

This patent has been assigned to the United States of America, as represented by the Secretary of Human Resources. Custody of the right to license this invention has been transferred to the Secretary of Commerce.

Copies of the patent may be purchased from the Patent and Trademark Office, Washington, D.C. 20231 at a cost of fifty cents per copy.

Public announcements of the availability of this invention for licensing were published in the **Federal Register** on April 12, 1978 (43 Federal Register 15351); in the NTIS publication *Government Inventions for Licensing* on April 11, 1978; and in the *Official Gazette* of the Patent and Trademark Office on May 16, 1978. To date, these and other promotional efforts have not resulted in any applications for, or the granting of, nonexclusive licenses under this patent. The Director of NTIS has therefore determined, in accordance with 41 CFR 101-4.103-3, that this invention is available for licensing on a limited exclusive basis.

The limited exclusive license proposed to be granted will be a royalty-bearing license for a term of five years from the effective date of the license agreement. The license will be revocable in accordance with 41 CFR 101-4.104-5.

The proposed license will be subject to an irrevocable, nonexclusive, nontransferable, royalty-free right in the U.S. Government to make, use or sell the licensed invention throughout the world by or through contract on behalf of the U.S. Government or any foreign government pursuant to a treaty or agreement with the United States.

The proposed license will be granted by NTIS to Kontes unless, on or before June 24, 1980, NTIS receives (1) an application for a nonexclusive license from a responsible U.S. applicant intending to practice the invention identified herein in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time under a nonexclusive license; or (2) written evidence and argument which establishes that it would not be in the public interest to grant the proposed limited exclusive license to Kontes.

Written data, inquiries, comments and objections relating to this proposed limited exclusive license should be submitted to the Office of Government Inventions and Patents, National Technical Information Service, Springfield, VA 22161. NTIS shall maintain and make available for public inspection a record of all decisions made in this matter and the basis therefore. This record shall contain copies of all written data, inquiries, comments and objections received by NTIS and pertaining to the proposed limited exclusive license.

Dated: April 16, 1980.

Melvin S. Day,

Director, National Technical Information Service.

[FR Doc. 80-12747 Filed 4-24-80; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Additions

AGENCY: Committee for Purchase of from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1980 commodities to be produced by and services to be provided

by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 25, 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: On February 22, 1980, February 1, 1980, February 29, 1980, and February 15, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 11873, 45 FR 7276, 45 FR 13499, and 45 FR 10394) of proposed additions to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities and services are hereby added to Procurement List 1980:

Class 5350

Mat, Abrasive
5350–00–967–5089
5350–00–967–5093
5350–00–967–5092

SIC 0782

Grounds Maintenance, Fort Ord, California.

For the following Areas:

1. Football Field
2. Multipurpose Field
3. Durham Field
4. Sober Field
5. Bowling Alley
6. Building #3015

SIC 7349

Janitorial Service, Federal Center, Corps of Engineers, Walla Walla, Washington.

SIC 7399

Repair of Field Jackets, Fort Riley, Kansas.

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 80–12750 Filed 4–24–80; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1980; Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletion from procurement list.

SUMMARY: This action deletes from Procurement List 1980 commodities produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: April 25, 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: On March 7, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (45 FR 14915) of proposed deletion from Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodities 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 commodities are hereby deleted from Procurement List 1980:

Class 7210

Pillowcase
7210–00–170–5478
7210–00–171–1100
7210–00–205–3101
7210–00–761–1472

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 80–12751 Filed 4–24–80; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1980; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1980 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS: Must be received on or before May 28, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145

SUPPLEMENTARY INFORMATION:

This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1980, November 27, 1979 (44 FR 67925):

Class 7520

Pencil, Mechanical
7520–00–590–1878

Class 8470

Retention Strap, Parachutist Helmet
8470–01–092–7524

SIC 7331

Mailing Service for the following:
Federal Trade Commission, Washington, D.C.
National Credit Union Administration (Printing Service), Washington, D.C.
Department of Transportation, National Highway Traffic Safety Administration, Washington, D.C.
Department of the Interior, Washington, D.C.
U.S. Geological Survey, Bureau of Technical Editing, Reston, Virginia

SIC 7349

Janitorial Service, Federal Building, 35 Ryerson Street, Brooklyn, New York

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 80–12752 Filed 4–24–80; 8:45 am]

BILLING CODE 6820–33–M

COMMODITY FUTURES TRADING COMMISSION

Advisory Committee on State Jurisdiction and Responsibilities Under the Commodity Exchange Act; Second Renewal

The Commodity Futures Trading Commission has determined to renew again for a period of two years its advisory committee designated as the "Commodity Futures Trading Commission Advisory Committee on State Jurisdiction and Responsibilities under the Commodity Exchange Act" ("Advisory Committee on State Jurisdiction and Responsibilities"). As required by Section 14(a)(2)(A) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 14(a)(2)(A), and the guidelines thereunder, the Commission has consulted with the General Services Administration's Committee Management Secretariat, and the Commission certifies that the renewal of the advisory committee is in the public interest in connection with duties imposed on the Commission by the Commodity Exchange Act, 7 U.S.C. § 1, *et seq.*, as amended.

The objectives and scope of activities of the Advisory Committee on State Jurisdiction and Responsibilities are to conduct public meetings and submit reports and recommendations on

matters of joint concern to the states and the Commission arising under the Commodity Exchange Act regarding regulation of commodity transactions and related activities, including the following:

(1) Enforcement by the states, in coordination with the Commission, of the provisions of the Commodity Exchange Act;

(2) the continued enforceability of general state civil and criminal antifraud laws and similar statutes of general applicability with respect to commodity transactions; and

(3) the nature of instruments and transactions subject to:

(a) exclusive federal jurisdiction under the Commodity Exchange Act; and

(b) concurrent state law jurisdiction.

The General Counsel of the Commission serves as Chairman of this Advisory Committee on State Jurisdiction and Responsibilities. State officials, who have had experience in the commodities and consumer protection fields, serve as members, along with certain other persons knowledgeable about commodities law. In addition, the Commission's Enforcement Division Director and the Deputy Executive Director are members.

Interested persons may obtain information or make comments by writing the Commodity Futures Trading Commission, 2033 K Street N.W., Washington, D.C. 20581.

Issued in Washington, D.C. this 22nd day of April 1980 by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-12696 Filed 4-24-80; 8:45 am]

BILLING CODE 6351-01-M

COUNCIL ON WAGE AND PRICE STABILITY

Price Advisory Committee; Meeting

Authority of Committee: The Price Advisory Committee was established by the Council on Wage and Price Stability pursuant to Executive Order 12161 (44 FR 56663).

Time and Place of Meeting: The Price Advisory Committee will meet on May 14, 1980, at 10:00 a.m. in Room 2008 of the New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Purpose of the Meeting: The purpose of the meeting will be to continue unfinished business from the Committee's earlier meetings.

Public Participation: The meeting of the Price Advisory Committee will be open to the public. Public attendance will, however, be limited by available space; persons will be seated on a first-come, first-served basis. Persons attending the meeting will not be permitted to speak or participate in the Committee's deliberations. Interested persons will be permitted to file written statements with the Committee by mail or personal delivery to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

Additional Information: For additional information, please telephone the Office of Public Affairs at (202) 456-6756.

Dated: March 14, 1980.

Sally Katzen,

Advisory Committee Management Officer.

[FR Doc. 80-12676 Filed 4-22-80; 1:09 pm]

BILLING CODE 3175-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, June 3, 1980; Tuesday, June 10, 1980; Tuesday, June 17, 1980; and Tuesday, June 24, 1980 at 10:00 a.m. in Room 3D-325, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommentations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

O. J. Williford,

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

April 21, 1980.

[FR Doc. 80-12700 Filed 4-24-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-R-013]

Grants for Offices of Consumer Services; Date for Receipt of Grant Applications for Offices of Consumer Services

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of date for receipt of grant applications.

SUMMARY: The Department of Energy (DOE) is hereby establishing July 15, 1980 as the deadline for receipt of State grant applications for the Offices of Consumer Services Program. This program provides grants to States for the establishment or operation of State Offices of Consumer Services to assist the representation of consumer interests in electric proceedings of utility regulatory commissions as authorized by section 205 of the 1976 Energy Conservation and Production Act and amended by the Public Utility Regulatory Policies Act of 1978. This date is for the operation of the Offices of Consumer Services Program in 1980 only, and is intended to satisfy the administrative time requirements of DOE and to provide grant applicants earlier notification of the award of funds

in order to assist them in fiscal year planning.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT:

Gary Cohen, Office of Utility Systems, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W. (Room 4306), Washington, D.C. 20461, (202) 653–3920.

Mary Ann Masterson, General Counsel, Department of Energy, 1000 Independence Avenue, S.W. (Room 1E–258), Washington, D.C. 20585, (202) 252–9516.

SUPPLEMENTARY INFORMATION:

Regulations establishing the Offices of Consumer Services Grant Program were issued by the Federal Energy Administration (now the Department of Energy (DOE)) on June 30, 1977, as Part 460 Chapter II, Title 10, of the Code of Federal Regulations (CFR), and subsequently amended on August 10, 1977 (42 FR 41270, August 16, 1977) and on June 29, 1979 (44 FR 40044, July 6, 1979). The regulations established a program of discretionary grants to States pursuant to section 205 of the Energy Conservation and Production Act (ECPA), Pub. L. 94–385, 90 Stat. 1125 *et seq.* (42 USC 6801 *et seq.* as amended by section 142 of the Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, 92 Stat. 3117 *et seq.* (15 USC 2601 *et seq.*). The purpose of this program is to provide financial assistance for the establishment or operation of State Offices of Consumer Services to support the representation of consumer interest in proceedings involving electric regulatory matters before utility regulatory commissions.

Pursuant to 10 CFR § 460.11(a), DOE is hereby establishing the date for the submission of 1980 applications. To be eligible to receive an Offices of Consumer Services Grant in fiscal year 1980, an applicant shall submit an application in conformity with § 461.11(b) which shall be received by DOE on or before 5:30 p.m., e.d.t., July 15, 1980.

This notice affects the operation of the Offices of Consumer Services Program in 1980 only, and is intended to satisfy the administrative time requirements of DOE and to provide grant applicants early notification of the award of funds in order to assist them in fiscal year planning. All other provisions and requirements of 10 CFR section 460 are unchanged.

Issued in Washington, D.C. on April 21, 1980.

Jerry L. Pfeffer,

Assistant Administrator, Office of Utility Systems, Economic Regulatory Administration.

[FR Doc. 80–12842 Filed 4–24–80; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

Determination To Establish Petroleum Pipeline Advisory Committee on Valuation

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), I hereby certify that the establishment of a Petroleum Pipeline Advisory Committee on Valuation is in the public interest in connection with the duties imposed upon the Federal Energy Regulatory Commission, Department of Energy by the Department of Energy Organization Act of 1977, Section 624, and other applicable law. This determination follows consultation with the Committee Management Secretariat, General Services Administration, pursuant to Section 9 (a)(2) of the Federal Advisory Committee Act and OMB Circular A–63 (Revised).

1. *Name of Advisory Committee:* Petroleum Pipeline Advisory Committee on Valuation.

2. *Purpose:* The Committee will provide the Office of Pipeline and Producer Regulation (OPPR), Federal Energy Regulatory Commission (FERC), with data and information needed by the FERC to determine annual price/cost indices for petroleum pipeline facilities and equipment. These indices are vital to the FERC in determining:

(a) original (basic) valuations of all oil pipelines as required by Section 19a of the Interstate Commerce Act; and

(b) annual valuations for each pipeline which the FERC must compile to comply with the requirement of Section 19A that on completion of such original valuations it shall keep itself informed of all new construction, extensions, and improvements in each such pipeline and all changed in the investment and the valuation.

In certain cases valuations have been the basis upon which the FERC has determined the reasonableness of pipeline rates, and these valuations are certified by the FERC to the Department of Justice for its use in determining compliance by the pipelines with the oil pipeline Consent Decree. These valuations are also used by state and local authorities in the regulation of pipeline rates and in the taxation of pipeline properties.

The Committee will serve in an advisory capacity only; completely independent and final calculation of data and information submitted by the Committee will be made by the OPPR's Valuation Branch.

3. *Effective Date of Establishment and Duration:* This Advisory Committee is established effective 15 days after publication of this notice and after filing of the charter with the standing committees of Congress having legislative jurisdiction over the Department of Energy and with the Library of Congress. The Committee will terminate two years from the date of its establishment.

4. *Membership:* The membership of the Advisory Committee shall be fairly balanced in terms of the points of view and functions of the industry and users affected, including those of residential, commercial, and industrial consumers. There will be no discrimination on the basis of race, color, national origin, religion, age or sex.

5. *Operation:* The Petroleum Pipeline Advisory Committee on Valuation will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), FERC policy and procedures, OMB Circular A–63 (Revised) and other directives and instructions issued in accordance with the implementation of the Act.

6. *Objectivity:* The advice and recommendations of the Advisory Committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the Advisory Committee's independent judgement.

Issued at Washington, D.C., on April 21, 1980.

Charles B. Curtis,

Chairman.

[FR Doc. 12803 Filed 4–24–80; 8:45 am]

BILLING CODE 6450–85–M

Economic Regulatory Administration

Petitions for Temporary Public Interest Exemptions To Burn Natural Gas; Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the natural gas use prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act),

42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the petitioners who own or operate the powerplants listed in the table below. The exemptions will permit displacement of middle distillate fuel oil by the use of natural gas.

Docket No.	Owner	Generating station (location)	Powerplant identifiction
52570-0311-21-41	San Diego Gas & Electric Co	El Cajon (El Cajon, Calif.)	GT 1
52570-0311-01-41		Station B (San Diego, Calif.)	#21
52570-0311-03-41			#23
52570-0311-04-41			#24
52570-0311-05-41			#25
52570-0311-06-41			#26
52570-0311-07-41			#27
52570-0311-08-41			#28
52570-0311-11-41			#31
52570-0311-12-41			#32
52570-0311-13-41			#33
51817-1304-21-41	City of McPherson, Kans	West Avenue A (McPherson, Kans.)	CT 1
51817-1304-22-41			CT 2
51817-1304-23-41			CT 3
51988-2275-01-41	Nebraska Public Power District.	Ogallala (Ogallala, Nebr.)	#1
51988-2276-02-41		Bluffs (Scottsbluff, Nebr.)	#2
52588-0733-21-41	Savannah Electric & Power Co.	Port Wentworth (Port Wentworth, Ga.)	CT 1
52588-0732-21-41		Boulevard (Savannah, Ga.)	CT 1
52588-0732-22-41			CT 2
52588-0732-23-41			PCT 3
53195-6210-21-41	Washington Water Power Co.	Northeast (Spokane, Wash.)	CT 1
50782-1743-31-41	Detroit Edison Co	St. Clair (East China Township, Mich.)	CT 11
52385-0894-21-41	Illinois Power Co	Oglesby (Oglesby, Ill.)	CT 1
52385-0894-22-41			CT 2
52385-0894-23-41			CT 3
52385-0894-24-41			CT 4
52385-0895-21-41		Stallings (Stallings, Ill.)	CT 1
52385-0895-22-41			CT 2
52385-0895-23-41			CT 3
52385-0895-24-41			CT 4
51549-1445-01-41	Lafayette Utilities	Rodemacher (Lafayette, La.)	#1
51549-1445-02-41			#2
51549-1445-04-41			#4
51549-1443-02-41		"Doc" Bonin (Lafayette, La.)	#2
52370-3043-21-41	Portland General Electric	Bethel C. T. Plant (Salem, Oreg.)	CT 1
66004-9117-01-41	Rochester Public Utilities	Cascade Creek (Rochester, Minn.)	CT 1
51408-1095-01-41	Iowa Public Service Co	Kirk (Sioux City, Iowa)	#1
51408-1095-02-41			#2
51408-1095-04-41			#4
51408-1095-05-41			#5
51408-1095-06-41			#6
51408-6063-01-41		Electrifarm (Waterloo, Iowa)	#1
51408-6063-02-41			#2
51408-6063-03-41			#3
51408-9066-21-41		Parr (Charles City, Iowa)	CT 1
51408-9066-22-41			PCT 2
51408-1096-12-41		Maynard (Waterloo, Iowa)	#12
50099-0161-22-41	Arizona Electric Power Coop.	Apache (Cochise County, Ariz.)	CT 2
50099-0161-23-41			CT 3
50782-1724-01-41	Detroit Edison	Beacon (Detroit, Mich.)	25
50782-1724-02-41			32
50782-1726-08-41		Conners Creek (Detroit, Mich.)	1
50782-1726-09-41			3
50782-1726-10-41			4
50782-1726-12-41			9
50782-1726-13-41			10
50782-1726-14-41			11

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas By Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). Notices of the petitions and proposed orders granting these temporary exemptions were published in the August 28 and October 22, 1979, **Federal Register** (44 FR 50395 and 44 FR 60791) with a request for public comments relating to the petitions and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemptions.

Based on the information provided by the petitioners, the powerplants listed in the above table are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301 (a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil.

Statement of Reasons. Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioners have demonstrated that these powerplants, for which they are requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioners have also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioners' utility systems, including the powerplants for which these temporary exemptions issued.

By establishing these facts the petitioners have met the eligibility criteria set out in §508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemption. ERA grants these temporary public interest exemptions for the maximum statutory period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order. This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register.** In accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230, April 9, 1979) ERA will take no action with respect to any natural gas used by the exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions. Pursuant to Section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as each petitioner, its successors and assigns, comply with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplant, and an estimate of the number of barrels of middle distillate fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a systemwide fuel conservation plan to include the five year period covered by this temporary exemption, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year systemwide fuel conservation plan.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C. on April 16, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-12811 Filed 4-24-80; 8:45 am]

BILLING CODE 6450-01-M

Powerplant and Industrial Fuel Use Act; Issuance of an Order Granting Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on April 16, 1980, it issued an order granting temporary public interest exemptions, pursuant to the authorities granted it by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.*, and 10 CFR 501.68 and 10 CFR 508, from the prohibitions of Section 301(a) (2) and (3) of the Act to the following powerplants in order to displace low sulfur residual fuel oil:

Docket No.	Petitioner	Generating station (location)	Powerplant identification No.
52375-9098-06-41	Power Authority of the State of New York.	Astoria (Astoria, New York)	6
51691-0404-01-41	L. A. Department of Water and Power.	Scattergood (Playa Del Rey, California)	1
51691-0404-02-41			2
51691-0400-01-41		Haynes (Long Beach, California)	1
51691-0400-02-41			2
51691-0400-03-41			3
51691-0400-04-41			4
51691-0400-05-41			5
51691-0400-06-41			6
50412-1595-01-41	Cambridge Electric Light Company.	Kendall Square (Cambridge, Massachusetts).	1
50412-1595-02-41			2
50412-1595-03-41			3
50412-1594-01-41		Blackstone Street (Cambridge, Massachusetts).	5
50412-1594-03-41			6
50412-1594-04-41			11

Petitions were received and filed with ERA, pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230) for temporary public interest exemptions for the use of natural gas as a primary energy source.

A notice of the petitions and the proposed order granting these temporary exemptions was published in the **Federal Register** on August 28, 1979 (44 FR 50395). Written comments were requested on the proposed order. All comments were considered by ERA.

A general comment from Allied Chemical Corporation expressed concern that the chemical industry has experienced production curtailments and plant shutdowns due to inadequate gas supplies for nonsubstitutable feedstock and process needs at the same time that DOE has concluded that excess supplies of natural gas are available. The Allied Chemical Corporation comment did not refer to any specific region nor did it specify impacts resulting from any particular petition or proposed order.

The State of New York Department of Environmental Conservation is "in favor of the use of natural gas wherever possible, since the environmental benefits are obvious. . . ." All comments that referred to specific petitions were supportive of them.

These temporary exemptions will allow the above-named units to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace fuel oil.

The order granting these temporary exemptions shall become effective sixty calendar days following publication in the **Federal Register** in accordance with Section 702(a) of FUA. The owners of the above-mentioned powerplants have received the Decision and Order by certified mail.

The order is set forth following this notice. These temporary exemptions shall be in effect, subject to terms and conditions state in the order, for an initial period ending June 30, 1982. The temporary exemptions may be extended for an additional period of three years upon written acceptance by ERA of a system-wide fuel conservation plan. However, a temporary public interest exemption, including all extensions, may not exceed the statutory maximum 5 year period authorized by the Act. The temporary public interest exemptions

granted by the Decision and Order may be terminated by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B–110, 2000 M Street, N.W., Washington, D.C. 20461.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Acting Director, Existing Facilities Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3637.

Issued in Washington, D.C., on April 16, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–12675 Filed 4–24–80; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. GP80–81]

Stream, Inc.; Application for Recovery of Production Related Costs

April 18, 1980.

Take notice that on March 27, 1980, Stream, Inc. (Stream), C–111 Petroleum Center, San Antonio, Texas 78209 filed with the Federal Energy Regulatory Commission (Commission) an application for recovery of production-related costs pursuant to § 271.1105 of the Commission's regulations.

Stream states that it produces and sells gas from Logan Farms State well (23–8N–51W, Logan County, Colorado) to Kansas-Nebraska Natural Gas Co., Inc. (K–N) under a gas purchase contract dated May 10, 1979. Stream is required to deliver the gas to K–N's then existing facilities at a pressure sufficient to enter K–N's line. Pursuant to a gas gathering contract entered into with Locogas Inc., dated May 4, 1979, Stream incurs a cost of 44.5 cents per MMBtu for gathering and compressing the gas to meet its delivery requirements. Stream requests the Commission to find that Stream may add its production-related costs to the maximum lawful price without exceeding the maximum lawful price.

Any person desiring to be heard or to protest this proceeding should, on or before May 27, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW, Washington, DC 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–12635 Filed 4–24–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. SA80–94]

The Superior Oil Co.; Application for Staff Adjustment

April 18, 1980.

Take notice that on March 20, 1980, the Superior Oil Company, P.O. Box 1521, Houston, Texas 77001 (Superior), filed with the Federal Energy Regulatory Commission an application for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 *et seq.* Superior seeks authority to collect the maximum lawful price under section 102 of the NGPA for gas produced from a well during testing.

Specifically, Superior states that § 274.202(d) of the Commission's regulations which establishes the filing requirements for new onshore reservoirs, requires the applicant to submit geological information sufficient to support a determination that the reservoir is a new onshore reservoir. Superior states that the jurisdictional agencies with which Superior deals have interpreted this language to require the applicant to submit substantial well test data in addition to well logs. Superior states that this interpretation requires it to perform initial production tests which result in the production of substantial quantities of gas.

Pursuant to § 273.202 (b) and (d), the seller of natural gas may not commence interim collections of the maximum lawful price until the seller has filed an application for determination of eligibility with the jurisdictional agency and complied with the Commission's filing requirements in § 274.202(d). Superior states that these provisions prevent gas which is produced during the tests to be sold at the section 102 price, and will prevent Superior from collecting thousands of dollars to which it is entitled. Superior requests the Commission to (1) specify in its interim collection regulations that interim collections can be made for gas produced to test a well prior to submitting the well test data required by the Commission's regulations, or (2) to permit Superior to file only well logs in support of a new reservoir application (to be supplemented later by additional well test data) and to commence interim collections from the date of the initial filing. Alternatively Superior states the Commission could authorize the retroactive collection of the section 102 price for gas produced prior to filing the application for determination to obtain additional well test data.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979 (44 FR 19861, March 30, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of 18 CFR 1.41(e), on or before May 12, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–12636 Filed 4–24–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER77–516, et al.]

Tampa Electric Co.; Filing

April 18, 1980.

Take notice that on April 14, 1980, Florida Power and Light Company (FPL) submitted for filing certain supplemental rate sheets which reflect the computation of annual capacity charges. This filing is being made pursuant to the Commission's letter of March 14, 1980 in the above-referenced proceeding.

Any person desiring to be heard or to protest said filing should file a 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 protests should be filed on or before May 12, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–12637 Filed 4–24–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80-310]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Application

April 17, 1980.

Take notice that on April 8, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-310 an application pursuant to Section 7 (c) of the Natural Gas Act and § 284.200 of the Commission's Regulations (18 CFR 284.200) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Orange and Rockland Utilities, Inc. (Orange and Rockland), one of Applicant's existing customers, during a period ending May 31, 1980, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to transport for Orange and Rockland, a volume of up to 50,000 Mcf per day of natural gas which Orange and Rockland has arranged to purchase from East Tennessee Natural Gas Company (East Tennessee) to enable it to supplant the use of imported fuel oil in the generation of electricity at its existing stations, it is said. It is stated that the volumes of gas to be purchased by Orange and Rockland and transported by Applicant, would be made available to Applicant by East Tennessee at Applicant's existing Greenbrier sales meter station delivery point to East Tennessee located in Robertson County, Tennessee. Applicant States that it would deliver equivalent volumes, less transportation fuel and use volumes, to Orange and Rockland at Applicant's existing Pearl River sales meter station delivery point to Orange and Rockland located in Rockland County, New York.

It is stated that Applicant would charge Orange and Rockland 30. 48 cents per Mcf for gas delivered at Pearl River pursuant to transportation contract between Applicant and Orange and Rockland. Applicant states that such gas would be transported only to the extent Applicant's operating conditions and available capacity permit. Applicant proposes to retain 5.26 percent of the transportation volume for fuel and use gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 8, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-12638 Filed 4-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. RP76-136 and RP77-26]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

April 17, 1980.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on April 10, 1980, tendered for filing certain revised tariff sheets as enumerated in Appendix A attached to the filing. Such sheets, which reflect the elimination of carrying charges on unrecovered demand charge adjustments, are proposed to be effective at various dates as indicated thereon during the period August 1, 1978 through January 31, 1979. In addition, Transco reported that on March 5, 1980, refunds with interest were made to its customers covering carrying charges on unrecovered demand charge adjustments collected during the period August 1, 1978 through January 31, 1979.

Transco states that on August 30, 1979, the Federal Energy Regulatory Commission (Commission) in its "Order Affirming and Adopting Initial Decision" in Docket Nos. RP76-136 and RP77-26 required that Transco file revised tariff sheets and rates in accordance with the Administrative Law Judge's initial decision in that proceeding relating to the issues of rate of return and carrying charges on unrecovered demand charge adjustments. On November 6, 1979, Transco appealed the Commission's August 30, 1979 order to the U.S. Court of Appeals for the District of Columbia Circuit (DC Cir. No. 79-2322, pending). As stated in its initial brief to the DC Circuit Court, filed on January 18, 1980 (DC Cir. Nos. 79-2182, *et al.*), Transco elected not to pursue its appeal of the carrying charge issue. Therefore, Transco considers the August 30, 1979 order to be final and nonappealable as it relates to the carrying charge issue. Accordingly, on March 5, 1980, Transco made appropriate refunds, including interest, for amounts collected during the period August 1, 1978 through January 31, 1979 related to the carrying charge issue.

Transco also states that copies of the filing were served upon the Company's jurisdictional customers and interested State commissions and parties to these proceedings.

Any persons 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 May 2, 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 with the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-12639 Filed 4-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. G-10620, et al.]

West Lake Natural Gasoline Co. (Operator), et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

April 17, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the pubilc interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1980, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-10620, Apr. 7, 1980 [1]	West Lake Natural Gasoline Company (Operator), *et al*, El Paso Natural Gas Bldg., El Paso, Texas 79999.	El Paso Natural Gas Company, Sun-Jameson Plant, Section 315, Block 1-A, H&TC Survey, Coke County, Texas.	([2])	14.65
G-17381, D, Apr. 3, 1980	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Okla. 73125.	Transcontinental Gas Pipe Line Corporation, Ship Shoal Area, Blocks 35 and 36, Offshore Louisiana.	No gas was ever produced or delivered, plugged and abandoned and leases were released or surrendered by Kerr-McGee.	
CI64-546, D, April 1, 1980	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Northern Natural Gas Company, All of Section 209, less 13.11 acres, located in Block 43, H & TC RR Co. Survey, Ochiltree County, Texas.	The lease covering said acreage expired by its own terms in 1965 without development by Applicant.	
CI67-1594, D, April 3, 1980	Kerr-McGee Corporation	Transcontinental Gas Pipe Line Corporation, Zone 2 on Block 15 and previously undedicated depths of Ship Shoal Area, Blocks 35 and 36, Offshore Louisiana.	No gas was ever produced or delivered, plugged and abandoned and leases were released or surrendered by Kerr-McGee.	
CI72-108, D, August 21, 1978, September 22, 1978.	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Tennessee Gas Pipeline Company, South Marsh Island Area, Block 29 (Vermilion Area Block 191 Field), Offshore Louisiana.	Requests termination of certificate and cancellation of related rate schedule due to assignment of interests to Shell.	
CI72-495, C, January 18, 1978	Shell Oil Company, Two Shell Plaza, P.O. Box 2099, Houston, Texas 77001.	Tennessee Gas Pipeline Company, South Marsh Island Area, Block 29 (Vermilion Area Block 191 Field), Offshore Louisiana.	([3])	15.025
CI80-202, A, February 20, 1980	Felmont Oil Corporation, P.O. Box 2266, Midland, Texas 79702.	Columbia Gas Transmission Corporation, Block 265, South Marsh Island Area, Offshore Louisiana.	([4])	15.025
CI80-261, A, April 1, 1980	Quintana Offshore, Inc., P.O. Box 3331, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, SW/4 of Block A-312, High Island Area, Offshore Texas.	([5])	14.65
CI80-262, A, April 1, 1980	Quintana Oil & Gas Corp., P.O. Box 3331, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, Block A-312 (SW/4), High Island Area, Offshore Texas.	([5])	14.65
CI80-263, A, April 1, 1980	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Texas 79173.	Transcontinental Gas Pipe Line Corporation, Block 57 (N/2), Vermilion Area, Offshore Louisiana.	([6])	15.025
CI80-265, A, April 4, 1980	Fin-Oil, Inc., P.O. Box 2159, Dallas, Texas 75221	United Gas Pipe Line Company, Block A-317, High Island Area, Offshore Texas.	([7])	14.65
CI80-266, A, April 7, 1980	Fin-Oil, Inc.	United Gas Pipe Line Company, Block A-612, High Island Area, Offshore Louisiana.	([8])	15.025
CI80-267, A, April 7, 1980	Fin-Oil, Inc., P.O. Box 2159, Dallas, Texas 75221	United Gas Pipe Line Company, Blocks A-312 and A-313, High Island Area, Offshore Texas.	([9])	14.65
CI80-268 (G-5669), B, March 24, 1980.	Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, 1022 Union Center Bldg., Wichita, Kansas 67202.	Northern Natural Gas Company, Gatterman Well No. 1, Sec. 8-29S-32W, Haskell County, Kansas.	([10])	
CI80-269 (G-5669), B, March 24, 1980.	Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn.	Northern Natural Gas Company, Orth Well No. 1, Sec. 5-30S-32W, Haskell County, Kansas.	([10])	
CI80-270, A, April 7, 1980	Fin-Oil, Inc.	United Gas Pipe Line Company, Block A-613, High Island Area, Offshore Louisiana.	([8])	15.025
CI80-271, A, April 7, 1980	Fin-Oil, Inc.	United Gas Pipe Line Company, High Island Area, Block A-330, Offshore Texas.	([11])	14.65
CI80-272 (CI67-814), B, March 17, 1980.	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, North Gruver Field, Hansford County, Texas.	The only well covered by the contract has been depleted and the lease has expired.	
CI80-273 (CI61-339), B, April 7, 1980.	Florid Gas & Oil Company, 2010 Sycamore Drive, Orlando, Florida.	Cities Service Company (Succ. in Interest to Columbian Carbon Company—Contract No. 2-146), Lick Run Field, New Milton District, Doddridge County, West Virginia.	([12])	
CI80-274 (CI78-1114), B, April 7, 1980.	Diamond Shamrock Corporation (Succ. to The Shamrock Oil and Gas Corporation), P.O. Box 631, Amarillo, Texas 79173.	Mid Louisiana Gas Company, Hemler No. 1 Well, N/2 Sec. 23-T16N-R6E, Richland Parish, Louisiana, limited to gas produced from Hosston formation.	Well plugged. Available supply of natural gas is depleted to the extent that continuance of service is unwarranted.	

[1] Providing for the delivery of residue gas to El Paso at the Sun-Jameson Plant in lieu of the West Lake Plant.
[2] Applicant is filing under Residue Gas Purchase Agreement dated 5-21-56, amended by Amendatory Agreement dated 3-20-80.
[3] Applicant is filing under Contract dated 1-13-78.
[4] Applicant is filing under Contract dated 1-24-80.
[5] Applicant is willing to accept certification conditioned to an initial rate equal to the applicable maximum lawful price prescribed in the NGPA and the Commission's regulations implementing the NGPA, including any increases in such prices, provided that Applicant shall be entitled to file increases to any higher contractually authorized prices in accordance with the Natural Gas Act and the NGPA.

[8] Applicant is filing under Gas Purchase Agreement dated 3-13-80.
[7] Applicant is filing under Gas Purchase and Sales Agreement dated 6-25-79.
[8] Applicant is filing under Gas Purchase and Sales Agreement dated 8-7-79.
[9] Applicant is filing under Gas Purchase and Sales Agreement dated 9-25-79.
[10] Surface owner and a royalty owner on captioned property has requested natural gas fuel for operation of prime mover for surface irrigation.
[11] Applicant is filing under Gas Purchase and Sales Agreement dated 8-17-77.
[12] In 1967, Cities Service Company declined to accept further deliveries of gas under its contract with Applicant and there have been no further sales to date under such contract. By letter dated 1-5-77, Cities Service Company formally cancelled the contract with Applicant. Applicant now wishes to sell its gas directly to Consolidated Natural Gas Company. Cities Service Company desires to concur and approves Applicant's request for abandonment of service by Cities Service Company under Contract No. 2-146. Consolidated Natural Gas Company has indicated it is willing to purchase Applicant's natural gas upon approval by the Commission of Applicant's abandonment request herewith made.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 80-12641 Filed 4-24-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER80-268]

Wisconsin Public Service Corp.; filing

April 17, 1980.

The filing Company submits the following:

Take notice that on March 7, 1980, Wisconsin Public Service Corporation (WPSC) tendered for filing a Partial Requirements Service agreement between WPSC and the City of Marshfield, Wisconsin (Marshfield), dated February 21, 1980.

The new agreement, proposed to be effective May 9, 1980, will cancel and replace, in its entirety, the Interconnection and Electrical Energy agreement between WPSC and Marshfield, dated May 9, 1973, and the amendments and supplements thereto.

The agreement of May 9, 1973 is being superseded because it no longer reflects the conditions of service desired. The Company further submits that rates for service covered by the present agreement are not being increased.

Copies of this filing have been served upon the affected customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 28, 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. 80-12640 Filed 4-24-80; 8:45 am]
BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1475-8]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104), U.S. 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 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of April 14, 1980 to April 18, 1980.

REVIEW PERIODS: The 45-day review Period for draft EIS's listed in this Notice is calculated from April 25, 1980 and will end on June 9, 1980. The 30-day review period for final EIS's as calculated from April 25, 1980 will end on May 27, 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 public availability and/or hard copy reproduction of EIS's filed prior to March 1980: Environmental Law Institute, 1346 Connecticut Avenue NW., Washington, DC 20036.

For hard copy reproduction or microfiche: Information Resources Press, 1700 North Moore Street, Suite 700A, Arlington, VA 22209.

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 Section 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 April 14, 1980 to April 18, 1980 the 30-day review period will be calculated from April 25, 1980. The review period will end on May 27, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of April 14, 1980 to April 18, 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: April 22, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

Appendix I—EIS's Filed With EPA During the Week of: April 14, 1980, Through April 18, 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

Draft

Lolo NF Land and Resource Mgmt. Plan, several counties in Montana, April 15: Proposed is a land and resource management plan for the Lolo National Forest in the Counties of Missoula, Mineral, Sanders, Granite, Powell, Lewis and Clark, Flathead, Ravalli, and Lake in Montana. Examined are seven alternatives for managing the 2,061,978 acres which include: (1) no action, (2) natural environment, (3) use of resources for economic purposes, (4) use of resources for local economic purposes, (5) overall/balanced management of resources and vegetative cover, and (6) emphasis on recreational activities. (USDA-FS-DEIS-01-16-80-01) (EIS order No. 800275.)

Final

Chatham and Stikane Areas Timber Sale, Tongass NF, Alaska, April 14: Proposed is a timber sale operating plan for the Chatham and Stikane Areas of the Tongass National Forest on the Islands of Kuiu, Baranof and Chicagof. The recommended action proposes harvest of 525 MMbm of timber from eight management areas for which a total of 369 miles of road must be constructed. Eight alternatives are considered. This project is located in the State of Alaska. Comments made by: EPA, USDA, TREA, HUD, DOT, DOC, DOI, groups, individuals and businesses. (EIS order No. 800274.)

Rural Electrification Administration

Final

Emery Generating Station, Transmission, Emery County, Utah, April 18: Proposed is the awarding of financial assistance to the Deseret Generation and Transmission Cooperative for the purchase of an interest in the Utah Power and Light Company's Emery Generating Station, Unit 2. The facility consists of two 430 MW coal-fired generating units and associated 345 kV transmission lines. The REA has adopted DOI/BLM final EIS, No. 770313, filed 3-10-77 as its final EIS for this project. This project is located in Emery County, Utah. (USDA-REA-EIS(ADM)-80-7-F) Comments made by: (EIS order No. 800286.)

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.

Draft

Big and Little Sallisaw Creeks Navigation Project, Sequoyah County, Okla., April 16: Proposed is a navigation plan for the Big and Little Sallisaw Creeks which are the arms of Robert S. Kerr Lake located in Sequoyah County, Oklahoma. In addition to no action, three alternative plans are considered. Plan 2 consists of a channel 9 feet deep and 100 feet wide and a 400 x 500 foot turning basin. Plan 3 would locate the channel near the north edge of the lake and includes the turning basin. Plan 4 is the same as 3 and includes the placement of dredged material in the lake for the creation of a wetland. (Tulsa District) (EIS order No. 800277.)

DEPARTMENT OF DEFENSE, NAVY

Contact: Mr. Ed Johnson, Head, Environmental Impact Statement/RDT&E Branch, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350, (202) 697-3689.

Final

Logistic Support Systems, NWS Earle, Colts Neck, Monmouth County, N.J., April 18: Proposed is the homeport relocation of two Auxiliary Oil and Explosive Ships from Naval Station Norfolk, Virginia to Naval Weapons Station (NWS) Earle, Monmouth County, New Jersey. It is also proposed that two additional Vessel Support Systems be established at NWS Earle which would require the following: 1) construction of a new pier and trestle, additional intransit railroad and truck holding yards, and additional magazines for explosive storage; 2) acquisition of land for and construction of a ship fuel replenishment system; 3) dredging in Sandy Hook Bay and adjacent approaches; and 4) other support facilities. Comments made by: AHP, USDA, DOI, COE, HUD, HEW, EPA, State and local agencies, groups, individuals and businesses. (EIS order No. 800284.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Clinton Spotts, Region VI, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2716.

Draft

Gibbons Creek Lignite Project, NPDES Permit, Grimes County, Tex., April 14: Proposed is the issuance of a NPDES permit for the Gibbons Creek Lignite Project in Grimes County, Texas. The permit applicant proposes to surface mine approximately 10,300 acres and remove 100,000,000 tons of lignite over the expected 30 year life span of the project. The lignite will be used to fuel the Gibbons Creek Steam Electric Station located adjacent to the mine site. The proposed receiving waters are Gibbons Creek, a tributary of the Navasata River. The alternatives consider: 1) mining sites and fuel resources, 2) mining technologies, 3) reclamation methods, and 4) no mining. (EIS order No. 800273.)

Contact: Mr. Roger Mochnick, Acting Chief, Region X, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101, (206) 442-1285.

Final

Valdez Oil Refinery/Petrochemical Facility, NPDES, Alaska, April 18: Proposed is the issuance of a NPDES permit for the Valdez oil refinery and petrochemical facility located in Valdez, Alaska. Treated wastewater discharges resulting from the proposed facility would be discharged to Port Valdez. The facility would be located on 1,400 acres of land and will include: 1) a products shipping dock near Solomon Gulch, 2) an industrial wastewater treatment plant, and 3) an onsite power plant. (EPA-10-AK-Valdez-NPDES-79) (EPA 910/9-79-064) Comments made by: USDA, DOT, AHP, DOC, DOI, HUD, COE, State agencies, individuals. (EIS order No. 800285.)

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.

Bureau of Land Management

Draft

Arizona Strip Wilderness Designation, Mohave and Coconino Counties, Ariz., April 17: Proposed is the inclusion of several areas within the Arizona Strip in Mohave and Coconino Counties, Arizona in the National Wilderness Preservation System. The areas considered are the Parie Canyon Primitive Area, Vermillion Cliffs Natural Area, and Paiute Primitive Area. The proposal would be implemented in three stages: interim management, designation as wilderness, and management as wilderness. The alternatives considered include: (1) boundary adjustment, (2) contiguous lands and 3) no action. (DES-80-21.) (EIS Order No. 800278.)

White River Resource Area Grazing Management Program, Garfield, Moffat, and Rio Blanco Counties, Colo., April 17: Proposed is a rangeland grazing management plan for the White River Resource Area in Garfield, Moffat and Rio Blanc Counties, Colorado. The program would countinue intensive grazing management on 156,471 acres, implement intensive grazing management on 1,290, 544 acres and implement less intensive management on 61,941 acres. Range improvements required to implement intensive management include approximately 186,000 acres of vegetation manipulations, 700 watering facilities, and 212 miles of fence. Six alternatives are considered. (DES-80-22.) (EIS Order No. 800279.)

Draft

McGregor Range Grazing Management Plan, Otero County, N. Mex., April 18: Proposed is a grazing management plan for the McGregor Range in Otero County, New Mexico. The plan involves the construction of improvements, and increased grazing on 271,000 acres of the 515,000 Range. The alternative considered include: (1) no action, (2) discontinue livestock grazing (3) additional grazing, (4) change grazing season, (5) change grazing season and reduce grazing, and (6) reduce grazing and provide for summer grazing. (DES-80-23.) (EIS Order No. 800280.)

OCS Oil and Gas Lease Sale, No. 53, Pacific Ocean, Calif., April 18: Proposed is the leasing of 243 tracts within the Pacific Ocean, offshore of California extending from water opposite Humboldt Bay to waters opposite Point Conception for oil and gas exploration. The alternatives consider: (1) total sale offering (2) modify sale by deleting tracts, (3) delay sale, and (4) cancel sale. (DES–80–24.) (EIS Order No. 800281.)

National Park Service

Final

Stones River National Battlefield and Cemetery, GMP, Rutherford County, Tenn., April 18: Proposed is a new General Management Plan to update the Master Plan currently governing Stones River National Battlefield and Cemetery located in Rutherford County, Tennessee. Included in this Plan is: (1) develop vegetation screens and buffer zones, (2) preserve intergrity of the battlefield, (3) work closely with county and city officials on new development, (4) construction of a new park entry/connector road, (5) to protect the cedar glades, (6) expand interpretation, (7) construct two luncheon/trail shelters, (8) extend NESA trails, (9) increase parking, and (10) selected land acquisition. (FES–80–14.) Comments made by: DOI, USDA, USA, TVA, DOT, AHP, State and Local Agencies. (EIS Order No 800282.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, Nuclear Regulatory Commission, P–518, Washington, DC, 20555, (301) 492–8446.

Final Supplement

Pebble Springs Nuclear Plant Units 1 and 2 (FS–1), Gilliam County, Oreg., April 18: This statement supplements final EIS, #50599, filed 4–21–75. Proposed is the issuance of permits for the construction and operation of the Pebble Springs Nuclear Plant Units 1 and 2 near the Columbia River in Gilliam County, Oregon. The plant would employ two pressurized water reactors to produce up to 3,760 MWt per unit. Two steam turbine generators could use this heat to produce up to 1,311 MWe per unit. Exhaust steam will be cooled by a once-through flow of water from a 1,900 acre man-made reservoir. Make-up would be drawn from the Columbia River. (NUREG–75/025.) Comments made by: AHP, USDA, DOI, EPA, State Agencies, Businesses. (EIS Order No. 800283.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426–4357.

Federal Highway Administration

Final

CA–92 Gap Closure, CA–92 and CA–101 Interchange, San Mateo County, Calif., April 16: Proposed is the reconstruction of the CA–92/101 Interchange and the closure of a 0.7-mile freeway gap on CA–92 in the City and County of San Mateo, California. The work includes constructing direct freeway-to-freeway connectors; reconstructing portions of the existing interchange which are now temporary construction; constructing two new bridges across Marina Lagoon; and constructing additional roads for local service. (FHWA–CA–EIS– 79–01–F.) Comments made by: USDA, EPA, DOI, DOT, State and Local Agencies. (EIS Order No. 800276.)

U.S. 19/FL–55, Grandy Blvd. to Pinellas/Pasco County Line, Pinellas County, Fla., April 18: Proposed is the improvement of US 19/F1–55 between F1–694 (Gandy/Park Boulevard) and the Pinellas/Pasco County, line in Pinellas County, Florida. The improvements would provide for the upgrading of the existing roadway from four lanes divided to six lanes divided with associated intersection improvements, and development of interchanges at six locations. (FHWA–FLA–EIS–80–01–F.) Comments made by: DOT, COE, DOC, USDA, DOI, State and Local Agencies. (EIS Order No. 800288.)

Draft

Barnes Road, U.S. 26/OR–217 to Multnomach County Line, Washington County, Oreg., April 18: Proposed is the widening of Barnes Road from the US 26/OR-217 interchange and the Multnomah County Line in Washington County, Oregon. The length of the project is 1.7 miles and would involve reconstructing Barnes Road with additional lanes and adding curbs and sidewalks or paved shoulders. The alternatives consider: (1) no action, (2) widen to five lanes, and (3) widen to three lanes in certain sections. (FHWA–OR–EIS–80–03–D.) (EIS Order No. 800287.)

EIS's Filed During the Week of Apr. 14 Through 18, 1980

[Statement title index—by State and County]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Alaska		Final	Chatham and Stikane Areas Timber Sale, Tongass NF.	800274	Apr. 14, 1980	USDA
		Final	Valdez Oil Refinery/Petrochemical Facility, NPDES.	800285	Apr. 18, 1980	EPA
Arizona	Coconino	Draft	Arizona Strip Wilderness Designation	800278	Apr. 17, 1980	DOI
	Mohave	Draft	Arizona Strip Wilderness Designation	800278	Apr. 17, 1980	DOI
California	San Mateo	Final	CA–92 Gap Closure, CA–92 and CA–101 Interchange.	800276	Apr. 16, 1980	DOT
		Draft	OCS Oil and Gas Lease Sale, #53	800281	Apr. 18, 1980	DOI
Colorado	Garfield	Draft	White River Resource Area Grazing Mgmt. Program	800279	Apr. 18, 1980	DOI
	Moffat	Draft	White River Resource Area Grazing Mgmt. Program	800279	Apr. 18, 1980	DOI
	Rio Blanco	Draft	White River Resource Area Grazing Mgmt. Program	800279	Apr. 18, 1980	DOI
Florida	Pinnelas	Final	U.S. 19/FL–55, Grandy Blvd. to Pinellas/Pasco County Line.	800288	Apr. 18, 1980	DOT
Montana	Several	Draft	Lolo NF Land and Resource Mgmt. Plan	800275	Apr. 15, 1980	USDA
New Jersey	Monmouth	Final	Logistic Support Systems, NWS Earle, Colts Neck...	800284	Apr. 18, 1980	USN
New Mexico	Otero	Draft	McGregor Range Grazing Mgmt. Plan	800280	Apr. 18, 1980	DOI
Oklahoma	Sequoyah	Draft	Big and Little Sallisaw Creeks Navigation Project	800277	Apr. 16, 1980	COE
Oregon	Washington	Draft	Barnes Road, U.S. 26/OR 217 to Multnomah County Line.	800287	Apr. 18, 1980	DOI
	Gilliam	Supple	Pebble Springs Nuclear Plant 1 and 2 (FS–1)	800283	Apr. 18, 1980	NRC
Pacific Ocean		Draft	OCS Oil and Gas Lease Sale, #53	800281	Apr. 18, 1980	DOI
Tennessee	Rutherford	Final	Stones River National Battlefield & Cemetry, GMP...	800282	Apr. 18, 1980	DOI
Texas	Grimes	Draft	Gibbons Creek Lignite Project, NPDES Permit	800273	Apr. 14, 1980	EPA
Utah	Emery	Final	Emery Generating Station, Transmission	800286	Apr. 18, 1980	USDA

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
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 Administration Building, Washington, DC 20250 (202) 447-3965	Lolo National Forest Land and Resource Mgmt., Plan.	Draft 800275	Apr. 25, 1980	Extension	July 28, 1980.
U.S. DEPARTMENT OF THE INTERIOR					
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Building, Department of the Interior, Washington, DC 20240 (202) 343-3891	OCS Oil and Gas Lease Sale #53.	Draft 800281	Apr. 25, 1980	Extension	July 3, 1980.
	Surface Management of Public Lands, Under U.S. Mining Laws.	Draft 800137	Mar. 7, 1980	Extension	June 16, 1980.

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.
None.			

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/Accession No.	Date notice of availability published in FEDERAL REGISTER	Correction
None.				

[FR Doc. 80-12804 Filed 4-24-80; 8:45 am]
BILLING CODE 6560-01-M

[PF-181; FRL 1475-3]

Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed requests with the EPA to establish tolerances for residues of pesticide chemicals in or on raw agricultural commodities.

ADDRESS: Written comments and inquires should be directed to: Mr. Robert Taylor, Product Manager (PM) 25, Rm. E-359, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202-755-2596.

Written comments may be submitted while the petition is pending before the Agency. The comments are to be identified by the document control number "[PF-181]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the Agency to establish tolerances for residues of pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP OF2334. Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804. Proposes that 40 CFR 180.240 be amended by establishing tolerances for residues of the herbicide S-propyl dipropylthiocarbamate in or on the raw agricultural commodities alfalfa, beans (dry and green), and bean forage at 0.1 part per million. The proposed analytical method for determining residues is gas chromatography utilizing a nitrogen-phosphorus flame ionization detector.

PP OF2338. Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166. Proposes that 40 CFR 180.249 be amended by establishing tolerances for the combined residues of the herbicide alachlor (2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide and its metabolites in or on the raw agricultural commodities sorghum seed at 0.1 ppm and

sorghum forage and fodder at 0.5 ppm. The proposed analytical method for determining residues is gas chromatography using a flame ionization detector.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 135))

Dated: April 18, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-12782 Filed 4-24-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1474-6; 80P-3]

FMC Corp.; Filing of Feed Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: FMC Corp. has submitted a pesticide petition proposing to amend 21 CFR 561 by establishing a tolerance for residues of the insecticide carbofuran in free fatty acids derived from soybean soapstock at 6 parts per million (ppm) under the Federal Food, Drug, and Cosmetic Act.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Mitchell, Product Manager (PM-12) (TS-767), Room E-355, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, 202-426-2635.

COMMENTS: Comments submitted should bear a notation indicating the petition number "FAP 0H5241." 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: Comments may be made at any time while the petition is pending before the Agency.

SUPPLEMENTARY INFORMATION: FMC Corp., 200 Market St., Philadelphia, PA 19103, has submitted a pesticide petition (0H5241) proposing that 21 CFR 561 be amended by establishing a tolerance for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in free fatty acids derived from the animal feed soybean soapstock at 6 ppm. this action is being taken under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act.

(Secs. 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: April 18, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-12783 Filed 4-24-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1474-8; OPP-50468]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued experimental use permits for certain pesticide chemicals to be used in experimental programs conducted by various companies.

SUPPLEMENTARY INFORMATION: The EPA has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

No. 3125-EUP-163. Mobay Chemical Corp., Agricultural Chemicals Div., P.O. Box 4913, Kansas City, MO 64120. This experimental use permit allows the use of 225 pounds of the insecticide 1-methylethyl 2-[[ethoxy[(1-methylethyl)amino]phosphinothioyl]oxy] benzoate (20%) on turf areas of golf course facilities to evaluate control of Japanese beetle larvae. A total of 125 acres is involved; the program is 80P-75 authorized only in the State of Ohio. The experimental use permit is effective from February 27, 1980 to February 27, 1981. (PM-16, William Miller, Room E-343, Telephone: 202/426-9458)

No. 3125-EUP-140. Mobay Chemical Corp. This experimental use permit allows the use of 15,000 pounds of the avicide 3,5-dimethyl-4-(methylthio)phenyl methylcarbamate on grapes to evaulate control of bird species, such as starlings, robins, and finches. A total of 650 acres is involved; the program is authorized only in the States of California, Michigan, New Mexico, New York, Ohio, Oregon, Pennsylvania, and Washington. The experimental use permit is effective from June 30, 1979 to December 31, 1980. Temporary tolerances for residues of the active ingredient in or on grapes; the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; milk; and eggs have been established. (PM-16, William Miller, Room E-343, 202/426-9458)

No. 524-EUP-41. Monsanto Co., 1101 17th Street, N.W., Washington, D.C. 20036. This experimental use permit allows the use of 2,163 pounds of the herbicide glyphosate in forests to evaluate control of weeds. A total of 2,476 acres is involved; the program is authorized only in the States of Alabama, Arkansas, California, Florida, Georgia, Idaho, Louisiana, Maine, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, North Carolina, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from April 10, 1980 to April 10, 1981. (PM-25, Robert Taylor, Room E-359, 202/755-2196)

No. 524-EUP-51. Monsanto Co. This experimental use permit allows the use of 1,335 pounds of the herbicide alachlor in or on grain sorghum to evaluate control of weeds. A total of 445 acres is involved; the program is authorized only in the States of Arizona, Arkansas, California, Colorado, Florida, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, and Texas. The experimental use permit is effective from March 4, 1980 to March 4, 1981. This experimental use permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (PM-25, Robert Taylor, Room E-359, 202/755-2196)

No. 524-EUP-49. Monsanto Co. This experimental use permit allows the use of 60,000 pounds of the herbicide alachlor in or on corn, cotton, dry beans, lima beans, peanuts, peas, potatoes, and soybeans to evaluate control of weeds. A total of 25,910 acres is involved; the program is authorized only in the States of Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from March 7, 1980 to March 7, 1982. Permanent tolerances for residues of the active ingredient in or on corn, cotton, dry beans, lima beans, peanuts, peas, potatoes, and soybeans have been established. (PM-25, Robert Taylor, Room E-359, 202/755-2196)

No. 4581-EUP-16. Pennwalt Corp., Philadelphia, PA 19102. This experimental use permit allows the use of the insecticide microencapsulated methyl parathion on almonds, apricots artichokes, barley, blueberries cabbage, cherries, conifers, corn (except sweet and popcorn), cranberries, cucumbers, melons, nectarines, oats, onions, ornamental turf, peaches, peanuts, peppers, plums, potatoes, prunes, Southern peas, squash, strawberries, sugar beets, sunflowers, sweet potatoes, tomatoes, turnips, walnuts, and wheat, to evaluate control of various pests. A total of 16,690 acres is involved; the program is authorized in all States except Alaska. The experimental use permit is effective from May 6, 1980 to May 6, 1982. (PM-12, Charles Mitchell, Room E-303, 202/426-2635)

No. 707-EUP-94. Rohm and Haas Co., Independence Mall West, Philadelphia, PA

19105. This experimental use permit allows the use of 88 pounds or 44 gallons of the herbicide of the sodium salt of acifluorfen in or on peanuts to evaluate control of pre- and post-emergence weeds. A total of 22 acres is involved; the program is authorized only in the States of Alabama, Florida, Georgia, North Carolina, Oklahoma, South Carolina, Texas, and Virginia. The Experimental use permit is effective from March 15, 1981. This permit is being issued on the condition that the crop treated with the herbicide will be destroyed and that none of the treated crop will be used for forage, feed, or grazing of livestock. (PM-23, Willa Garner, Room E-351, 202/755-1397)

No. 10464-EUP-1. Weyerhaeuser Co., Western Forestry Research Center, 505 North Pear Street, Centralia, WA 98531. This experimental use permit allows the use of 40.8 pounds of the insecticide *E* and *Z*-9-dodecenyl acetate on pine plantations to evaluate control of western pine shoot borer. A total of 4,500 acres is involved; the program is authorized only in the States of California, Oregon, and Washington. The experimental use permit is effective from February 24, 1980 to February 24, 1981. This experimental use permit is being issued with the limitation that no treated areas will enter the food chain. (PM-17, Franklin D.R. Gee, Room E-341, 202/426-9417)

No. 279-EUP-72. FMC Corp., 2000 Market Street, Philadelphia, PA 19103. This experimental use permit allows the use of 224 pounds of the insecticide permethrin in or on alfalfa to evaluate control of various insects. A total of 1,675 acres is involved; the program is authorized only in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming. The experimental use permit is effective from March 10, 1980 to March 10, 1981. This experimental use permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (PM-17, Franklin D.R. Gee, Room E-341, 202/426-9417)

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street S.W., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended (7 U.S.C. 136))

Dated: April 18, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-12784 Filed 4-24-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1475-7]

Science Advisory Board, Subcommittee on Innovative/ Alternative Wastewater Technologies; Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the first meeting of the Subcommittee on Innovative/ Alternative Wastewater Technologies of the Science Advisory Board. The meeting will be held beginning at 9:15 am May 13, 1980 in room 11101 West Tower, EPA Headquarters, 401 M Street, SW, Washington, D.C. and May 14 in room 1137 North Building, HEW, 330 Independence Ave., Washington D.C.

The agenda includes a briefing/ discussion on the status of the innovative/alternative wastewater program, a discussion of incentives for consulting engineers, barriers towards the widespread use of innovative/ alternative wastewater systems, and items of member interest.

The meeting is open to the public. Any members of the public wishing to obtain information or participate should contact Terry F. Yosie, Staff Officer, Science Advisory Board at (202) 472-7983 or (202) 755-0263 before close of business May 9, 1980.

Richard M. Dowd,

Director, Science Advisory Board.

April 21, 1980.

[FR Doc. 80-12785 Filed 4-24-80; 8:45 am]

BILLING CODE 6560-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Job Segregation and Wage Discrimination Hearing Under Title VII and the Equal Pay Act; Change in Location

This is to announce that the public hearing on job segregation and wage discrimination which will be held on April 28, 29 and 30, 1980 beginning at 9:00 a.m. (as announced in the **Federal Register** of March 3, 1980, 45 FR 13816) has been moved from General Services Administration, Central Auditorium, 18th and F Streets, N.W., Washington, D.C. 20405.

The new location is: Office of Personnel Management, Auditorium, Lower Level, 1900 E Street, N.W., Washington, D.C. 20415.

Signed this 23rd day of April, 1980.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

[FR Doc. 80-12940 Filed 4-24-80; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

(FEMA-617-DR)

Arkansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Arkansas (FEMA-617-DE), dated April 16, 1980, and related determinations.

DATED: April 16, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634-7845.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of April 16, 1980, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from severe storms and tornadoes which occurred on April 7, 1980, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Arkansas.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Robert D. Broussard of the Federal Emergency Management

Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Arkansas to have been affected adversely by this declared major disaster. Crittenden, Faulkner, Johnson, Lonoke and Pulaske Counties for Individual Assistance only.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80-12721 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-02-M

U.S. Fire Administration

[Docket No. USFA-01]

Competitive Research Grant/ Cooperative Agreement; Solicitation of Proposals

The United States Fire Administration announces a Competitive Research Grant/Cooperative Agreement for the purpose of providing a study to provide optimum methodology for acquiring the lowest fluid friction domestic water meter.

This solicitation asks for proposals in conformance with the following requirements:

A research effort is required to develop domestic water meter technology to augment the United States Fire Administration effort in the residential automatic sprinkler fire protection area.

This study should include: (a) A search of existing water meter technology and the possibility of improvement of the same to achieve the goal; (b) the probable economic advantage of using larger existing meters; and (c) an overview of municipal water service standard charges for fire service connection.

The proposal should, also, include a complete and detailed final report for use by governmental agencies, industry, and contractor which addresses the concerns contained in this solicitation.

The solicitation requests submission of full formal proposals. Proposals will receive review by a Peer Review Panel. Evaluation criteria will be: organization experience—20 points; staff experience—25 points; technical approach—50 points; and cost—5 points. In order to be considered, a proposal must be received by the United States Fire Administration no later than June 1, 1980. One Grant/Cooperative Agreement is expected to be awarded under this announcement. A maximum of $25,000 will be awarded for the program with an expected duration of 6 months. Only nonprofit organizations may compete for this award. For questions pertaining to this request, please contact the Federal Emergency Management Agency, United States Fire Administration, Washington, D.C. 20472; Attention: Harry Shaw, Room 504; Telephone: (202) 634-7195.

Proposals should be submitted to Gordon Vickery, Administrator, United States Fire Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

Dated: April 14, 1980.

Gordon Vickery,

Administrator, U.S. Administration.

[FR Doc. 80-12722 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-04-M

[Docket No. USFA-02]

Competitive Research Grant/ Cooperative Agreement; Solicitation of Proposals

The United States Fire Administration announces a Competitive Research Grant/Cooperative Agreement for the purpose of developing an experimental prototype Nitinol sensor/actuator for automatic residential sprinkler heads.

Nitinol is a nickel titanium alloy that can have a transformation induced shape change over a prespecified small temperature range.

This solicitation asks for proposals in conformance with the following requirements:

A research effort is required to explore the use of Nitinol to be used as a quick reaction sensor/actuator for existing designs or new design residential sprinkler heads. The sensor/actuation unit must meet, or exceed, the "tau 21" time constant and must have a temperature rating of 135° F. The process to produce the proper Nitinol composition shall be fully described. In order to demonstrate the characteristics of the Nitinol, a quality of Nitinol activated heads, of one or more designs, will be made available for standard fire tests at a recognized fire testing laboratory. Arrangement for the tests and evaluation will be made by the successful grantee and will be covered in the proposal.

The proposal must, also, describe a 12-month industry support effort to provide understanding, guidance, and technical assistance leading toward the development and application of an electronic quick reaction sprinkler head sensors by the sprinkler industry for residential as well as commercial and industrial use.

The solicitation requests submission of full formal proposals, Proposals will receive review by a Peer Review Panel. Evaluation criteria will be: organization experience—20 points; staff experience—25 points; technical approach—50 points; and cost—5 points. In order to be considered, a proposal must be received by the United States Fire Administration no later than June 1, 1980. One Grant/Cooperative Agreement is expected to be awarded under this announcement. A maximum of $100,000 will be awarded for the program with an expected duration of 18 months. Only nonprofit organizations may compete for this award. For questions pertaining to this request, please contact the Federal Emergency Management Agency, United States Fire Administration, Washington, D.C. 20472; Attention: Harry Shaw, Room 504; Telephone: (202) 634-7195.

Proposals should be submitted to Gordon Vickery, Administrator, United States Fire Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

Dated: April 14, 1980.

Gordon Vickery,

Administrator, U.S. Fire Administration.

[FR Doc. 80-12723 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-04-M

[Docket No. USFA-03]

Competitive Research Grant/ Cooperative Agreement; Solicitation of Proposals

The United States Fire Administration announces a Competitive Research Grant/Cooperative Agreement for the purpose of developing an experimental prototype low-cost electronic sensor actuator for a residential automatic sprinkler head. The sensor shall incorporate both rate of rise and threshold temperature signals. This solicitation asks for proposals in conformance with the following requirements:

A research effort is required to explore the use of low-cost electronic circuitry to be used as a sensor/actuator for existing or new design residential sprinkler heads. The desired TAU or time constant shall be less than 21 seconds. The actuation temperature of the sprinkler head shall be 135° F. The circuitry shall be fully described. In order to demonstrate the characteristics of the prototype heads, a quantity of heads of one or more designs will be made available for standard fire tests at a recognized testing laboratory. Arrangement for the tests and evaluation will be made by the

successful grantee and will be covered in the proposal.

The proposal must, also, describe a 12-month industry support effort to provide understanding, guidance, and technical assistance leading toward the development and application of an electronic quick reaction sprinkler head sensors by the sprinkler industry for residential as well as commercial and industrial use.

The solicitation requests submission of full formal proposals. Proposals will receive review by a Peer Review Panel. Evaluation criteria will be: organization experience—20 points; staff experience—25 points; technical approach—50 points; and cost—5 points. In order to be considered, a proposal must be received by the United States Fire Administration no later than June 1, 1980. One Grant/Cooperative Agreement is expected to be awarded under this announcement. A maximum of $75,000 will be awarded for the program with an expected duration of 18 months. Only nonprofit organizations may compete for this award. For questions pertaining to this request, please contact the Federal Emergency Management Agency, United States Fire Administration, Washington, D.C. 20472; Attention: Harry Shaw, Room 504, Telephone: (202) 634–7195.

Proposals should be submitted to Gordon Vickery, Administrator, United States Fire Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

Dated: April 14, 1980.

Gordon Vickery,

Administrator, U.S. Fire Administration.

[FR Doc. 80-12724 Filed 4-24-80; 8:45 am]

BILLING CODE 6718-04-M

FEDERAL MARITIME COMMISSION

[Docket No. 80-24]

Forte' International Sales Corp. v. Seatrain International, S.A.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Forte' International Sales Corporation against Seatrain International, S.A. was served April 18, 1980. The complaint alleges that respondent failed to ship a container of complainant's goods on the vessel which respondent had advised was reserved for such container and respondent subsequently shut the container out of two other vessels, giving preference to other shippers in violation of section 14 of the Shipping Act, 1916.

This proceeding is assigned to Administrative Law Judge William Beasley Harris. Hearing in this matter, if any is held, shall commence on or before October 18, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 80-12802 Filed 4-24-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, May 15, 1980.
Thursday, May 22, 1980.
Thursday, May 29, 1980.

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202–632–9710).

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee.

April 18, 1980.

[FR Doc. 80-12680 Filed 4-24-80; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and 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 May 16, 1980.

A. *Federal Reserve Bank of Philadelphia* (Thomas K. Desch, Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105:

New Jersey National Corporation, Trenton, New Jersey (mortgage banking activities; Pennsylvania and New Jersey): to engage, through its subsidiary, Underwood Mortgage & Title Company, in making, acquiring, selling, and servicing, for its own account or the account of others, loans and other extensions of credit principally secured by mortgages. The lending activities would be conducted from an office in Feasterville, Pennsylvania, for existing and prospective new clients throughout Pennsylvania and New Jersey, and the servicing activities would be conducted nationwide. This application is for the opening of a branch office to engage in previously approved activities.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. Financial Services Corporation of the Midwest, Rock Island, Illinois (financing and insurance activities; Illinois): to engage, through its subsidiary, The Money Shops, Inc., in making consumer installment personal loans, purchasing consumer installment sales finance contracts and acting as agent for the sale of credit life, credit accident and credit health insurance directly related to its extensions of credit. These activities would be conducted from an office in Loves Park, and Moline, Illinois, serving an area within a twenty-five mile radius of each of the proposed offices.

2. St. Joseph Bank & Trust Company, South Bend, Indiana (mortgage banking activities; Indiana): through its subsidiary, St. Joseph Agency, Inc., South Bend, Indiana, a bank holding company, to establish a branch office of its subsidiary known as St. Joseph Mortgage Co., Inc., to be engaged in originating, acquiring, selling and servicing of residential, commercial and industrial mortgage loans. Such activities would be conducted from an office in Indianapolis, Indiana, serving an area covering a 30 mile radius (including but not limited to Marion County, Indianapolis).

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 17, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-12806 Filed 4-24-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Corp. of Georgia; Formation of Bank Holding Company

Bank Corporation of Georgia, Fort Valley, Georgia, 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 Bank of Fort Valley, Fort Valley, Georgia and 76.51 percent of the voting shares of First State Bank, Marshallville, Georgia. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 19, 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, April 18, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-12802 Filed 4-24-80; 8:45 am]

BILLING CODE 6210-01-M

Glenwood Bancorporation; Formation of Bank Holding Company

Glenwood Bancorporation, Glenwood, 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 69.6 percent or more of the voting shares of Glenwood State Bank, Glenwood, 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 Banks, to be received not later than May 19, 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, April 18, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-12807 Filed 4-24-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

President's Council on Physical Fitness and Sports

The President's Council on Physical Fitness and Sports (PCPFS) will hold its quarterly meeting on Thursday, May 22, 1980. The meeting will be held from 10:00 a.m. to 4:00 p.m., at Cliff House, Deercliff Road, Avon, Connecticut.

The purpose of the meeting is to assess progress on the national program of physical fitness and sports; and to plan future directions of the PCPFS.

A list of the Council members and the Executive Order establishing their responsibilites may be obtained from: C. Carson Conrad, Executive Director, President's Council on Physical Fitness and Sports, Washington, DC 20201, Telephone: 202/755-7947.

The meeting will be open to the public.

Dated: April 18, 1980.

C. Carson Conrad,

Executive Director, President's Council on Physical Fitness and Sports

[FR Doc. 80-12741 Filed 4-24-80; 8:45 am]

BILLING CODE 4110-85-M

Office of Education

Guaranteed Student Loan Program; Special Allowance for Quarter Ending March 31, 1980

The Commissioner announces that for the three-month period ending March 31, 1980, and under the statutory formula of section 438(b) of the Higher Education Act of 1965, a special allowance at an *annual rate* of ten and seven eighths percent will be paid to holders of eligible loans in the Guaranteed Student Loan Program.

Using the statutory formula, the special allowance for this *three-month* period was computed by determining the average of the bond equivalent rates of the 91-day Treasury bills for this period (14.28 percent), by subtracting 3.5 percent from this average, by rounding the resultant percent (10.78) upward to the nearest one-eighth of one percent (10.875), and by dividing the resultant percent by four (2.71875 percent). Thus, the special allowance to be paid for this period will be 2.71875 percent of the average unpaid balance of principal (not including unearned interest added to principal) of all eligible loans held by lenders.

(Catalog of Federal Domestic Assistance No. 13.460, Guaranteed Student Loan Program)

(20 U.S.C. 1087–1(b))

Dated: April 17, 1980.

William L. Smith,

U.S. Commissioner of Education.

[FR Doc. 80–12793 Filed 4–24–80; 8:45 am]

BILLING CODE 4110–02–M

School Assistance in Federally Affected Areas; Interpretation of Indian Preference in Federally Assisted School Construction Projects

AGENCY: Office of Education, HEW.

ACTION: Notice of interpretation.

SUMMARY: The Commissioner of Education is issuing this notice of interpretation to clarify the application of "Indian preference" provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act to certain construction projects funded under the Office of Education's program of School Assistance in Federally Affected Areas.

EFFECTIVE DATES: This interpretation is expected to take effect 45 days after it is transmitted to Congress. Interpretations are usually transmitted to Congress several days before they are published in the **Federal Register.**

The effective date is changed by statute if Congress disapproves the interpretation or takes certain adjournments. If you want to know the effective date of this interpretation, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: William L. Stormer. Telephone: (202) 245–8742.

SUPPLEMENTARY INFORMATION:

Background

The Office of Education makes grants for use in constructing school facilities to certain local educational agencies that serve children residing on Indian lands. These grants are made under the authority of sections 14(a) and 14(b) of Pub. L. 81–815. And it is clear, from the languge and legislative history of sections 14(a) and 14(b), that these sections of Pub. L. 81–815 authorize projects for the benefit of Indians.

In 1975 Congress enacted the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638, which provides in section 7(b), that:

> (b) Any contract, subcontract, grant, or subgrant pursuant to this Act, the Act of April 16, 1934 (48 Stat. 596), as amended, or any other Act authorizing Federal Contracts with or grants to Indian organizations or for the benefit of Indians, shall require that to the greatest extent feasible—
>
> (1) preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians; and
>
> (2) preference in the award of subcontracts and subgrants in connection with the administration of such contracts or grants shall be given to Indian organizations and to Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (88 Stat. 77).

The purpose of section 7(b) is to ensure Indian preference in the Federal procurement and assistance activities that are within the scope of that section.

Because section 7(b) does not expressly cover any construction projects assisted under sections 14(a) and (14)(b) of Pub. L. 81–815, and because section 7(b) is ambiguous regarding the levels of construction project administration at which Indian preference is to be applied, the Commissioner believes it desirable to clarify these issues by publishing the following interpretation.

Interpretation

It is the Commissioner's interpretation that the Indian preference provisions of section 7(b) of Pub. L 93–638 apply to all federally-assisted school construction projects for the benefit of Indians that are funded under the authority of sections 14(a) and 14(b) of Pub. L. 81–815. It is also the Commissioner's interpretation that these preference provisions apply to all contracts and subcontracts that are entered into at any level of a project's administration.

(20 U.S.C. 644(a), (b); 25 U.S.C. 450(e))

(Catalog of Federal Domestic Assistance No. 13.477, School Assistance in Federally Affected Areas—School Construction)

Dated: April 7, 1980

William L. Smith,

U.S. Commissioner of Education.

[FR Doc. 80–12795 Filed 4–24–80; 8:45 am]

BILLING CODE 4110–02–M

Food and Drug Administration

Arthritis Advisory Committee; Renewal

AGENCY: Food and Drug Administration

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 87 Stat. 770–776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Arthritis Advisory Committee by the Secretary, Department of Health, Edcuation, and Welfare.

DATE: Authority for this committee will expire on April 5, 1982, unless the Secretary formally determines that renewal is in the public interest.

FOR FUTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA–306), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

Dated: April 18, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

FR Doc. 80–12499 Filed 4–24–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80P–0001]

Rinn Corp.; Approval of Variance for "Condy-Ray" Film Holder and X-ray Beam Alignment Instrument

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the approval of a variance from the performance standard for diagnostic x-ray systems and their major components for the "Condy-Ray" film holder and x-ray beam alignment instrument, catalog number 54–500, used for radiography of the temporomandibular joint (TMJ), and manufactured by Rinn Corp. The manufacturer submitted a petition for the variance, and the Director of the Bureau of Radiological Health has determined that the device may be

manufactured with x-ray field size exceeding the limit set by the standard, and that suitable radiation protection will be provided.

DATES: The variance became effective on March 24, 1980 and will terminate on March 24, 1982.

ADDRESS: The application and all correspondence on the application have been placed on public display in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4062, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert Phillips, Bureau of Radiological Health (HFX–460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: Under 21 CFR 1010.4, Rinn Corp., 1212 Abbott Dr., Elgin, IL 60120, has been granted a variance from § 1020.31(f)(4) (21 CFR 1020.31(f)(4)) of the performance standards for diagnostic x-ray systems and their major components for the "Condy-Ray" film holder and x-ray beam alignment instrument, catalog No. 54–500. The variance relieves the "Condy-Ray" from the field size requirement of image receptor size (1¼"×1⅝") plus 2 percent of the source image receptor distance (SID) in the plane of the image receptor and allows the manufacturer to produce a device which limits the field size to 2"×2½" in the plane of the image receptor. The variance became effective on March 24, 1980 and will terminate on March 24, 1982.

The product will bear the variance number 80P–0001. The application and all corresponsence on the application have been placed on public display in the office of the Hearing Clerk, Food and Drug Administration, and may be seen from 9 a.m. to 4 p.m., Monday through Friday.

Dated: April 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 12374 Filed 4–24–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80N–0017; DESI 11208]

Cyanocobalamin Zinc Tannate Complex; Drugs for Human Use; Drug Efficacy Study Implementation; Announcement

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the results of the efficacy review of cyanocobalamin zinc tannate complex suspension for intramuscular use and the conditions for marketing the drug product for the indications for which it is regarded as effective. The drug product is used in the initial treatment of pernicious and megaloblastic anemia.

DATE: Supplements to approved NDA's due on or before June 24, 1980.

ADDRESSES: Communications in response to this notice should be identified with the reference number DESI 11208, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 56 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Metabolism and Endocrine Drug Products (HFD–130), Rm. 14B–04, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT: Herbert Gerstenzang, Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of July 9, 1966 (31 FR 9426), FDA asked each holder of a new drug application that became effective before October 10, 1962, to submit reports containing the best data available in support of the effectiveness of each such product for the claimed indications. The agency needed that information to determine, with the assistance of the National Academy of Sciences-National Research Council (NAS-NRC), whether each claim in the labeling is supported by substantial evidence of effectiveness, as required by the Drug Amendments of 1962.

Because Armour Pharmaceuticals, the sponsor of the following drug product, did not submit such information, the drug product was not reviewed by NAS-NRC.

NDA 11–208; Depinar Suspension containing 500 mcg cyanocobalamin, 2.3 milligrans tannic acid, and 1 milligram zinc (added as acetate); Armour Pharmaceutical Co., P.O. Box 511, Kankakee, IL 60901.

On January 14, 1976, and February 19, 1976, Armour submitted data and revised labeling for the drug product. After reviewing all available data, the agency has found they provide substantial evidence of effectiveness. This notice announces that conclusion and the conditions under which such drug product may be marketed.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the product specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to the product named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers a drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug product is effective for the indications in the labeling conditions below.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in sterile aqueous suspension form suitable for intramuscular administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

For the initial treatment of (a) pernicious anemia with or without neurologic manifestations;

(b) megaloblastic anemia following gastrectomy or associated with gastric carcinoma;

(c) megaloblastic anemia due to "blind loop" syndrome; (d) megaloblastic anemia due to *Diphyllobothrium latum* (fish tapeworm) infestation; and (e) nutritional megaloblastic anemia involving Vitamin B_{12} deficiency.

c. In the Dosage and Administration section, the statement on usual dose of Depinar is revised to read as follows:

The usual dose of Depinar for initial therapy is a single dose of 1 ml (500 mcg cyanocobalamin) deep intramuscularly. This should be followed within 2 weeks by injectable crystalline cyanocobalamin administered in dosages and at intervals appropriate to each individual patient.

3. *Marketing Status.* a. Marketing of such drug products that are the subject of a new drug application approved before October 10, 1962, may be continued provided that, on or before June 24, 1980, the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained before marketing such products. Under 21 CFR 320.21, the application is to include evidence demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement. Marketing before approval of a new drug application will subject such products, and the persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 502, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: April 11, 1980.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 80-12497 Filed 4-24-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79N-0001; DESI 6403, 6902, and 7832]

Peripheral Vasodilators; Withdrawal of Approval of New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug applications for Ilidar Tablets (NDA 9-225), Arlidin Solution for Injection (NDA 9-813), and Paveril Phosphate Powder and Tablets (NDA 7-832). The basis of the withdrawal is that the drug products lack substantial evidence of effectiveness for their labeled indications.

EFFECTIVE DATE: May 5, 1980.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the reference numbers DESI 6403, 6902, and 7832, and directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Carter, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing published in the **Federal Register** of May 25, 1979 (44 FR 30438), the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the new drug applications for peripheral vasodilators, based upon the lack of substantial evidence of effectiveness. Since the holders of the following new drug applications did not contest the proposal, approval of those applications is now being withdrawn.

DESI 6403

NDA 9-225; Ilidar Tablets containing azapetine phosphate; Roche Laboratories, Division of Hoffmann-LaRoche, Inc., 340 Kingsland Rd., Nutley, NJ 07110.

NDA 9-813; Arlidin Solution for Injection containing nylidrin hydrochloride; USV Pharmaceutical Corp., 1 Scarsdale Rd., Tuckahoe, NY 10707.

DESI 7832

NDA 7-832; Paveril Phosphate Powder and Tablets containing dioxyline phosphate; Eli Lilly & Co., P.O. Box 618, Indianapolis, IN 49206.

The holders of the new drug applications named below have requested hearings concerning their drug products. The requests for hearing are under review.

DESI 6403

NDA 8-708; Dibenzyline Capsules containing phenoxybenzamine hydrochloride; Smith Kline & French Laboratories, 1500 Spring Garden St., Philadelphia, PA 19101.

NDA 11-832; Vasodilan Injection and Tablets containing isoxsuprine hydrochloride; Mead Johnson Laboratories, Division of Mead Johnson & Co., 2404 Pennsylvania St., Evansville, IN 47721.

DESI 6902

NDA 6-902; Roniacol Tablets containing nicotinyl tartrate, and Roniacol Elixir containing nicotinyl alcohol; Roche Laboratories.

NDA 11-813; Roniacol Timespan Tablets containing nicotinyl tartrate; Roche Laboratories.

DESI 7832

NDA 9-367; Arlidin Tablets containing nylidrin hydrochloride; USV Pharmaceutical Corp.

NDA 11-554; Cyclospasmol Capsulets and Tablets containing cyclandelate; Ives Laboratories, Inc., 685 Third Ave., New York, NY 10017.

Marketing of those drug products for which hearing requests are under review may continue pending a ruling on the requests.

Also included in the May 25, 1979 notice of opportunity for hearing was Priscoline Hydrochloride Tablets, Injection, and Lontabs (NDA 6-403 and 11-770). This will be the subject of a future **Federal Register** notice.

No other person filed a written appearance of election as provided for by the May 25, 1979 notice. The failure to file an appearance constitutes election by such persons not to avail themselves of the opportunity for hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds, that, on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of new drug

applications 9–225, 9–813, and 7–832, and all amendments and supplements applying thereto, is withdrawn effective May 5, 1980.

Shipment in interstate commerce of the above products or of any identical, related, or similar product that is not the subject of an approved new drug application, except for the ones described above that may continue to be marketed pending rulings on the requests for a hearing, will then be unlawful.

Dated: April 11, 1980.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 80–12498 Filed 4–24–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80M–0058]

Westport Pharmaceuticals; Premarket Approval of Salivart

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of Salivart, a chemical solution designed to resemble human saliva sponsored by Westport Pharmaceuticals, Weston, CT. After reviewing the recommendation of the Dental Section of the Ophthalmic; Ear, Nose, Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 27, 1980.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Keith Lusted, Bureau of Medical Devices (HFK–402), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD. 20910, 301–427–8162.

SUPPLEMENTARY INFORMATION: The sponsor, Westport Pharmaceuticals, Weston, CT, submitted an application for premarket approval for Salivart, a chemical solution designed to resemble human saliva, to FDA on June 12, 1979. The application was reviewed by the Dental Section of the Ophthalmic; Ear, Nose, Throat; and Dental Device Panel, an FDA advisory committee, which recommended approval of the application. On September 19, 1979, FDA approved the application by a letter to the sponsor from the Director of the Bureau of Medical Devices.

A summary of the information upon which FDA's approval is based is available upon request from the Hearing Clerk (address above). Requests should be identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition must be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33 (b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of is decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may at any time on or before May 27, 1980, file with the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, indentified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document. Received petitions may be seen in the above-named office from 9 a.m. to 4 p.m., Monday through Friday.

Dated: April 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

FR Doc. 80–12500 Filed 4–24–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80–N–0025]

Infant Formulas; Interim Guidelines for Nutrient Composition, Notice to Manufacturers, Packers, and Distributors

Correction

In FR Doc. 80–8039, in the issue of Tuesday, March 18, 1980, appearing on page 17206, make the following corrections:

In "Table 1.–Nutrient Levels of Infant Formulas (per 100 Kcal)" on page 17206, under the subheading of "Nutrient", in the listing of "Vitamins", the third "B" vitamin should be changed from "B_3" to "B_6".

Also, vitamins "K", "E", "C", "B_1", "B_2", "B_6", should be indented so they are flush with vitamins "A" and "D" at the top.

In the right hand column of the same table under the heading of "CON 1976 recommendations" under the subheading of "Minumum" the last three lines from the bottom of the Table which read "20.0 (6 mEq)[2]", "80.0 (14 mEq)[2]", and "55.0 (11 mEq)[2]" all three footnotes should be changed to the number "3".

BILLING CODE 1505–01–M

[Docket No. 80N–0084]

Safety of Certain Food Ingredients; Opportunity for Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces an opportunity for public hearing on the safety of benzoyl peroxide, borax and boric acid, malt syrup and extract, shellac and shellac wax, and stearyl alcohol to determine whether they are generally recognized as safe (GRAS) or subject to a prior sanction. This action accords with procedures of a comprehensive safety review the agency is conducting. Interested persons are invited to give their views on the safety of these substances.

DATE: Requests to make oral presentations to the public hearing must be postmarked on or before May 27, 1980.

ADDRESSES: Written requests to the Select Committee on GRAS Substances, Life Sciences Research Office,

Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20014, and to the Hearing Clerk (HFA–305), Food and Drug Administration, Room 4–62, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF–335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202–472–4750

SUPPLEMENTARY INFORMATION: In the Federal Register of July 26, 1973 (38 FR 20053), FDA issued a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (the Select Committee) about the safety of ingredients used in food to determine whether they are GRAS or subject to a prior sanction. The agency now announces that the Select Committee is prepared to conduct a public hearing on the following food ingredients: benzoyl peroxide, malt syrup and extract, shellac and shellac wax, and stearyl alcohol for direct food use; and borax and boric acid for use in paper and paperboard products. The public hearing will provide an opportunity for interested persons to present to the Select Committee scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing under notices published in the Federal Register of July 26, 1973 (38 FR 20051, 20053), April 17, 1974 (39 FR 13798), and March 28, 1978 (43 FR 12941).

The Select Committee has reviewed all the available data and information on the food ingredients listed above and has reached one of the following five tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonable be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. (This finding does not apply to the substances covered by this notice.)

3. Although no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted. (This finding does not apply to the substances covered by this notice.)

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced. (This finding does not apply to the substances covered by this notice.)

5. The information available is not sufficient to make a tentative conclusion.

The Select Committee will evaluate the information received at the public hearing and use it in reaching its conclusion.

The following table lists the ingredients, the Select Committee's tentative conclusions (keyed to the five types of conclusions listed above), and the available information on which the Select Committee reached its conclusions:

Substance	Select committee tentative conclusion	Order No., price code, and price [1]		
		Scientific literature review	Animal study report	Other information
Benzoyl Peroxide	1	PB 284–877/AS; A03; $6.00	Mutagenic evaluation of compound FDA 73–81 (benzoyl peroxide lucidol 78 [wet]), by Litton Bionetics, Inc., under FDA contract. (PB 245–494/AS; A03; $6.00.	1. Letter, Sept. 14, 1960, F. A. Cassidy, FDA, Washington, DC to E. M. Barisonek, Oxy Chemical Co., Bound Brook, NJ. 2. Letter, Nov. 15, 1962, F. A. Cassidy, FDA, Washington, DC, to J. J. Odom, Reichold Chemicals, Inc., Tuscaloosa, AL. 3. Memorandum, Mar. 8, 1979, H. I. Chinn, FASEB, Bethesda, MD. 4. Letter, July 25, 1960, M. F. Markel, Central Soya Co., Inc., Chicago, IL, to FDA, Washington, DC. 5. Subcommittee on Review of the GRAS List-Phase II. A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS). PB 221–921 through PB 221–949 or PB 221–920 for the set; E99; $173.00). 6. Committee on GRAS List Survey-Phase III. 1975 Resurvey of the annual poundage of food chemicals generally recognized as safe (GRAS). (PB 288–081/AS; A03; $6.00). 7. Letter, Oct. 3, 1962, M. H. Nicholson, FDA, Washington, DC, to G. M. Burditt, Chadwell, Keck, Kayser, Ruggles, & McLaren, Chicago, IL. 8. Evaluation of the health aspects of benzoic acid and sodium benzoate as food ingredients (SCOGS–7). (PB 223–837/AS; A02; $5.00). 9. Letter, Dec. 14, 1977, R. L. Sharp, Eastman Kodak Co., Rochester, NY, to R. Dailey, Informatics, Inc., Rockville, MD. 10. Letter, May 16, 1973, E. F. Sipos, Central Soya Co., Inc., Chicago, IL, to D. F. Dodgen, National Research Council, Washington, DC. 11. Verrett, J. J. 1975. Investigations of the toxic and teratogenic effects of GRAS substances to the developing chick embryo: lecithin, double bleached. FDA in-house investigation. 12. Letter, Feb. 17, 1960, E. T. Wulfsberg, FDA, Washington, DC, to D. W. Johnson, Central Soya Co., Inc., Chicago, IL.
Borax and boric acid	1	PB 287–761/AS; A06; $9.00		1. Letter, Apr. 13, 1979, H. M. Steinmetz, USDA Food Safety and Quality Service, Washington, DC, to F. R. Senti, FASEB, Bethesda, MD.
Malt syrup and extract	1	PB 284–881/AS; A05; $8.00	Mutagenic evaluation of compound FDA 73–53 977051174 malt extract, by Litton Bionetics, Inc., under FDA contract. (PB 245–494/AS; A03; $6.00).	1. Executive Director of Regional Operations 1973. In: Food and Drug Administration Compliance Policy Guide No. 7105.02, FDA, Washington, DC. 2. Premier Malt Products, Inc., [1979] Your guide for buying malt extracts and related syrups. 3. Analyses of nitrosamines. Submitted to F. R. Senti, FASEB, Bethesda, MD, by Premier Malt Products, Inc., Milwaukee, WI. 4. Evaluation of the health aspects of certain zinc salts as food ingredients (SCOGS–21). (PB 266–879/AS; A02; $5.00). 5. Evaluation of the health aspects of dextrin and corn dextrin as food ingredients (SCOGS–75). (PB 254–538/AS; A02; $5.00).

Substance	Select committee tentative conclusion	Order No., price code, and price [1]		
		Scientific literature review	Animal study report	Other information
				6. Evaluation of the health aspects of glycerin and glycerides as food ingredients (SCOGS–30). (PB 254–536/AS; A03; $6.00). 7. Evaluation of the health aspects of malic acid as a food ingredient (SCOGS–56). (PB 262–662/AS; A02; $5.00). 8. Evaluation of the health aspects of certain calcium salts as food ingredients (SCOGS–45). (PB 254–539/AS; A02; $5.00). 9. Evaluation of the health aspects of phosphates as food ingredients (SCOGS–32). (PB 262–651/AS; A03; $6.00). 10. Evaluation of the health aspects of sulfuric acid and sulfates as food ingredients (SCOGS–33). (PB 262–652/AS; A02; $5.00). 11. Evaluation of the health aspects of corn sugar (dextrose), corn syrup, and invert sugar as food ingredients (SCOGS–50). (PB 262–659/AS; A03; $6.00). 12. Evaluation of the health aspects of sucrose as a food ingredient (SCOGS–69). (PB 262–668/AS; A03; $6.00). 13. Evaluation of the health aspects of magnesium salts as food ingredients (SCOGS–60). (PB 265–509/AS; A03; $6.00). 14. Evaluation of the health aspects of citric acid, sodium citrate, potassium citrate, calcium citrate, ammonium citrate, triethyl citrate, isopropyl citrate, and stearyl citrate as food ingredients (SCOGS–84). (PB 280–954/AS; A03; $6.00). 15. Evaluation of the health aspects of pyridoxine and pyridoxine hydrochloride as food ingredients (SCOGS–100). (PB 275–340/AS; A03; $6.00). 16. Evaluation of the health aspects of sodium, potassium, magnesium, and zinc gluconates as food ingredients (SCOGS–78). (PB 288–675/AS; A02; $5.00). 17. Evaluation of the health aspects of biotin as a food ingredient (SCOGS–92). (PB 281–421/AS; A02; $5.00) 18. Evaluation of the health aspects of niacin and niacinamide as food ingredients (SCOGS–108). (PB 80–112030; A03; $6.00). 19. Evaluation of the health aspects of calcium pantothenate, sodium pantothenate, and D-pantothenyl alcohol as food ingredients (SCOGS–93). (PB 288–672/AS; A03; $6.00). 20. Evaluation of the health aspects of thiamin hydrochloride and thiamin mononitrate as food ingredients (SCOGS–109). (PB 288–674/AS; A03; $6.00). 21. Evaluation of the health aspects of starch and modified starches as food ingredients (SCOGS–115). (PB 80–128804; A06; $9.00). 22. Evaluation of the health aspects of copper gluconate, copper sulfate, and cuprous iodide as food ingredients (SCOGS–98). (PB 301–400/AS; A03; $6.00). 23. Evaluation of the health aspects of manganous salts as food ingredients (SCOGS–67). (PB 301–404/AS; A03; $6.00). 24. Evaluation of the health aspects of sodium chloride and potassium chloride as food ingredients (SCOGS–102). (PB 298–139/AS; A04; $7.00). 25. Evaluation of the health aspects of certain silicates as food ingredients (SCOGS–61). (PB 301–402/AS; A03; $6.00). 26. Evaluation of the health aspects of riboflavin and riboflavin-5'-phosphate as food ingredients (SCOGS–114). (PB 301–406/AS; A03; $6.00). 27. Evaluation of the health aspects of protein hydrolyzates as food ingredients, supplemental review and evaluation (SCOGS–37b-Suppl.). Report in preparation. 28. Evaluation of the health aspects of iron and iron salts as food ingredients (SCOGS–35). Report in preparation. 29. Subcommittee on Review of the GRAS List—Phase II. A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS). (PB 221–921 through PB 221–949 or PB 221–920 for the set; E99; $173.00). 30. Formal report of analysis for N-nitroso compounds. Submitted to F. R. Senti, FASEB, Bethesda, MD, by Premier Malt Products, Inc., Milwaukee, WI. 31. U.S. Brewers' Association. [1979] Progress reports of investigations of nitrosamines in malt products. Submitted to FDA, Washington, DC. 32. Verrett, M. J. 1975. Investigation of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: Malt syrup extract, FDA in-house investigation.
Shellac and shellac wax	5	PB 287–765/AS; A03; $6.00	Mutagenic evaluation of compound PM–9000593 shellac wax (73–51), by Litton Bionetics, Inc., under FDA contract. (PB 245–484/AS; A03; $6.00.	1. Letter, Sept. 21, 1959, A. A. Checchi, FDA, Washington, DC to P. H. Groggins, Food Machinery and Chemical Corp., Washington, DC. 2. Committee on GRAS List Survey—Phase III. 1975 Resurvey of the annual poundage of food chemicals generally recognized as safe (GRAS). (PB 228–081/AS; A03; $6.00). 3. Committee on GRAS List Survey—Phase III. The 1977 survey of industry on the use of food additives. (PB 80–113418; E19; $50.50). 4. Letter, July 31, 1959, J. K. Kirk, FDA, Washington, DC, to H. J. Simon, Black, Varian & Simon, New York, NY. 5. Memorandum, July 11, 1979, F. R. Senti, FASEB, Bethesda, MD. 6. Letter, Oct. 15, 1965, W. G. Orr, FDA, Washington, DC, to R. B. Sievert, Frank B. Ross Co. Inc., Jersey City, NJ. 7. Subcommittee on Review of the GRAS List—Phase II. A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS). (PB 221–921 through PB 221–949 or PB 221–920 for the set; E99: $173.00). 8. Letter, Mar. 22, 1960, E. T. Wulfsberg, FDA, Washington, DC, to R. K. Mommsen, Southern Shellac Manufacturing Co., Memphis, TN. 9. Letter, Oct. 18, 1960, E. T. Wulfsberg, FDA, Washington, DC, to R. M. Carpenter, S. C. Johnson & Sons, Racine, WI.

Substance	Select committee tentative conclusion	Order No., price code, and price [1] Scientific literature review	Animal study report	Other information
Stearly alcohol	1	PB 289-664/AS; A04; $7.00		1. Memorandum, July 13, 1979, F. R. Senti, FASEB, Bethesda, MD. 2. Letter, May 3, 1960, F. A. Cassidy, FDA, Washington, DC, to W. H. Cathcart, The Great Atlantic & Pacific Tea Co., Inc., New York, NY. 3. Letter, Apr. 8, 1960, F. A. Cassidy, FDA, Washington, DC, to C. P. Wetzel, Chas. Pfizer & Co., Inc., Brooklyn, NY. 4. Memorandum, Aug. 8, 1979, H. I. Chinn, FASEB, Bethesda, MD. 5. Letter, Nov. 7, 1979, N. F. Estrin, The Cosmetic, Toiletry and Fragrance Association, Inc., Washington, DC. 6. Memorandum, July 13, 1979, F. R. Senti, FASEB, Bethesda, MD. 7. The Procter & Gamble Co. 1979. Technical Information. Product: CO-1895, CO-1897 stearyl alcohols. The Procter & Gamble Co., Cincinnati, OH. 8. Van Straten, S. 1977. Volatile Compounds in Food. 4th ed. Index 35. Central Institute for Nutrition and Food Research, TNO, Zeist, The Netherlands.

[1] Price subject to change.

Reports in the table with "PB" prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22161.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, its reviews with specific information from specialized sources as announced in a previous hearing opportunity notice published in the **Federal Register** of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on ingredients that are the subject of this notice of opportunity for a hearing are available for review at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and also at the Public Information Office, Food and Drug Administration, Rm. 3807, 200 C. St. SW., Washington, DC 20204. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review at the office of the Hearing Clerk. The two listed reports now in preparation will be placed on file with the Hearing Clerk as soon as they become available to FDA.

To schedule the public hearing, the Seclect Committee must be informed of the number of persons who wish to attend and the time required to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall inform the Select Committee in writing addressed to the received by or postmarked on or before May 27, 1980. It shall state the substance(s) on which an opportunity to present oral views is requested and how much time is being requested for the presentation. Requests shall specify the docket number found in brackets on the heading of this notice. As soon as possible after the request deadline, a notice announcing the date, time, place, and scheduled presentations for any public hearing that may be requested will be published in the **Federal Register.**

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Because of time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. A copy of each request shall be sent to the Hearing Clerk (address above). All requests will be placed on public display in that office. Any such request must be Any interested person may, in lieu of an oral presentation, submit written views, which shall be considered by the Select Committee. Three copies of such written views, identified with the docket number found in brackets in the heading of this notice, shall be addressed to the Select Committee at the address noted above, and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and will be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will be placed on public display in the office of the Hearing Clerk (HFA-305), Food and Drug Administration.

Dated: April 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-12688 Filed 4-24-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80M-0057]

Electro-Biology, Inc., Premarket Approval of Bi-Osteogen® System 204

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Bi-Osteogen® System 204 sponsored by Electro-Biology, Inc., Fairfield, NJ. After reviewing the Orthopedic Section of the Surgical and Rehabilitation Devices Panel's recommendation, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 27, 1980.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Keith Lusted, Bureau of Medical Devices (HFK–402), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–8162.

SUPPLEMENTARY INFORMATION: The sponsor, Electro-Biology, Inc., Fairfield, NJ, submitted an application for premarket approval of the Bi-Osteogen® System 204, a bone growth stimulator, to FDA on January 15, 1979. The application was reviewed by the Orthopedic Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 6, 1979, FDA approved the application by a letter to the sponsor from the Director of the Bureau of Medical Devices.

A summary of the information on which FDA's approval is based is available upon request from the Hearing Clerk (address above). Requests should be identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition must be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may at any time on or before May 27, 1980, file with the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document. Received petitions may be seen in the above-named office from 9:00 a.m. to 4:00 p.m., Monday through Friday.

Dated: April 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–12734 Filed 4–24–80; 8:45 am]

BILLING CODE 4110–03–M

Health Services Administration

Genetic Diseases Review and Advisory Committee; Notice of Establishment

Pursuant to the Federal Advisory Committee Act, Public Law 92–463 (5 U.S.C. Appendix I), the Health Services Administration announces the establishment by the Secretary, HEW, of the Genetic Diseases Review and Advisory Committee on April 1, 1980, pursuant to section 1104(d) of the Public Health Service Act, as amended.

Designation: Genetic Diseases Review and Advisory Committee.

Purpose: The Committee will advise and make recommendation to the Secretary and the Administrator, Health Services Administration, regarding genetic disease services grants for projects to establish and operate voluntary genetic testing and counseling programs primarily in conjunction with other existing health programs, including programs assisted under Title V of the Social Security Act. The Committee will advise on the development of services relating to genetic diseases, including the dissemination of information and materials to persons providing health care, to teachers and students, and to public generally in order to most rapidly make available the latest advances in the testing, diagnosis, counseling, and treatment of individuals respecting genetic diseases.

Authority for this Committee is continuous and a charter will be filed every two years in accordance with section 14(b)(2) of Public Law 92–463.

Dated: April 18, 1980.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 80–12749 Filed 4–24–80; 8:45 am]

BILLING CODE 4110–84–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of General Counsel

[Docket No. D–80–599]

Designation of Authority To Certify Request for Records Under the Right to Financial Privacy Act

AGENCY: Office of General Counsel, HUD.

ACTION: Designation of HUD official authorized to request records under the Right to Financial Privacy Act.

SUMMARY: This notice designates the Assistant General Counsel for Administrative Law as the official who may certify the Department's compliance with Section 1114 of the Right to Financial Privacy Act.

FOR FURTHER INFORMATION CONTACT: David D. White, Office of General Counsel, U.S. Department of Housing and Urban Development, Room 10254, Area Code (202) 755–7137.

SUPPLEMENTAL INFORMATION: The Right to Financial Privacy Act (RFPA) (12 U.S.C. § 3401 *et seq.*) regulates governmental access to customer records maintained by financial institutions. Generally, in order for an agency to obtain financial records, it must obtain the customer's consent, an administrative or judicial subpoena or a search warrant. One exception to these requirements applicable to HUD operations is Section 1114 of the RFPA which authorizes a request for records from:

> (b)(1) * * * a Government authority * * * obtaining financial records from a financial institution if the Government authority determines that delay in obtaining access to such records would create imminent danger of—
>
> (A) physical injury to any person;
>
> (B) serious property damage; or
>
> (C) flight to avoid prosecution.

Once it has been determined that one or more of the three specified conditions exists, the sole requirement for access under this Section is that the agency give the financial institution a certificate stating that the agency is in compliance with applicable provisions under the Act. The certification must be signed by a "supervisory official of a rank designated by the head of the Government authority."

DESIGNATION: I hereby designate the Assistant General Counsel for Administrative Law, Office of General Counsel, to make the determinations and certifications required under Section 1114 of the Right to Financial Privacy Act.

Authority: See 7(d) of the Department of HUD Act, 2 U.S.C. 3535(d), 12 U.S.C. 3414(a)(2).

Effective date: April 6, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-12693 Filed 4-24-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Great Rift Proposed Wilderness Environmental Impact Statement (Draft); Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction to notice of DEIS availability.

SUMMARY: Information published in 45 FR 26139 (Thursday, April 17, 1980) on the deadline to receive written testimony was in error. The deadline for receiving written testimony on the lands determined suitable for the Great Rift Proposed Wilderness EIS (Draft) is hereby amended to read May 27, 1980. The reason for extending the comment period is to allow the public an opportunity to review the U.S. Geological Survey and Bureau of Mines mineral report on the Great Rift proposed wilderness area. Copies of this report are available at the following locations:

Bureau of Land Management, Idaho State Office, 550 W. Fort Street, Boise, Idaho 83724.

Bureau of Land Management, Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Bureau of Land Management, Shoshone District Office, P.O. Box 2B, Shoshone, Idaho 83352.

Bureau of Land Management, Burley District Office, 200 South Oakley Highway, Burley, Idaho 83318.

Dated: April 18, 1980.

Theodore G. Bingham,

Acting Idaho State Director.

[FR Doc. 80-12538 Filed 4-24-80; 8:45 am]

BILLING CODE 4310-84-M

Montana and Wyoming; Powder River Regional Coal Team Meeting

Pursuant to the responsibilities set forth in 43 CFR 3400.4(b), the Powder River Regional Coal Team will meet May 29 and 30, 1980 to review areas of expression of interest in the Highlight Review area and to provide additional guidance concerning tract delineation. The team will also hear reports on social-economic factors and on update of the public affairs plan and the schedule of activities leading to possible coal leasing in 1982. The team will tour coal mines in the Gillette area on the second day.

Public attendance at the regional coal team meeting is welcome. There will be an opportunity for the public to address the regional coal team. Anyone wishing to accompany the team on the tours must provide their own transportation.

The meeting on May 29 will begin at 10:30 a.m. at the Holiday Inn, Gillette, Wyoming. The tour of coal mines in the Gillette area will depart from the Holiday Inn of Gillette on May 30, 1980 at 8 a.m.

For further information: Robert O. Buffington, Regional Coal Team Chairperson, (208) 384-1401, Room 398, Federal Building, 550 West Fort Street, Boise, Idaho 83724.

Maxwell T. Lieurance,

State Director.

[FR Doc. 80-12678 Filed 4-24-80; 8:45 am]

BILLING CODE 4310-84-M

New Mexico Redelegation of Authority

April 18, 1980.

SUMMARY: Section 1.1(a)(2) of Bureau Order No. 701 dated July 23, 1964, as amended by notice published at 45 FR 6177 on Friday, January 24, 1980 (FR Doc. 80-2428 filed 1-24-80; 8:35 a.m.), authorizes the Bureau of Land Management State Directors the opportunity to redelegate the authority to grant, renew, reassign or revoke rights-of-way under Title I, Section 28 of the Mineral Leasing Act of 1920, as amended, and under the Federal Land Policy and Management Act of 1976 to Bureau of Land Management District and Area Managers.

That authority is hereby redelegated to the Roswell District Manager.

This notice has no other effect on the provisions of FR Doc. 80-2428.

EFFECTIVE DATE: This redelegation will become effective June 1, 1980.

FOR FURTHER INFORMATION CONTACT: New Mexico State Office Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Arthur W. Zimmerman,

State Director.

[FR Doc. 80-12677 Filed 4-24-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Intent To Prepare an Environmental Impact Statement (EIS) on the Management of River Flows to Mitigate the Loss of the Anadromous Fishery of the Trinity River, Calif.

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

ACTION: Notice.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service, in cooperation with the Water and Power Resources Service and the Bureau of Indian Affairs, intends to gather information necessary for the preparation of an Environmental Impact Statement on the management of river flows to mitigate the loss of the anadromous fishery of the Trinity River, California.

This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1510.7) to obtain suggestions and information from other agencies, organizations and the public, on the scope of alternatives and issues to be addressed in the EIS. No public scoping meetings are contemplated.

DATES: Written comments should be received by May 27, 1980.

ADDRESS: Comments should be addressed to the Area Manager: U.S. Fish and Wildlife Service, Room E-2727, 2800 Cottage Way, Sacramento, California 95825

FOR FURTHER INFORMATION CONTACT: Jody Hoffman, U.S. Fish and Wildlife Service, 2800 Cottage Way, Sacramento, California 95825. Phone: (916) 484-4731.

SUPPLEMENTAL INFORMATION: Lewiston Dam on the Trinity River, approximately 60 miles northwest of Red Bluff, California, is operated by the Trinity River Division of California's Central Valley Project (CVP). Approximately 85 to 90 percent of the runoff of the Trinity Watershed above Lewiston Dam is being diverted to the Sacramento River for hydroelectric, agricultural, and other uses. The reduced flows in the Trinity have resulted in a severe decline in anadromous fishery. This diversion has resulted in the loss of 50 percent of the Chinook salmon and 90-94 percent of the steelhead trout in the Trinity River. This decline in the fishery has resulted in a loss of public recreational opportunities and has created significant economic losses to area residents dependent on the recreation and commercial fishing. Also, the decline in the fishery is the major cause of the current Indian fishing rights controversy of the Hoopa and Yurok Indians. The Secretary of the Interior is

authorized and directed in the "Trinity River Division Authorization Act" (P.L. 34–386) to mitigate the damage to the fishery. In addition, the Secretary's trust responsibilities to the Hoopa and Yurok Tribes require the Secretary to manage trust assets for the benefit of the Tribes; and that both the tribal right to fish and the right to the water needed to make the fishing right meaningful are tribal assets.

Since 1975, the issue of fishery mitigation has been addressed by the Trinity River Basin Fish and Wildlife Task Force, which is composed of representatives of Federal, State, and local agencies and the Hoopa Valley Indian Tribe. In January 1980, a report entitled *Trinity River Instream Flow Study* was published by the Task Force and the U.S. Fish and Wildlife Service. This report supports the opinion which has long been held by many fishery experts—that the single most important factor for restoring the anadromous fishery is to increase the amount of water released into the Trinity River. The *Instream Flow Study* concludes that the annual allocation for Trinity River flows should be increased from the 120,500 acre-feet, which has become the standard flow release since the project was completed. Based on the *Instream Flow Study*, the Task Force has recommended that the allocation be increased to 340,000 acre-feet annually. Of this amount, 287,000 acre-feet is identified as immediately necessary for maintenance of existing habitat and fish migrations. The remaining 53,000 acre-feet are recommended to be used for experimental purposes until stream channel improvements are made to accommodate increased base flows. It is believed that this amount of water, in addition to restoration of the degraded river channel by mechanical means, will allow the fishery to recover to near preproject conditions.

Increasing the flow to the Trinity could impact water users in the Central Valley. Use of additional water for fishery purposes in the Trinity River would make less water available to fulfill tenative commitments to contract additional water supplies to Westlands Agricultural District and for use to meet the State's water quality standards in the Sacramento Delta. A firm water supply is not now available to meet these tentative obligations and to increase flows to the Trinity during drought years.

The alternatives to be assessed in the EIS will address the issue of how much water will be allocated to the Trinity. Whichever alternative is selected, the FWS will, in conjunction with the Trinity River Basin Fish and Wildlife Task Force, prepare a plan for habitat enhancement, including restoration of the degraded river channel. The following alternatives for managing annual flows for the Trinity below Lewiston Dam are now being considered.

1. *No action.* The current 120,500 acre-feet average annual flow would not be maintained under this alternative. While it would have no adverse impacts on CVP water users, neither would it restore the fishery. It would be consistent with the Secretary's trust responsibilities to the Hoopa and Yurok Tribes.

2. *Reservation for Trinity River flows of 245,000 acre-feet annually of stored Trinity River water.*—The impacts of this alternative on fishery mitigation would be an improvement over Alternative 1, but the fishery would probably not recover to preproject populations.

3. *Reservation for Trinity River flows of 340,000 acre-feet annually of stored Trinity River water.*—This alternative would yield substantial benefits for fishery mitigation, trust responsibilities, and the economy of the Trinity Basin, allowing restoration of salmon to preproject levels. However, the reduction of water available to CVP users would be significant, especially in dry and critically dry years.

4. *Reservation for Trinity River flows of 340,000 acre-feet annually of stored Trinity River Water, except in critical years. In critical years fishery releases will be assessed the same percentage reduction as long-term irrigation contractors (25%).*—This alternative would somewhat alleviate the adverse imnpacts on CVP water users associated with Alternative 3, without seriously threatening the fishery restoration effort.

5. *Reservation for Trinity River flows of 340,000 acre-feet annually of stored Trinity River water, except in critical years. In critical years, CVP interim water will be used to maintain releases at 340,000 acre-feet per year.* This alternative would use "interim" water while it is available (the next 10–15 years) to provide a "grace" period for the fishery to recover before being subjected to reduced flows in critically dry years. The adverse impacts on CVP water users would be the same as Alternative 3, while interim water is available, and the same Alternative 4 when it is gone.

6. *Reservation for Trinity flows of 340,000 acre-feet annually of stored Trinity River water, except in dry and critically dry years, in which releases would be 120,500.* This Alternative would minimize impacts on the CVP. It would provide fishery benefits in normal years, but in both dry and critically dry years (25% of the time) releases would be reduced to the present level, resulting in sharp fluctuations in populations. Efforts to restore and manage the fishery would be severely hampered. This would not be consistent with the Secretary's trust responsibilities to manage the fishery so that it supports tribal subsistence and commercial fishing.

7. *Reservation for Trinity River flows of 340,000 acre-feet annually in all but dry and critically dry years; 220,000 acre-feet in dry years; and 120,500 acre-feet in critically dry years.* The result of this alternative on the CVP would fall somewhere between Alternative 4 and Alternative 6. It would provide substantial fishery benefits in most years, though less in both dry and critically dry years than would be provided by Alternative 4. Approximately one year in ten, fish populations would be subjected to severe environmental stresses, and sharp fish population fluctuations could occurr. These fluctuations would likely be similar to fluctuations occurring in preproject critically dry years.

8. *Same as Alternative 7, except that CVP interim water will be used during dry and critically dry years to maintain releases at 340,000 acre-feet per year.* This alternative would provide a "grace" period for the fishery to recover before being subjected to flow reductions during dry and critically dry years. The adverse impacts on CVP water users would be similar to Alternative 3 while intermin water is available and similar to Alternative 7 when it is gone.

Comments on this proposal and the alternatives shown, and suggestions for additional alternatives are requested from an interested agency, organization or individual. Information as to the potential effects of these alternatives will be considered in the preparation of the EIS.

We estimate this EIS will be available for public review by July 1, 1980.

Dated: April 22, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 12769 Filed 4–24–80; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Texasgulf, Inc.

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

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Texasgulf, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3080, Block 556, Matagorda Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 16, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80–12679 Filed 4–24–80; 8:45 am]

BILLING CODE 4310–31–M

Water and Power Resources Service

Contract Negotiations With the City of Reno, Truckee-Carson Irrigation District, and the Fish and Wildlife Service; Extend the Public Review Period for a Proposed Short-Term Contract

The Department of the Interior, through the Water and Power Resources Service, has completed the negotiation of a proposed short-term contract among the Water and Power Resources Service; the Fish and Wildlife Service; the city of Reno, Nevada; and the Truckee-Carson Irrigation District, Fallon, Nevada. The proposed contract was prepared pursuant to the act of June 17, 1902 (32 Stat. 388), the act of August 1, 1956 (70 Stat. 775), and the act of February 21, 1911 (36 Stat. 25), and acts amendatory thereof or supplementary thereto. The purpose of this proposed storage contract is to provide water for flow augmentation for the city of Reno while the city is expanding its Reno-Sparks Joint Water Pollution Control Plant (JWPCP). The proposed contract will be a short-term water storage contract effective for a period not to exceed 5 years, unless the city's JWPCP expansion is completed or an alternative contingency plan is developed by the city within that 5-year period.

The availability of this short-term contract for public review and comment was announced in the **Federal Register** on March 25, 1980 (Volume 45, No. 59, page 19326). This notice is to extend the period for public review and comment to May 10, 1980.

For further information and copies of the proposed contract, please contact Mrs. Betty Riley, Division of Water and Power Resources Management, Water and Power Resources Service, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484–4620. All written correspondence concerning the proposed contract is available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

Dated: April 17, 1980.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 80–12487 Filed 4–24–80; 8:45 am]

BILLING CODE 4310–09–M

Contract Negotiations With Montana Department of Natural Resources and Conservation, Cooney Dam and Reservoir, Montana; Intent To Negotiate Contract for Repayment of Small Reclamation Projects Act Loan

In accordance with procedures established by the Department of the Interior concerning public participation in water service and repayment negotiations, the Water and Power Resources Service intends to begin negotiating a contract with the Montana Department of Natural Resources and Conservation (NDRC) for repayment of a loan, pursuant to the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended.

Cooney Dam and Reservoir, a part of the Rock Creek Project owned by DNRC, was completed in 1937. This project was originally financed by Federal Public Works Administration and State Water Conservation Board funds. Cooney Dam is located on Red Lodge Creek below its confluence with Willow Creek in Carbon County, approximately 7 miles west of Boyd, Montana. The DNRC has made application to the Service for loan funds to perform rehabilitation work under provisions of the 1956 Act.

The proposed program would include excavating a large emergency spillway, rehabilitating the existing principal spillway, and increasing the height of the dam. The dam is presently inadequate to pass the probable maximum flood, and in the event of such an occurrence, the dam would be overtopped and would probably fail.

The total project cost has been estimated to be $2,338,300 ($631,300 from State appropriations, $260,000 from a land and water conservation fund, and $1,447,000 from a Small Reclamation Projects Act loan).

All meeting scheduled by the Water and Power Resources Service with the DNRC for the purpose of discussing terms and conditions of the proposed repayment contract will be open to the general public as observers. Advance notice of meetings will be furnished to those parties having submitted a written request for a meeting schedule at least 1 week prior to any meeting. Requests should be addressed to the Regional Director, Water and Power Resources Service, Attention Code 440, P.O. Box 2553, Billings, Montana 59103. All written correspondence concerning the proposed contract will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

A proposed draft contract will be made available for public review following completion of contract negotiations. Thereafter, a public hearing may be held, if necessary, and a 30-day period will be allowed for receipt of written comments from the public. Unless significant public interest in the proposed contract negotiations is demonstrated in response to this notice, announcement of the availability of the draft contract will be limited to those parties who have expressed an interest therein.

The terms and conditions of the proposed contract are ultimately dependent upon the Secretary of the Interior's approval of the contractor's application for the loan and his approval of the form of the proposed contract. In addition, the approved loan application must be submitted to Congress for its review at least 60 days prior to the appropriation of funds by the Congress for the project.

For further information on scheduled contract negotiating sessions and copies of the proposed contract form, please

contact William E. Crosby, Chief, Economics and Repayment Branch, Division of Water and Land, at the above address or telephone (406) 657–6413.

Dated: April 18, 1980.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 80-12552 Filed 4-24-80; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations for San Juan Basin Water Haulers Association; Intent To Negotiate Water Service Contract

In accordance with procedures established by the Department of the Interior concerning public participation in contracting negotiations, the Water and Power Resources Service intends to initiate negotiations with the San Juan Basin Water Haulers Association, Farmington, New Mexico, for 450 acre-feet of project water from the Navajo Unit of the Colorado River Storage Project. This contract will be for up to 5 years of water service.

The contract will be negotiated under the authority of the Reclamation Project Act of 1939, the Colorado River Storage Project Act of April 11, 1956, and the Navajo Indian Irrigation Project Act of June 13, 1962.

The water is to be used for drilling oil and gas wells in the New Mexico portion of the San Juan Basin. Pursuant to Reclamation law and Service policy for municipal and industrial (M&I) water marketing, the water rate will, at a minimum, recover an appropriate share of annual operation and maintenance costs and an appropriate share of capital costs allocated to M&I service from the project with interest.

All meetings scheduled by the Water and Power Resources Service with the contractor for the purpose of discussing terms and conditions of the proposed contract shall be open to the general public as observers.

Advance notice of these meetings will be furnished to those parties having previously furnished a written request for such notice at least 1 week prior to a scheduled session. For further information on scheduled negotiating meetings and a copy of the proposed contract when it is available, please contact Mr. Richard Gjere, Chief, Operations Division, Water and Power Resources Service, P.O. Box 640, Durango, Colorado 81301.

The proposed contract will be open to public review and written comments 30 days after it is available for such review and comment. Unless significant public interest in the proposed contract is demonstrated in response to this notice, the availability of the negotiated draft contract will not be published. The Commissioner of Water and Power Resources will review comments submitted and, based on the number, source, and nature of the comments, a decision will be made whether to hold a public hearing.

All written correspondence concerning the proposed contract will be available pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

Dated: April 18, 1980.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 80-12551 Filed 4-24-80; 8:45 am]

BILLING CODE 4310-09-M

Office of the Secretary

[INT DEIS 80-25]

Availability of the Draft Environmental Impact Statement for MAPCO's Rocky Mountain Liquid Hydrocarbons Pipeline Project

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the draft environmental impact statement (DEIS).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) has prepared a DEIS for the proposed MAPCO Rocky Mountain Liquid Hydrocarbons Pipeline Project.

DATE: Comments will be accepted until June 9, 1980.

ADDRESS: Comments should be sent to: State Director (922), Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

FOR FURTHER INFORMATION CONTACT:

Pat Clason, Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240, (202) 343–5441, or Bob Armstrong, New Mexico State Office, Bureau of Land Management, U.S. Post Office and Federal Bldg., South Federal Place (P.O. Box 1449), Santa Fe, New Mexico 87501, (505) 988–6212.

SUPPLEMENTARY INFORMATION: The DOI (BLM) has prepared a DEIS on a proposal by MAPCO to construct 1,172 miles of common-carrier pipeline (and related facilities) from Hobbs Station, Texas, through New Mexico, Colorado, and Utah to southwestern Wyoming.

The DEIS analyzes the environmental, social, and economic impacts of the proposal, in additon to various route agreement alternatives.

A limited number of the draft statements are available upon request at the following offices:

New Mexico State Office, P.O. Box 1449, Santa Fe. NM 87501
Albuquerque District Office, 3550 Pan American Freeway, NE, Albuquerque, NM 87107
Colorado State Office, Colorado State Bank, 7th Floor, 1600 Broadway, Denver, CO 80202
Grand Junction District Office, 746 Horizon Drive, Grand Junction, CO 81502
Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, UT 84111
Vernal District Office, 170 S. 500 E., P.O. Box F, Vernal, UT 84078
Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, WY 82001
Denver Service Center Library, Bldg. 50, Denver Federal Center, Denver, CO 80225
Washington Office of Public Affairs, 18th and C Street, NW, Washington, DC 20240
Roswell District Office, 1717 W. Second Street, P.O. Box 1397, Roswell, NM 88201
Farmington Resource, Area Headquarters, 900 La Plata Highway, P.O. Box 568, Farmington, NM 87401
Craig District Office, 455 Emerson Street, P.O. Box 248, Craig, CO 81625
Montrose District Office, Highway 550 South, Montrose, CO 81625
Moab District Office, 125 W. 2nd S. Main, P.O. Box 970, Moab, UT 84532
Rawlins District Office, 1300 Third Street, P.O. Box 670, Rawlins, WY 82301.
Rock Springs District Office, Highway 187 N., P.O. Box 1869, Rock Springs, WY 82901

Public reading copies are also available in public libraries in approximately 40 locations along the route.

Public Hearings will be held in Santa Fe, NM; Grand Junction, CO; Vernal, UT; and Rock Springs, WY to receive oral or written comments on the proposed project. Oral comments will be limited to 10 minutes and should be accompanied with a written synopsis of the comments. Time, date, and location of hearings will be publicized locally.

Dated: April 21, 1980.

Guy R. Martin,

Assistant Secretary.

[FR Doc. 80-12701 Filed 4-24-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

[INT FES 80-14]

Availability of Final Environmental Impact Statement General Management Plan and Development Concept Plan for Stones River National Battlefield and Cemetery, Tenn.

Pursuant to Section 102[2][C] of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Impact Statement on the proposed General Management Plan and Development Concept Plan for Stones River National Battlefield and Cemetery, Tennessee.

The statement evaluates proposals for the management, development, and operation of Stones River National Battlefield and Cemetery.

Limited copies of the Environmental Impact Statement and General Management Plan and Development Concept Plan will be available at the addresses given below.

Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW, Atlanta, Georgia 30303
Superintendent, Fort Donelson National Military Park, P.O. Box F, Dover, Tennessee 37058
Superintendent Stones River National Battlefield and Cemetery, Route 10, Box 401, Old Nashville Highway, Murfreesboro, Tennessee 37120

The National Park Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: April 18, 1980.

James H. Rathlesberger,

Special Assistant to Assistant Secretary of Interior.

[FR Doc. 80-12367 Filed 4-24-80; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Availability for Public Review of Major Modification to a Coal Mining and Reclamation Plan; the Carter Mining Co. for the Rawhide Mine, Campbell County, Wyo. (Federal Coal Lease No. W-5036)

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 Section 211.5 of Title 30 and Section 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 the Carter Mining Company to expand mining of Federal coal at the Rawhide Mine. A brief description of the location follows:

Location of Lands To Be Affected by Modification

Applicant: The Carter Mining Company.
Mine Name: Rawhide Mine.
State: Wyoming.
County: Campbell.
Section, Township, Range: T. 51 N, R. 72 W, 6th PM: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 T. 52 N, R. 72 W, 6th PM: 31, 33.
Office of Surface Mining Reference No. WY-0012.

The proposed mining plan involves surface mining of about 583 million tons of Federal and fee coal overlain by privately-owned surface with the exception of 36 acres of Federal surface. This plan represents an expansion of existing approved operations on Federal coal lease W-5036. The total permit area would be 7,392 acres of which 4,600 acres would be mined. The operation would include plant facilities such as a rail spur, coal crusher, coal conveyor, silo and loadout facilities.

Mining at the Rawhide Mine began in 1976 under a permit issued by the State of Wyoming (State Permit No. 240C) and a life-of-mine approval granted by the U.S. Geological Survey. The mine is located approximately 10 miles north of Gillette, Wyoming at an elevation of approximately 4,500 feet.

Coal from the Federal lease would be mined until approximately the year 2006. Final reclamation is scheduled for completion by the end of the year 2016. The average annual coal production would be approximately 22 million tons, with projected maximum annual production at 24 million tons. Two coal seams would be mined and coal would be shipped out via train.

The mining and reclamation plan has been determined to be sufficiently complete to issue this notice 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 the Surface Mining Control and Reclamation Act (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 Section 211.5(c)(2) of Title 30, Code of Federal Regulations.

The 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 Department of Environmental Quality, Land Quality Division, State of Wyoming, Hathaway Building, Cheyenne, Wyoming 82002. 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: Thomas C. Anderson or John Hardaway, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

Donald A. Crane,

Regional Director.

[FR Doc. 80-12089 Filed 4-24-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Consent Judgment in United States v. Greater Syracuse Board of Realtors, Inc., et al. and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Northern District of New York in *United States* v. *Greater Syracuse Board of Realtors, Inc., et al.*, 77 Civ. 159. The complaint in this case alleges that ten defendants combined and conspired to fix, raise, maintain and stabilize commissions charged for services in connection with the sale of residential real estate in Onondaga County, New York, in violation of Section 1 of the Sherman Act (15 U.S.C. 1).

The proposed consent judgment enjoins the defendants from fixing, establishing, or maintaining any rates or amounts of commissions for the sale, exchange, rental, lease, management or mortgage of real estate. It also directs

the Greater Syracuse Board of Realtors, Inc. to publish an advertisement twice in the real estate section of the Sunday Syracuse Herald Journal stating, in part, that " * * * you should be aware that the commission rate or fee that a broker charges for his services is negotiable."

Public comment is invited within the statutory sixty (60) day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Ralph T. Giordano, Chief, New York Office, Antitrust Division, Room 3630, 26 Federal Plaza, New York, New York 10007.

Joseph H. Widmar,

Director of Operations.

U.S. District Court, Northern District of New York

United States of America, Plaintiff, **v.** *Greater Syracuse Board of Realtors, Inc.; Gallinger Real Estate, Inc.; Eagan Real Estate, Inc.; A. Menter Real Estate, Inc.; Clark Real Estate Onondago, Inc.; Dewitt Real Estate Inc.; Blatchford Realty Co., Inc.; Longley-Jones Associates, Inc.; L. D. Marshall Real Estate, Inc.; and Olson-Peck, Inc.,* Defendants.

77 Civ. 159, filed: 4/14/80.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this and any other proceedings.

Dated: April 14, 1980.

For the Plaintiff: Sanford M. Litvack, Assistant Attorney General; Joseph H. Widmar, Ralph T. Giordano, Melvin Lublinski, Jacqueline W. Distelman, Gary A. Kimmelman, Edward Friedman, Attorneys, Department of Justice.

For the Defendants: Melvin and Melvin, Attorneys for Greater Syracuse Board of Realtors, Inc. and Eagan Real Estate, Inc.; Charles H. Thompson, Dadd and Dadd, P. C., Attorneys for Gallinger Real Estate, Inc., Eric T. Dadd, Edward F. Gerber, Esq., Attorney for A. Menter Real Estate, Inc., Bruce O. Jacobs, Esq., Attorney for Blatchford Realty Co., Inc.; Sugarman, Wallace, Manheim & Schoenwald, Attorneys for Longley-Jones Associates, Inc.; Alan J. Goldberg, Edmund H. Jeschke, Esq., Attorney for L. D. Marshall Real Estate, Inc., Mackenzie, Smith, Lewis, Mitchell & Hughes, Attorneys for Clark Real Estate Onondaga, Inc., Robert J. Gang, Jr., Williams, Micale & Wells, Attorneys for Dewitt Real Estate Inc.; By Peter N. Wells, Bond Schoneck & King, Attorneys for Oson-Peck, By Francis Maloney.

U.S. District Court Northern District of New York

United States of America, Plaintiff, **v.** *Greater Syracuse Board of Realtors, Inc.; Gallinger Real Estate, Inc.; Eagan Real Estate, Inc.; A. Menter Real Estate, Inc.; Clark Real Estate Onondaga, Inc.; Dewitt Real Estate Inc.; Blatchford Realty Co., Inc.; Longley-Jones Associates, Inc.; L. D. Marshall Real Estate, Inc.; and Olson-Peck, Inc.,* Defendants.

77 Civ. 159, filed: 4/14/80

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on May 3, 1977, and the defendants, by their respective attorneys, having appeared and filed their answers to the complaint denying the material allegations thereof, and the plaintiff and the defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party with respect to any such issue and upon the consent of the parties, it is hereby

ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The complaint states a claim upon which relief may be granted against each defendant under Section I of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment

(A) "Board" shall mean the defendant Greater Syracuse Board of Realtors, Inc.

(B) "Multiple Listing Service" shall mean any plan or program for the circulation of real property listings among brokers.

(C) "Person" shall mean any individual, corporation, partnership, firm, association, real estate agency, member of the Board or other business or legal entity.

III

This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and, in addition, to all members of the Board and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

The Board, whether acting unilaterally or in concert or agreement with any other person, and each of the other defendants when acting in concert or agreement with any person other than an officer, employee or salesperson of such defendant, are enjoined and restrained from:

(A) Fixing, establishing or maintaining any rates or amounts of commissions or other fees for the sale, exchange, rental, lease, management or mortgage of real estate to any third person;

(B) Urging, recommending or suggesting that any person adhere to any schedule or other recommendation concerning the rates or amounts of commissions or other fees for the sale, exchange, rental, lease, management or mortgage of real estate;

(C) Adopting, suggesting, publishing or distributing any schedule or other recommendation concerning the rates or amounts of commissions or other fees for the sale, exchange, rental, lease, management or mortgage of real estate;

(D) Conducting, publishing or distributing any survey or study relating to rates or amounts of commissions or ranges thereof or other fees for the sale, exchange, rental, lease, management or mortgage of real estate;

(E) Including in any instructional course or other educational material any recommended or suggested rates or amounts of commissions or other fees for the sale, exchange, rental, lease, management or mortgage of real estate;

(F) Adopting, adhering to, maintaining, enforcing or claiming any rights under any bylaw, rule, regulation, plan or program which restricts or limits the right of any person engaged in the business of real estate in accordance with his or her own business judgment to agree with a client on any commissions or other fees for the sale, exchange, rental, lease, management or mortgage of real estate;

(G) Taking any punitive action against any person where such action is based upon that person's failure or refusal to adhere to any rates or amounts of commissions or other fees for the sale, exchange, rental, lease, management or mortgage of real estate;

(H) Refusing to accept for Multiple Listing any listing for the sale of real estate because of the rate or amount of commission or other fee set forth in such listing;

(I) Adopting, adhering to, maintaining, enforcing or claiming any rights under any bylaw, rule, regulation, plan or program that requires members to accept only exclusive rights to sell or exclusive agencies;

(J) Establishing, maintaining or enforcing any fees or dues for membership in the Board or any Multiple Listing Service, which are not related to the approximate cost, including the accumulation and maintenance of reasonable reserves, of maintaining such organization as a going concern;

(K) Establishing or organizing any other person to do any of those acts prohibited in (A) through (J) above.

V

Each defendant is enjoined and restrained from:

(A) Communicating to or exchanging with any other real estate agency or any

representative thereof any information concerning any proposed rate or amount of commission or other fee for the sale, exchange, rental, lease, management or mortgage of real estate prior to the charging of such rate or amount of commission or other fee by said defendant; or

(B) Requesting from any other real estate agency any information of a type which said defendant could not communicate to such other real estate agency without violating paragraph (A) of this Section V.

VI

The Board is ordered and directed, upon application made, to admit to membership in the Board any person duly licensed to sell real estate and to membership in any Multiple Listing Service any person duly licensed as a real estate broker by the appropriate governmental authority; provided, however, that the Board may adopt and maintain reasonable and nondiscriminatory written requirements for membership in the Board and any Multiple Listing Service, not otherwise inconsistent with the provisions of this Final Judgment.

VII

The defendants are ordered and directed within ninety (90) days from the date of entry of this Final Judgment to insert in all bylaws, rules, regulations, contracts, and forms requiring a client's signature, a provision, prominently situated in all capital letters, that rates or amounts of commissions or other fees for the sale, exchange, rental, lease, management or mortgage of real estate shall be negotiable between a broker and his client.

VIII

The Board is ordered and directed within ninety (90) days from the date of entry of this Final Judgment to:

(A) Insert in the written material for all instructional courses given and other educational materials disseminated under its auspices, a provision, prominently situated in all capital letters, that rates or amounts of commissions or other fees for the sale, exchange, rental, lease, management or mortgage of real estate shall be negotiable between a broker and his client.

(B) Publish twice in the real estate section of the Sunday Syracuse Herald Journal an advertisement covering at least one-sixteenth (1/16) of a page in size in the form annexed hereto as Exhibit A.

IX

(A) The Board is ordered and directed within ninety (90) days from the date of entry of this Final Judgment to amend its constitutional provisions, bylaws, rules, regulations, code of ethics, professional standards of practice, contracts, and all forms by eliminating therefrom any provision which is contrary to or inconsistent with any provision of this Final Judgment and send amended copies of each such constitutional provision, bylaw, rule, regulation, code of ethics, professional standard of practice, contract, and form to each of its members or employees.

(B) The Board is ordered and directed within ninety-five (95) days from the date of this Final Judgment to file with the plaintiff a true copy of its constitution, bylaws, rules, regulations, code of ethics, professional standards of practice, contracts and forms as aforesaid amended and distributed.

(C) Upon amendment of its constitution, bylaws, rules, regulations, code of ethics, professional standards of practice, contracts and forms as foresaid, the Board is thereafter enjoined and restrained from adopting, adhering to, enforcing or claiming any rights under any constitutional provision, bylaw, rule, regulation, code of ethics, professional standard of practice, contract or form which is contrary to or inconsistent with any of the provisions of this Final Judgment.

X

The Board is ordered and directed:

(A) Within sixty (60) days after the date of entry of this Final Judgment, to serve, by mailing or otherwise, a copy of this Final Judgment upon each of its officers, directors and members excluding those persons covered in Section XI (A) *infra*.

(B) To serve, by mailing or otherwise, a copy of this Final Judgment upon each person becoming an officer, director or member of the Board.

(C) Within sixty (60) days after the date of entry of this Final Judgment, to call a general membership meeting for the purpose of meeting with its attorney who will explain the provisions of the Final Judgment to each of the officers, directors and members in attendance at said meeting.

(D) Within one hundred and twenty (120) days after the date of entry of this Final Judgment, to file with the Clerk of this Court, and with the plaintiff, an affidavit setting forth the fact and manner of compliance with Sections VII, VIII, IX(A) and X (A) and (C) above.

(E) For a period of five (5) years from the date of entry of this Final Judgment, to file with the plaintiff, on each anniversary date of such entry, a report setting forth the steps which it has taken during the prior year to advise its officers, directors and members of their obligations under this Final Judgment.

XI

Each of the defendants other than the Board is ordered and directed:

(A) Within sixty (60) days after the date of entry of this Final Judgment, to serve, by mailing or otherwise, a copy of this Final Judgment upon each of its officers, directors, brokers and salespersons.

(B) To serve, by mailing or otherwise, a copy of this Final Judgment upon each person becoming an officer, director, broker or salesperson of such defendant.

(C) Within sixty (60) days after the date of entry of this Final Judgment, to meet with its attorney who will explain the provisions of the Final Judgment to each of the officers, directors, brokers and salespersons in attendance at said meeting.

(D) Within one hundred and twenty (120) days after the date of entry of this Final Judgment, to file with the Clerk of this Court, and with the plaintiff, an affidavit setting forth the fact and manner of compliance with Sections VII and XI (A) and (C) above.

XII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment, as may be requested.

No information obtained by the means provided in this Section XIII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedures," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which that defendant is not a party.

XIII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith and for the punishment of any violations thereof.

XIV

This Final Judgment shall terminate and cease to be effective ten (10) years from the date of its entry.

XV

Entry of this Final Judgment is in the public interest. Dated:

United States District Judge

Exhibit A

Planning to sell real estate?

If you are considering the use of the services of a real estate broker for selling real estate, you should be aware that the commission rate or fee that a broker charges for his services is negotiable. The commission rate or fee for these services is a matter to be agreed upon individually between you and your broker.

The Greater Syracuse Board of Realtors, Inc.

U.S. District Court Northern District of New York

United States of America, Plaintiff, v. *Greater Syracuse Board of Realtors, Inc.; Gallinger Real Estate, Inc.; Eagan Real Estate, Inc.; A. Menter Real Estate, Inc.; Clark Real Estate Onondaga, Inc.; Dewitt Real Estate Inc.; Blatchford Realty Co., Inc.; Longley-Jones Associates, Inc.; L. D. Marshall Real Estate, Inc.; and Olson-Peck, Inc.*, Defendants.

77 Civ. 159, filed: April 14, 1980.

Proposed Consent Judgment: Competitive Impact Statement

The United States of America, pursuant to Section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16(b)), hereby files this Competitive Impact Statement in connection with the proposed consent judgment submitted for entry in this civil antitrust proceeding.

Nature and Purpose of the Proceeding

On May 3, 1977, the United States filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. 4) alleging that the above-named defendants and unnamed coconspirators had since sometime in 1972 combined and conspired to fix, raise, maintain and stabilize commissions charged for services in connection with the sale of residential real estate in Onondaga County, New York in violation of Section 1 of the Sherman Act (15 U.S.C. 1). The complaint alleged further that as a result of the combination and conspiracy, commissions charged for services in connection with the sale of residential real estate in Onondaga County, New York were raised to and maintained at artificial and noncompetitive levels, users of defendants' services were deprived of competitively determined prices and price competition among defendants was eliminated. The complaint sought an adjudication that the alleged combination and conspiracy was illegal and an injunction prohibiting the defendants from continuing, maintaining or renewing the combination and conspiracy, or from engaging in any other combination, conspiracy, agreement or understanding having a similar purpose or effect.

On the same day that the United states filed its complaint in this proceeding, a Federal grand jury in Syracuse, New York returned an indictment charging the above-named corporate defendants and five individuals with a criminal violation of the Sherman Act arising out of the same conspiracy alleged in the complaint. All of the corporate and individual defendants in the criminal action entered pleas of *nolo contendere* on June 13, 1978. Judge Howard G. Munson sentenced the defendants to pay fines totalling $156,000 on August 9. 1978.

The Court's entry of the proposed consent judgment will terminate the action, except that the Court will retain jurisdiction over the matter for the next ten years for possible further proceedings to construe or carry out the judgment, to modify any of its provisions, to enforce compliance with the judgment, or to punish violations of any of its provisions.

Description of the Practices Giving Rise to the Alleged Violations

The defendants render the service of bringing together buyers and sellers of real estate and of negotiating and arranging the prices and terms of residential real estate transactions in Onondaga County, New York. According to the complaint, the defendants, other than the Greater Syracuse Board of Realtors, Inc. (Board), are among the largest and most significant real estate firms operating in Onondaga County. Their combined total dollar volume of sales of residential real estate in 1974 approximated $60 million and resulted in combined gross commissions of approximately $4 million. The Board is a corporation with over 1,000 members, including licensed real estate brokers and sales personnel. It operates a Multiple Listing Service to which most of the real estate broker members including the nine other defendants, subscribe.

At trial, the United States would have been prepared to prove that, sometime in or about August 1972, the defendants and coconspirators met to discuss commissions and, ultimately, agreed to raise the commission rate charged by them for brokerage services in connection with the sale of residential real estate from 6% to 7% and to fix, maintain and stabilize the commission rate at that level.

Explanation of the Proposed Consent Judgment

The United States and the defendants have stipulated that the proposed consent judgment, in the form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The judgment provides that there has been no admission by any party with respect to any issue of fact or law. Under Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the judgment is conditioned upon determination by the Court that the entry of the judgment will be in the public interest.

The proposed judgment enjoins the Board, whether acting unilaterally or in concert or agreement with any other person, and each of the other defendants when acting in concert or agreement with any person other than an officer, employee or salesperson of such defendant from, among other things, 1) fixing, establishing or maintaining any rates or amounts of commissions for the sale, exchange, rental, lease, management or mortgage of real estate to any third person; 2) adopting, suggesting, publishing or distributing any schedule or other recommendation concerning the rates or amounts of commissions for the sale, exchange, rental, lease, management or mortgage of real estate: 3) conducting, publishing or distributing any survey or study relating to rates or amounts of commissions, or ranges thereof, for the sale, exchange, rental, lease, management or mortgage of real estate; and 4) taking any punitive action against any person based upon that person's failure or refusal to adhere to any rates or amounts of commissions for the sale, exchange, rental, lease, management or mortgage of real estate.

The proposed judgment directs the defendants to insert in all bylaws, rules, regulations, contracts, and forms requiring a client's signature a provision, in all capital letters, that rates or amounts of commission for the sale, exchange, rental, lease, management or mortgage of real estate shall be negotiable between a broker and his client. The judgment directs the Board to insert the same provision in the written material for all instructional courses given and other educational materials disseminated under its auspices. It also directs the Board to publish an advertisement twice in the real estate section of the Sunday Syracuse Herald Journal stating, in part, that ". . . YOU SHOULD BE AWARE THAT THE COMMISSION RATE OR FEE THAT A BROKER CHARGES FOR HIS SERVICES IS NEGOTIABLE."

The proposed judgment requires each defendant to provide a copy of the judgment to its officers, directors and sales persons and to have its attorney explain the provisions of the judgment to such personnel at a meeting called for that purpose.

The defendants are bound by the prohibitions of the proposed judgment for ten years from the date of its entry.

Competitive Effects of the Proposed Consent Judgment

The proposed judgment is designed to prevent the recurrence of the illegal and anticompetitive conduct alleged in the complaint. The prohibitive language should ensure that no future agreements of the kind alleged in the complaint are entered into by the defendants. The proposed judgment also requires defendants to inform the public that commissions are negotiable.

In addition, the judgment provides methods for determining the defendants' compliance with its terms. The Department of Justice, through duly authorized representatives, may interview officers, employees and agents of each defendant regarding its compliance with the judgment. Representatives of the Department are also permitted to inspect and copy each defendant's books and records and to require written response from each defendant with respect to any of the matters contained in the judgment.

The Department of Justice believes that the proposed judgment is fully adequate to prevent the continuation or recurrence of the violations of the antitrust laws alleged in the complaint, and that disposition of this proceeding without further litigation is

appropriate and in the public interest, since the proposed judgment provides all the relief sought in the complaint.

Alternative Remedies Considered by the Department of Justice

The Department of Justice considered a consent judgment with a provision enjoining the fixing of the division of commissions between selling and listing brokers. The Department of Justice did not insist upon that provision because the complaint did not allege an agreement among defendants with respect to the division of commissions. Should such an agreement be entered into in the future, it would be subject to challenge as a violation of the Sherman Act.

Remedies Available to Potential Private Plaintiffs

Section 4 of the Clayton Act (15 U.S.C. 16) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered as well as costs and reasonable attorney fees. Entry of the proposed judgment in this proceeding will neither impair nor assist the bringing of any such private actions. Under Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the proposed judgment would have no *prima facie* effect in any lawsuits which may be pending or hereafter brought against the defendants.

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person who believes that the proposed judgment should be modified may submit written comments relating to the proposed consent judgment to Ralph T. Giordano, Chief, New York Office, Antitrust Division, United States Department of Justice, Room 3630, 26 Federal Plaza, New York, N.Y. 10007, within the 60-day period provided by the Act. These comments and the Department's responses to them will be filed with the Court and published in the Federal Register. All such comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry. Additionally, the proposed judgment provides that the Court retains jurisdiction over this action, and that the parties may apply to the Court for interpretation, modification, or enforcement of its provisions.

Other Materials

No materials or documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16) were considered in formulating this proposed judgment. Consequently, none are submitted.

Dated: New York, New York.

Melvin Lublinski, Jacqueline W. Distelman, Gary A. Kimmelman, Edward Friedman, Attorneys, Department of Justice, Antitrust Division, 26 Federal Plaza, Room 3630, New York, New York 10007, Telephone: (202) 264–0655.

[FR Doc. 80–12681 Filed 4–24–80; 8:45 am]

BILLING CODE 4410–01–M

Law Enforcement Assistance Administration

Announcement of a Solicitation for Grant Applications for the National Institute for Juvenile Justice and Delinquency Prevention Minority Research Initiative

The National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP), Office of Juvenile Justice and Delinquency Prevention (OJJDP) is sponsoring a Minority Research Initiative aimed at involving researchers who are members of racial minority groups to undertake research on juvenile justice related matters. This Initiative is specifically aimed at the promotion, enhancement, and support of research by minorities into problems or issues in juvenile justice, delinquency prevention, and reduction. Up to $400,000 is available for this Initiative in FY 80. Two separate awards will be made at approximately $200,000 each for 12 months. For the purposes of this solicitation minorities include such racial/ethnic groups as Blacks, Hispanics, Native Americans and Asian Americans.

The solicitation outlines the scope of the research program and provides the necessary background instructional materials. Public and private minority agencies and individuals are eligible to apply. The deadline for the submissions of applications is June 20, 1980.

Copies of the solicitation can be obtained by writing to the NIJJDP/OJJDP, Room 304, 633 Indiana Avenue, N.W., Washington, D.C. 20531, or by calling 202/724–5893.

Ira M. Schwartz,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 80–12754 Filed 4–24–80; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M–80–64–C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, PA 15241 has filed a petition to modify the application of 30 CFR 75,321 (stoppage of fans, plans) to its Maitland 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.

A summary of the petitioner's statements follows:

1. The Maitland Mine is ventilated by three fans. If one fan stops, very little effect is felt on the overall ventilation of the mine.

2. In the event one fan should stop, petitioner proposes as an alternative method to:

a. Leave the power on the pumps to prevent flooding and deteriorating of the extremely wet mine.

b. Utilize two employees in both the No. 3 and No. 4 seams to check the pumps in the event the fan is stopped longer than a reasonable period of time. These people will be provided with all necessary safety equipment and their travel will be monitored.

c. Comply with all other provisions of 30 CFR 75.321, and, before production in the mine is resumed, follow the provision of 30 CFR 75.303.

3. Petitioner states that the proposed alternative method will provide the same measure of production for the miners affected as that of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 27, 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: April 16, 1980.

Frank A. White,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 80–12609 Filed 4–24–80; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–80–7–C]

Eastover Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Eastover Mining Company General Offices, Brookside, Kentucky 40801, has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to its Bell No. 4 and No. 5 mines located in Bell County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Because the existing track curves in the mines are of low radius, the use of automatic couplers results in serious derailments when negotiating these curves.

2. As an alternative method which will guarantee the safety of the miners affected, petitioner proposes that coupling and uncoupling will be done by pin-type couplings utilizing a remote lever arm without necessitating any

person or a part of a person's body to go between the ends of the haulage equipment.

3. Therefore, the cars can be coupled from outside by lowering the raised lever arm and directing the pin into the coupling holes by means of a light rod.

4. 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 May 27, 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: April 16, 1980.

Frank A. White,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 80-12608 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-21-M]

Freeport Brick Co.; Petition for Modification of Application of Mandatory Safety Standard

Freeport Brick Company, Drawer F, Freeport, Pennsylvania 16229 has filed a petition to modify the application of 30 CFR 57.4-62 (fire protection) to its mine located in Armstrong 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. Petitioner's mine entries are constructed of brick walls with cross timbers supporting the roof. The age of the timers varies from ten to twenty-seven years.

2. The entries are used for airways; in the winter months, cold air causes moisture to freeze for depths in excess of 200 feet which negates the use of sprinkler systems to guard each timber from fire.

3. Encasing three sides of each timber with fire resistant or retardant material would necessitate the use of an airtight, fireproof material which would be moisture proof and seal three sides of each timber and, after application, the timbers could not be inspected for wet or dry rot.

4. The fourth side of the timber would be in contact with the roof and conditions would develop that would cause wet or dry rot.

5. Wet or dry rot could cause a serious roof fall, threatening injury to, trapping, or killing the miners.

6. Petitioner therefore requests a modification of the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 27, 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: April 16, 1980.

Frank A. White,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 80-12610 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-50-C]

Solar Fuel Co.; Petition for Modification of Application of Mandatory Safety Standard

Solar Fuel Company, P.O. Box 488, Somerset, Pennsylvania 15501 has filed a petition to modify the application of 30 CFR 77.100(b)(2) (certified persons) to its Quemahoning Coal Processing Company located in Somerset 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 state of Pennsylvania does not have a program for certifying surface mine personnel.

2. Semi-annual certification requests represent an unnecessary burden of recordkeeping and filing because the personnel list submitted to MSHA every six months is relatively stable and unchanging.

3. The required yearly training for certified persons is given to those designated as certified persons.

4. As an alternative method which will provide the same measure of protection as that provided by the standard, petitioner proposes to establish a single certification process for certified persons. The petitioner proposes to file an additional form 5000-4 containing the names of personnel to be certified and requests that the Secretary temporarily certify those persons listed until either:

a. The state of Pennsylvania establishes a program of certification for surface mines; or

b. The Quemahoning Coal Processing Company ceases to exist as an entity; or

c. The Federal government issues standards under 30 CFR 77.100(b).

Petitioner will continue to train certified persons on a yearly basis.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 27, 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: April 16, 1980.

Frank A. White,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 80-12607 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Full Committee and Subgroup on Health Standards Meeting

Notice is hereby given that the Subgroup on Health Standards of the Advisory Committee on Construction Safety and Health will meet on May 12-13, 1980, in Room N-5437, Francis Perkins Department of Labor Building, 3rd Street and Constitution Avenue, NW, Washington, D.C. The meetings are open to the public and will begin at 9:30 a.m.

The Subgroup will thoroughly review its draft recommendations related to health standards for the construction industry and will submit a report to the full committee containing its findings and recommendations.

The meeting agenda includes a discussion and review of major issues for the Subgroup report.

The full Advisory Committee on Construction Safety and Health will meet on May 14-16, 1980, Room C-5515, Seminar Room 6, Francis Perkins DOL Building, Washington, D.C. The meeting is open to the public and will begin at 9:00 a.m.

The meeting agenda includes: review and development of recommendations on proposals for regulation of abrasive blasting; status report on proposed regulation for entry and work in confined spaces; discussion and development or recommendations on the report from the Subgroup on Health Standards; and general discussion of construction safety and health matters.

The Advisory Committee on Construction Safety and Health was established under section 107(c)(1) of the Contract Work Hours and Safety

Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

Written data, views or comments may be submitted, preferably with 20 copies to the Division of Consumer Affairs. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting.

Anyone wishing to make oral presentations should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Oral presentations will be scheduled at the discretion of the chairman, depending on the extent to which time permits. Communications may be mailed to: Ken Hunt, Committee Management Officer, Office of Information and Consumer Appairs, Room N-3635, OSHA, 3rd Street and Constitution Avenue, NW, Washington, D.C. 20210. Telephone 202-523-8024.

Materials provided to members of the Committee are available for inspection and copying at the above address.

Signed at Washington, D.C. this 22nd day of April 1980.

Eula Bingham,

Assistant Secretary of Labor

[FR Doc. 80-12814 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-26-M

Virgin Islands Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On September 11, 1973, notice was published in the **Federal Register** (38 FR 24896) of the approval of the Virgin Islands plan and adoption of Subpart S to Part 1952 containing the decision.

The Virgin Islands plan provides for the adoption of Federal standards as Virgin Islands standards by reference. The authority to adopt such standards is contained in Title 3, Section 940, of the Virgin Islands Code.

In response to Federal standards changes, the State has submitted by a letter dated September 12, 1979 from Mr. Jean D. Larsen, Assistant Commissioner of the Virgin Islands Department of Labor and Director of the Division of Occupational Safety and Health, to Mr. Alfred Barden, Regional Administrator, and incorporated as a part of the plan, State certification documenting promulgation of State standards comparable to Exposure to Acrylonitrile, 29 CFR 1910.1045, as published in the **Federal Register** (43 FR 45762) dated October 3, 1978; Selected General and Special (Cooperage, Laundry Machinery, and Bakery Equipment) Industry Safety and Health Standards (Revocation) 29 CFR 1910.214, 1910.263, 1910.264, as published in the **Federal Register** (43 FR 49726) dated October 24, 1978; Exposure to Lead, 29 CFR 1910.1025, as published in the **Federal Register** (43 FR 52952) dated November 14, 1978; Exposure to Lead (Attachments to the Preamble to the Final Standard), 29 CFR 1910.1025, as published in the **Federal Register** (43 FR 54354) dated November 21, 1978; Safety and Health Regulations for Construction with 29 CFR Part 1910 General Industry Safety and Health Regulations Identified as Applicable to Construction, 29 CFR Part 1926, as published in the **Federal Register** (44 FR 8577) dated February 9, 1979; Safety and Health Standards for Construction (Corrections) 29 CFR Part 1926, as published in the **Federal Register** (44 FR 20940) dated April 6, 1979; Exposure to Cotton Dust in Cotton Gins, 29 CFR 1928.113, as published in the **Federal Register** (43 FR 28474) dated June 30, 1978, and Corrections to Exposure to Cotton Dust in Cotton Gins as published in the **Federal Register** (43 FR 35035 and 43 FR 56984) dated August 8, 1978 and December 5, 1978.

2. *Decision.* Having reviewed the Virgin Islands Regulations providing for the adoption of Federal standards by reference, it has been determined that Virgin Islands Regulations are identical to Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during the normal business hours at the following locations: Office of the Regional Administrator, Region II, 1515 Broadway, Room 3445, New York, New York 10036; Office of the Director for Federal Compliance and State Programs, Room N3613, 200 Constitution Avenue, N.W., Washington, DC 20210; Department of Labor, Government of the Virgin Islands, Dronigans Gade, Charlotte Amalie, St. Thomas, V.I. 00801, and at Hospital Street, Christiansted, St. Croix, V.I. 00820.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Virgin Islands plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal Law meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State Law and further participation would be unnecessary.

The decision is effective April 25, 1980. (Sec. 18 (Pub. L. 91-596, 84 Stat. 1608) (29 U.S.C. 667).)

Signed at New York City, New York, this nineteenth day of September 1979.

Alfred Barden,

Regional Administrator.

[FR Doc. 80-12815 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

[TA-W-7366]

Alaron Patterns, Toledo, Ohio; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 17, 1980 in response to a worker petition received on February 25, 1980 which was filed by the Pattern, Mold and Model Makers Association on behalf of workers and former workers producing patterns and molds at Alaron Patterns, Toledo, Ohio.

The Notice of Investigation was published in the **Federal Register** on March 21, 1980 (45 FR 18513-4). No public hearing was requested and none was held.

In a letter dated March 30, 1980 the petitioner requested withdrawal of the petition. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 16th day of April 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-12606 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6450]

McDonnell Douglas Corp., McDonnell Aircraft Co. Division, St. Louis, Mo.; Negative Determination on Reconsideration

On March 5, 1980, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the McDonnell Aircraft Company Division of the McDonnell Douglas Corporation, St. Louis, Missouri. This determination was published in the **Federal Register** on March 14, 1980, (45 FR 16652).

The petitioning union claimed that workers engaged in the production of avionics doors for the F-15 fighter aircraft at McDonnell Douglas were laid off because avionics doors were imported from Israel as part of an off-set agreement made with Israel by McDonnell Douglas in order to promote the sale of the F-15 aircraft to Israel.

The Department's review indicated that workers on avionics doors at McDonnell Douglas were denied eligibility because they did not meet the "contributed importantly" test of the Trade Act of 1974. Company imports did not account for a significant proportion of the loss of work in the affected departments at the McDonnell Aircraft Company. The loss of work at McDonnell Aircraft in 1979 was predominantly attributed to a decreased rate of delivery of the F-15 aircraft to the U.S. Air Force, caused by budgetary constraints, and to the cessation of production of the F-4 aircraft which was being produced for the export market. The U.S. Air Force does not purchase imported fighter aircraft.

On reconsideration, the Department found that McDonnell Aircraft would need only a very small number of additional sheet metal assemblers and riveters (SMARs) if they were not in a co-production mode with Israel on the assembly of avionics doors. The Department finds that this number does not represent a significant number or proportion of the workers as required in Section 222 of the Trade Act of 1974. The Department further found that the SMARs working in the affected departments on avionics doors accounted for an insignificant percentage of production and employment in the related departments.

The Department is unable to conclude that increased competitive imports have contributed importantly to the separation of a significant number or proportion of the workers in the affected departments at McDonnell Aircraft.

After reviewing the Department's initial negative determination, the Department continues to believe that the loss of employment at McDonnell Aircraft in 1979 was predominantly due to a decreased rate of delivery of the F-15 aircraft to the U.S. Air Force caused by budgetary constraints and to the cessation of production of the F-4 aircraft which was being produced for the export market. The U.S. Air Force does not purchase imported fighter aircraft.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of the McDonnell Aircraft Company Division of the McDonnell Douglas Corporation, St. Louis, Missouri.

Signed at Washington, D.C., this 18th day of April 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-12604 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7443]

Michael Mak Sportswear, Inc., New York, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 31, 1980 in response to a worker petition received on March 4, 1980 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' dresses and sportswear at Michael Mak Sportswear, Incorporated, New York, New York.

During the course of the investigation, it was established that all workers of Michael Mak Sportswear, Incorporated were separated from employment on or before February 23, 1979. Section 223(b) of the Trade Act of 1974 states that no certification under this section may apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than one year prior to the date of the petition.

The date of the petition in this case is February 28, 1980 and, thus, workers terminated prior to February 28, 1979 are not eligible for program benefits under Title II, Chapter 2, Subchapter A of the Trade Act of 1974. The investigation is therefore terminated.

Signed at Washington, D.C. this 16th day of April 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-12605 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-28-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 April 14th-18th, 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-7085 and 7123; Bryan Manufacturing Co., Lowell, Ind., and Monticello, Ind.

The investigations were initiated on February 12 and February 19, 1980 in response to petitions which were filed in part by the United Brotherhood of Carpenters and Joiners of America on behalf of workers at the Lowell and Monticello, Indiana plants of Bryan Manufacturing Company, a subsidiary of the Essex Group, Incorporated. Workers at the Lowell and Monticello plants produce automotive wire harnesses.

U.S. imports of automotive wire harnesses increased in value from 1977 to 1978 and from 1978 to 1979. Company imports of automotive wire harnesses increased, in value, both absolutely and as a percentage of company sales from 1977 to 1978 and from 1978 to 1979.

In this case, therefore, the certifying officer has determined that:

All workers of the Lowell, Indiana plant of the Bryan Manufacturing Company (TA-W-7085) who became totally or partially separated from employment on or after January 25, 1979 and all workers of the Monticello, Indiana plant of the Bryan Manufacturing Company (TA-W-7123) who became totally or partially separated from employment on or after January 5, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7138; CTS Corp., CTS of Elkhart Division, Elkhart, Ind.

The investigation was initiated on February 19, 1980 in response to a petition which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers at CTS Corporation, CTS of Elkhart Division, Elkhart, Indiana. The workers produce variable resistors and electronic switches.

U.S. imports of variable resistors increased in quantity and dollar value in 1978 from 1977 and increased in dollar value in 1979 from 1978. U.S. imports of switches increased both absolutely and relative to domestic shipments in 1979 compared to 1978.

A Department survey revealed that customers decreased purchases from CTS of Elkhart and increased purchases of imported variable resistors and switches in 1979 compared to 1978.

In this case, therefore, the certifying officer had determined that:

All workers of CTS Corporation, CTS of Elkhart Division, Elkhart, Indiana (TA–W–7138) who became totally or partially separated from employment on or after July 15, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6946–6948, 6950–6955, 6955A, 6956–6958; Ford Motor Co.: Atlanta, Atlanta, Ga.; Dearborn, Dearborn, Mich.; Louisville, Louisville, Ky.; Norfolk, Norfolk, Va.; San Jose, San Jose, Calif.; Twin Cities, Minneapolis, Minnesota; Lorain, Lorain, Ohio; Ohio Truck, Lorain, Ohio; Wayne, Wayne, Mich.; Michigan Truck, Wayne, Mich.; St. Louis, St. Louis, Mo.; Wixom, Wixom, Mich.; Chicago, Chicago, Illinois

The investigation was initiated on February 11, 1980 in response to a petition which was filed by the United Auto Workers on behalf of workers at the final assembly plants of Ford Motor Company listed in the appendix.

Fairmont, Zephyr, Granada, Monarch, Thunderbird, Cougar, XR7, LTD II, Mustang and Capri car lines are classified as mid-size cars. Ford LTD and Mercury car lines are classified as standard cars. These categories were blurred in MY 1979, when other U.S. auto makers changed the design of their mid-size and standard cars and Ford did not. After the changes, Ford's Thunderbird, Cougar, XR7 and LTD II were more similar to the new standard cars than the new mid-size cars. Therefore, those car lines changed categories and were classified as standard cars in MY 1979. Then, in MY 1980, Ford also redesigned its standard and mid-size cars, so that Thunderbird, Cougar and XR7 were once again similar to other mid-size cars. Production of the LTD II was discontinued at the end of MY 1979. Thus, in MY 1980 the Thunderbird, Cougar and XR7 were classified once again as mid-size. Because of this blurring of distinctions between the categories, imports of both mid-size and standard cars must be considered competitive with Ford's sales of mid-size and standard cars in MY 1979 and MY 1980. U.S. imports of mid-size cars increased both absolutely and relative to domestic production in MY 1979 compared with MY 1978, and increased relative to domestic production in the first quarter of MY 1980 compared with the first quarter of MY 1979. U.S. imports of standard cars increased both absolutely and relative to domestic production in MY 1979 compared with MY 1978.

Company imports of mid-size cars increased in quantity both absolutely and relative to total company U.S. sales of mid-size cars in MY 1979 compared with MY 1978. Company imports of standard cars increased in quantity relative to total company U.S. sales of standard cars in the October–December period of MY 1980 compared with the same period of MY 1979.

Imported mid-size and standard cars are like or directly competitive with mid-size and standard cars produced at the Atlanta, Dearborn, Louisville, San Jose, Lorain, Wayne, St. Louis, and Chicago plants.

Lincoln, Mark and Versailles car lines are classified as luxury cars. U.S. imports of luxury/specialty cars increased in quantity both absolutely and relative to domestic production in MY 1979 compared with MY 1978, and in the first quarter of MY 1980 compared with the same period of MY 1979.

Imported luxury cars are like or directly competitive with luxury cars produced at the Wixom plant.

All light trucks produced by Ford are pick-up trucks.

U.S. imports of pick-up trucks increased in quantity and relative to domestic production in calendar year 1979 compared with calendar year 1978.

Company imports of pick-up trucks increased as a percentage of total company U.S. sales of pick-up trucks in the first five months of MY 1980 compared with the same period of MY 1979.

Imported pick-up trucks are like or directly competitive with pick-up trucks produced at the Louisville, Norfolk, San Jose, Michigan Truck, and Twin Cities plants.

The Bronco is classified as a utility vehicle.

U.S. imports of utility vehicles increased in quantity both absolutely and relative to domestic production in calendar year 1979 compared with calendar year 1978.

U.S. imports of utility vehicles increased as a percentage of domestic consumption in calendar year 1979 compared with calendar year 1978.

Imported utility vehicles are like or directly competitive with Broncos produced at the Michigan Truck plant.

In this case, therefore, the certifying officer has determined that:

All workers of the final assembly plants of Ford Motor Company listed in the appendix who became totally or partially separated from employment on or after the impact date listed in the appendix are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Appendix

TA–W, Plant, Lcation, and Impact Date

6946, Atlanta, Atlanta, GA, January 30, 1979.
6947, Dearborn, Dearborn, MI, August 1, 1979.
6948, Louisville, Louisville, KY, January 30, 1979.
6950, Norfolk, Norfork, VA, October 1, 1979.
6951, San Jose, San Jose, CA, October 1, 1979.
6952, Twin Cities, Minneapolis, MN, October 1, 1979.
6953, Lorain, Lorain, OH, August 1, 1979.
6954, Ohio Truck, Lorain, OH, August 1, 1979.
6955, Wayne, Wayne, MI, January 30, 1979.
6955A, Michigan Truck, Wayne, MI, September 1, 1979.
6956, St. Louis, St. Louis, MO, August 1, 1979.
6957, Wixom, Wixom, MI, August 1, 1979.
6958, Chicago, Chicago, IL, October 1, 1979.

TA–W–7227; Frese Co., Inc., Vista Optical Corp., Pine Hill, N.Y.

The investigation was initiated on February 25, 1980 in response to a worker petition which was filed on behalf of workers at Frese Company, Incorporated and Vista Optical Corporation, Pine Hill, New York. The workers at Frese Company, Incorporated produce component parts for eyeglass frames and the workers at Vista Optical Corporation produce eyeglass frames and eyeglass frame components.

U.S. imports of eyeglass frames increased relative to domestic production in 1979 compared to 1978. The ratio of imports to domestic production exceeded 100 percent in each year from 1976 through 1979.

The majority of component parts produced by Frese Company are used in the production of frames at Vista Optical.

Surveyed customers of Vista Optical Corporation revealed that these customers had decreased purchases of eyeglass frames from the subject firm and increased purchases of imported eyeglass frames.

In this case, therefore, the certifying officer has determined that:

All workers of Frese Company, Incorporated and Vista Optical Corporation, both of Pine Hill, New York who became totally or partially separated from employment on or after February 14, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7101; Ran-Tre Manufacturing Corp., Fall River, Mass.

The investigation was initiated on February 12, 1980, in response to a petition which was filed on behalf of workers at Ran-Tre Manufacturing Corporation, Fall River, Massachusetts. The workers produced boys' outerwear and ladies' blazers.

U.S. imports of men's and boy's nontailored outer jackets increased absolutely and relative to domestic production in 1978 compared to 1977. U.S. imports of women's, misses', and children's coats and jackets increased absolutely and relative to domestic production in 1978 compared to 1977.

A Department survey of the customers of the manufacturer for which Ran-Tre did contract work revealed that customers accounting for a significant proportion of the manufacturer's total sales, decreased purchases from the manufacturer while increasing purchases of imported boys' outerwear and suits during the first three quarters of 1979 compared to the same period in 1978.

In this case, therefore, the certifying officer has determined that:

All workers of Ran-Tre Manufacturing Corporation, Fall River, Massachusetts who became totally or partially separated from employment on or after January 24, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7322, 7322–A, 7322–B, Seneca Glass Co.; Morgantown, W. Va.; Bridgeport, West Virginia; Belle Vernon, Pa.

The investigation was initiated on March 10, 1980 in response to a petition which was filed by the American Flint Glass Workers Union on behalf of workers at Seneca Glass Company, Morgantown, West Virginia. The workers produce handmade lead crystal tableware. The investigation was expanded to include company outlet stores in Bridgeport, West Virginia and Belle Vernon, Pennsylvania.

U.S. imports of handmade tumblers, stemware, tableware, and other glassware increased from 1978 to 1979. The ratio of imports to domestic production was 127.8 percent in 1978.

Surveyed customers reduced purchases from Seneca Glass Company and increased purchases of imported glassware during the period under investigation.

In this case, therefore, the certifying officer has determined that:

All workers of Seneca Glass Company, Morgantown, West Virginia, including company outlet stores in Morgantown and Bridgeport, West Virginia and Belle Vernon, Pennsylvania who became totally or partially separated from employment on or after February 22, 1979 are eligible 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 April 14–18th, 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80–12820 Filed 4–24–80; 8:45 am]

BILLING CODE 4510–28–M

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 14th–18th day of April 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 or 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–7211; Blum Coal Co., Kensington, Ohio and Harlem Springs, Ohio

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at the Blum Coal Company, Kensington, Ohio and Harlem Springs, Ohio. Workers at the mines extract bituminous coal.

The investigation revealed that criterion (3) has not been met.

Evidence developed during the course of the investigation revealed that the bituminous coal mined at the Kensington mine by the Blum Coal Company is sold to domestic companies for use in electrical power generation.

The investigation further revealed that customers of the Harlem Springs mine did not use imported coal.

U.S. imports of bituminous coal are negligible. The ratio of imports to domestic production did not exceed one-half of one percent from 1974 through 1979.

In this case, therefore, the certifying officer has determined that all workers of Blum Coal Company, Kensington, Ohio and Harlem Springs, Ohio coal mines are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7163; Cabot Corp., Big Spring, Tex.

The investigation was initiated on February 19, 1980 in response to a petition which was filed on behalf of workers at the Big Spring, Texas plant of Cabot Corporation. Workers at the Big Spring plant produced carbon black.

The investigation revealed that criterion (3) has not been met.

The petititioners allege that increased imports of automobile tires adversely affected production and employment at Cabot Corporation of Big Springs, Texas. Imported automobile tires cannot be considered like or directly competitive with carbon for tires. Imports of carbon for automobile tires must be considered in determining import injury to workers who manufactured this product at Cabot Corporation.

U.S. imports of carbon black are negligible. The ratio of imports to domestic production of carbon black has been less than 1.5 percent for the past five years.

In this case, therefore, the certifying officer has determined that all workers of the Big Spring, Texas plant of Cabot Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6900; Cousino Metal Products, Toledo, Ohio

The investigation was initiated on February 1, 1980 in response to a petition which was filed by the United Auto Workers on behalf of workers at Cousino Metal Products, Toledo, Ohio. Workers produce metal automotive parts.

The investigation revealed that criterion (3) has not been met..

A Department survey of the customers of Cousino Metal Products revealed that

none of the customers surveyed purchased imported metal automotive parts from 1977 through 1979.

Industry sources indicate that U.S. imports of metal automotive parts like those produced by Cousino Metal Products were negligible in 1978 and in 1979.

In this case, therefore, the certifying officer has determined that all workers of Cousino Metal Products, Toledo, Ohio are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7189; East Providence Chrysler Plymouth, Inc., East Providence, R.I.

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at East Providence Chrysler Plymouth, Incorporated, East Providence, Rhode Island. Workers at East Providence Chrysler Plymouth, Incorporated were engaged in the sale and servicing of Chrysler and Plymouth automobiles.

The investigation revealed that criterion (3) has not been met. Prior to its closing in January 1980, East Providence Chrysler Plymouth, Incorporated sold and serviced all Chrysler and Plymouth car lines which Chrysler Corporation marketed in the United States. Since workers did not produce an article within the meaning of Section 222(3) of the Trade Act, they may be certified only if their separation was importantly caused by a reduced demand for their services from either the parent firm or from a firm related to East Providence Chrysler Plymouth, Incorporated 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 by and substantially relate to the product or products adversely impacted by imports.

Previous Department certifications of workers at seven assembly plants (TA-W-5979-83, 6037-38) of the Chrysler Corporation were based on a finding of import injury which was limited to certain car and truck lines produced during Model Year 1979 (August 1978-July 1979).

The Department established that sales of car lines which have not been subject to import injury accounted for the majority of finished vehicle sales at East Providence Chrysler Plymouth, Incorporated during both 1978 and 1979. Sales of the Plymouth Volare, Chrysler LeBaron, and Chrysler Newport/New Yorker, the only trade-impacted vehicles sold by the dealership, represented a significantly smaller proportion of company sales compared to car lines which have been subject to import injury during the same period. Consequently, there was no direct and substantial relationship between the decline in total sales and employment at East Providence Chrysler Plymouth, Incorporated and increased imports of articles like or directly competitive with Volares, LeBarons, and Newport/New Yorkers produced by Chrysler Corporation.

In this case, therefore, the certifying officer has determined that all workers of East Providence Chrysler Plymouth, Incorporated, East Providence, Rhode Island are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7159; Festus Flying Service, Inc., Festus, Mo.

The investigation was initiated on February 19, 1980, in response to petition which was filed on behalf of workers at Festus Flying Service, Incorporated, Festus, Missouri. The workers at Festus Flying Service, Incorporated are engaged in providing the service of transporting automobile parts and accessories.

The investigation revealed that workers of Festus Flying Service, 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 Festus Flying Service, 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.

Festus Flying Service, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in transporting automobile parts and accessories at Festus Flying Service, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Festus Flying Service, Incorporated. All employee benefits are provided and maintained by Festus Flying Service, Incorporated. Workers are not, at any time, under employment or supervision by customers of Festus Flying Service, Incorporated. Thus, Festus Flying Service, Incorporated and not any of its customers, must be considered to be the "workers' firm".

In the case, therefore, the certifying officer has determined that all workers of Festus Flying Service, Incorporated, Festus, Missouri are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7091; Fitzsimons Manufacturing Co., Detroit Tube Division, Detroit, Mich.

The investigation was initiated on February 12, 1980 in response to a petition which was filed by the United Automobile, Aerospace, and Agricultural Implement Workers of America on behalf of workers at Fitzsimons Manufacturing Company, Detroit Tube Division, Detroit, Michigan. Workers at the Detroit plant produce gasoline filler neck assemblies for automobiles.

The investigation revealed that criterion (3) has not been met.

A survey conducted by the Department revealed that imports of gasoline filler neck assemblies for automobiles are negligible.

Automobiles cannot be considered to be like or directly competitive with gasoline filler neck assemblies. Imports of gasoline filler neck assemblies must be considered in determining import injury to workers producing gasoline filler neck assemblies at Fitzsimons Manufacturing Company, Detroit Tube Division.

In this case, therefore, the certifying officer has determined that all workers of Fitzsimons Manufacturing Company, Detroit Tube Division, Detroit, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6949; Ford Motor Co., Kentucky Truck Plant, Louisville, Ky.

The investigation was initiated on February 11, 1980 in response to a petition which was filed by the United Auto Workers on behalf of workers at the Kentucky Truck plant, Louisville, Kentucky of the Ford Motor Company. Workers at the Kentucky Truck plant produce medium and heavy duty trucks.

The investigation revealed that criterion (3) has not been met.

U.S. imports of medium trucks decreased in quantity absolutely in calendar year 1979 compared with calendar year 1978. Imports of medium trucks did not change significantly relative to U.S. domestic production in this period. Imports of medium trucks decreased in quantity both absolutely and relative to domestic production in the fourth quarter of calendar year 1979 (roughly equivalent to first quarter of MY 1980) compared with the same period of the previous year.

Plant production of medium trucks and employment of production workers increased in MY 1979 compared with MY 1978. In particular, plant medium truck production and plant employment increased in the second half of MY 1979 compared with the same period of MY 1978. Several temporary plant shutdowns occurred in the October–December period of MY 1980, during which there was a strike at one of the companies supplying parts to the Kentucky Truck plant. Company imports of medium trucks decreased in quantity both absolutely and relative to total company U.S. sales of medium trucks in the first five months of MY 1980 compared with the same period of MY 1979.

Workers at the Kentucky Truck plant are not separately identifiable by product line. Heavy trucks account for an insignificant percentage of total plant production. Any import influence in this product line could not have contributed importantly to overall employment declines at the plant.

In this case, therefore, the certifying officer has determined that all workers of the Kentucky Truck plant, Louisville, Kentucky of the Ford Motor Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7137; Freeman Branch Mining, Skygusty, W. Va.

The investigation was initiated on February 19, 1980 in response to a petition which was filed by the United Mine Workers of America on behalf of workers at Freeman Branch Mining, Skygusty, West Virginia. The workers produce metallurgical coal.

U.S. imports of metallurgical coal and coke decreased both absolutely and relative to domestic production in 1979 compared with 1978.

Production of metallurgical coal at Freeman Branch Mining began in October 1978 and employment did not decrease until the fourth quarter of 1979. A survey of the customer of Freeman Branch Mining revealed that the customer was increasing its reliance on both domestic metallurgical coal and domestic coke in 1979 compared with 1978. Purchases of both imported metallurgical coal and imported coke decreased drastically in the fourth quarter of 1979 compared with the previous quarters of 1979 and the fourth quarter of 1978.

In this case, therefore, the certifying officer has determined that all workers of Freeman Branch Mining, Skygusty, West Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7093; The General Tire & Rubber Co., Charlotte, N.C.

The investigation was initiated on February 12, 1980 in response to a petition which was filed by the United Rubber Workers on behalf of workers at the Charlotte, North Carolina plant of The General Tire and Rubber Company. Workers at the Charlotte plant produce passenger car tires.

The investigation revealed that citerion (3) has not been met.

Imported automobiles cannot be considered to be like or directly competitive with domestically produced tires. Imports of tires must be considered in determining import injury to workers producing tires at the Charlotte, North Carolina plant of The General Tire and Rubber Company.

Sales declines at General Tire can be accounted for by decreased purchases by customers of the Detroit original equipment market. A Department survey was conducted with these customers. The survey revealed that these customers either purchased no or negligible imports of passenger car tires or decreased purchases of imported passenger car tires from 1978 to 1979.

In this case, therefore, the certifying officer has determined that all workers of Charlotte, North Carolina plant of The General Tire and Rubber Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7147; Henry L. Hanson, Inc., Worcester, Mass.

The investigation was initiated on February 19, 1980 in response to a petition which was filed on behalf of workers at Henry L. Hanson, Incorporated, Worcester, Massachusetts. The workers produce taps, dies, and screw extractors.

The investigation revealed that criterion (3) has not been met.

U.S. imports of taps, dies and screw extractors are negligible. Imports never exceeded 1.3 percent of U.S. shipments during the 1975–1979 period.

During the fourth quarter of 1979 and the first quarter of 1980, Henry L. Hanson transferred production of dies from its Worcester, Massachusetts plant to a newly acquired plant in Gorham, Maine. The purpose of the production transfer was to increase the company's overall capacity for production of taps, dies, and screw extractors.

Total company sales of taps, dies, and screw extractors increased in unit volume in 1979 from 1978 and increased in the first quarter of 1980 compared to the first quarter of 1979. Sales equals production.

Employment of production workers at the Worcester plant increased in 1979 from 1978. Total company employment of production workers at the Worcester and Gorham plants increased in the first quarter of 1980 compared to total company employment of production workers in the first quarter of 1979.

In this case, therefore, the certifying officer has determined that all workers of Henry L. Hanson, Incorporated, Worcester, Massachusetts are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7195, International Screw, Mt. Clemens, Mich.

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at International Screw, Mt. Clemens, Michigan. The workers produce screws and bolts.

The investigation revealed that criterion (3) has not been met.

U.S. imports of specialty industrial fasteners, including screws and bolts, were negligible in 1978 and 1979.

International Screw produces screws and bolts that are engineered to customer specifications. A Department survey revealed that none of the surveyed customers who had reduced purchases from International Screw had increased purchases of imported industrial fasteners in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of International Screw, Mt. Clemens, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6658, ITT United Plastics Division of International Telephone & Telegraph Corp., Medora, Ind.

The investigation was initiated on December 26, 1979 in response to a petition which was filed on behalf of workers at the Medora, Indiana plant of ITT United Plastics Division of International Telephone and Telegraph Corporation. The workers produce chrome plated molded plastic parts for automobiles consisting of grilles, wheelcovers, lamp bezels, fender extensions, and handles and knobs.

The petitioners alleged that imports of automobiles adversely affected production and employment at the Medora, Indiana plant of ITT United Plastics Division. However, imported automobiles cannot be considered to be like or directly competitive with automotive parts produced at the Medora, Indiana plant. Imports of automotive grilles, wheelcovers, lamp

bezels, fender extensions, and handles and knobs must be considered in determining import injury to workers producing automotive parts.

The investigation revealed that criterion (3) has not been met.

The level of U.S. imports of automobile grilles, wheelcovers, lamp bezels and handles and knobs is relatively small compared to U.S. production of these products. Imports as a percentage of U.S. production did not exceed 3.4 percent in any of the above product categories for 1979.

A Departmental industry survey revealed that imports of automotive fender extensions are negligible.

Sales of articles produced at the Medora plant declined in the July through December 1979 period compared to the same period in 1978. A Departmental survey revealed that customers which decreased purchases from the Medora plant in the July through December 1979 period compared to the same period in 1978 do not import most automotive products produced at the Medora plant. Those products that were imported were only relied upon to satisfy a small portion of the customers' supply.

In this case, therefore, the certifying officer has determined that all workers of the Medora, Indiana plant of ITT United Plastics Division of International Telephone and Telegraph Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7095, Leach-Heckel Leather Corp., Salem, Mass.; TA-W-7129, Milender & Son, Inc., Boston, Mass.; TA-W-7130, Leather Corp. of America, Lawrence, Mass.

An investigation was initiated on February 12, 1980 in response to a petition which was filed by the Leather Workers International Union on behalf of workers at Leach-Heckel Leather Corporation, Salem, Massachusetts. The workers produce tanned leather.

Investigations were initiated on February 19, 1980 in response to two petitions filed on behalf of workers at Milender and Son, Inc., Boston, Massachusetts and Leather Corporation of America, Lawrence, Massachusetts. Workers at Milender and Son provide sales and administrative functions for its two subsidiaries, Leach-Heckel Leather Corporation and Leather Corporation of America. Workers at Leather Corporation of America produce finished leather tanned at Leach-Heckel Leather Corporation. Leather Corporation of America sells tanned and finished leather only to Milender and Son, Incorporated.

The investigations revealed that criterion (3) has not been met.

Customers of Leach-Heckel Leather Corporation do not purchase imported tanned leather. Customers of Milender and Son who decreased purchases of tanned and finished leather and increased purchases of imported tanned and finished leather represented an insignificant proportion of the firm's sales.

In this case, therefore, the certifying officer has determined that all workers of Leach-Hechel Leather Corporation, Salem, Massachusetts; Milender and Son, Inc., Boston, Massachusetts and Leather Corporation of America, Lawrence, Massachusetts are denied eligiblity to apply for adjustment assistance under Section 223 of The Trade of 1974.

TA-W-7225, Ogden American Food Services, Inc., Ferndale, Mich.

The investigation was initiated on February 25, 1980, in response to a petition which was filed by the Retail, Wholesale and Department Store Union on behalf of workers at Ogden American Food Services, Incorporated, Ferndale, Michigan. The workers at Ogden American Food Services, Incorporated are engaged in providing manual food services for employees at the Chrysler Corporation's Lynch Road Assembly Plant in Detroit, Michigan.

The investigation revealed that workers of Ogden American Food Services, 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 Ogden American Food Services, 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.

Ogden American Food Services, Incorporated, and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any company producing motor vehicles.

All workers engaged in providing manual food services at Ogden American Food Services, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Ogden American Food Services, Incorporated. All employee benefits are provided and maintained by Ogden American Food Services, Incorporated. Workers are not, at any time, under employment or supervision by customers of Ogden American Food Services, Incorporated. Thus, Ogden American Food Services, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Employees of Ogden American Food Services, Incorporated, who provide manual food services for the Chrysler Lynch Road Assembly Plant allege that increased imports of automobiles contributed importantly to their separations. The Department, however, has already determined that an independent firm for which the subject firm provides services cannot be considered to be the "workers' firm" (TA-W-393).

In this case, therefore, the certifying officer has determined that all workers of Ogden American Food Services, Incorporated, Ferndale, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6865, Ogden American Food Services, Inc., Warren, Mich.

The investigation was initiated on January 28, 1980, in response to a petition which was filed on behalf of workers at Ogden American Food Services, Incorporated, Warren, Michigan. The workers at Ogden American Food Services, Incorporated are engaged in providing manual food services for employees at the Chrysler Corporation's Warren Truck Assembly Plant in Warren, Michigan.

The investigation revealed that workers of Ogden American Food Services, 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 Ogden American Food Services, 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.

Ogden American Food Services, Incorporated, and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company which produces motor vehicles.

All workers engaged in providing manual food services at Ogden American Food Services, Incorporated are employed by that firm. All personnel actions and payroll transactions are

controlled by Ogden American Food Services, Incorporated. All employee benefits are provided and maintained by Ogden American Food Services, Incorporated. Workers are not, at any time, under employment or supervision by customers of Ogden American Food Services, Incorporated. Thus, Ogden American Food Services, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Employees of Ogden American Food Services, Incorporated, who provide manual food services for the Chrysler Warren Truck Assembly Plant allege that increased imports of automobiles contributed importantly to their separations. The Department, however, has already determined that an independent firm for which the subject firm provides services cannot be considered to be the "workers' firm" (TA-W-393).

In this case, therefore, the certifying officer has determined that all workers of Ogden American Food Services, Incorporated, Warren, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7115, Sea Isle Sportswear, Inc., New York, N.Y.

The investigation was initiated on February 13, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Sea Isle Sportswear, Incorporated, New York, New York. Workers at the New York facility of Sea Isle Sportswear are engaged in employment related to the production of girls' sportswear, including slacks and shorts, jeans, knit tops, skirts and jumpers.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's slacks and shorts, blouses and shirts, and of children's dresses decreased on an absolute basis in 1979 compared to 1978.

A Departmental survey was conducted of major customers who decreased their purchases from Sea Isle Sportswear from 1978 to 1979. Results indicated that customers, responding to the survey, who increased their purchases of imported girls' sportswear also increased their purchases from domestic sources other than Sea Isle in 1979 compared to 1978. The customers relied primarily on domestic sources for their supply of girls' sportswear.

In this case, therefore, the certifying officer has determined that all workers of Sea Isle Sportswear, Incorporated, New York, New York, are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7178, 7179, Sue-Fran, Inc., Irvona, Pa.; Coalport, Pa.

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at the Irvona, Pennsylvania and Coalport, Pennsylvania plants of Sue-Fran, Incorporated. The workers produce women's blouses, skirts and dresses.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's blouses and shirts and women's and misses' dresses decreased absolutely in 1979 compared to 1978.

A Departmental survey was conducted with manufacturers for whom Sue-Fran received contract work. The survey revealed that the manufacturers did not utilize foreign contractors nor import women's dresses, skirts or blouses in 1978 or 1979. A survey was also conducted among the customers of those manufacturers who experienced declining company sales. Most of the customers surveyed reduced their purchases of imported women's skirts, dresses and blouses, either absolutely or as a percentage of their total purchases, from 1978 to 1979. Those customers who increased purchases or imported skirts, blouses and dresses while reducing domestic purchases of those products, generally reported that imports were a small proportion of their total purchases of skirts, blouses and dresses in 1978 and 1979.

In this case, therefore, the certifying officer has determined that all workers of the Irvona, Pennsylvania and Coalport, Pennsylvania plants of Sue-Fran, Incorporated, are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6888; Geneva Works, U.S. Steel Corp., Provo, Utah

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Geneva Works of the U.S. Steel Corporation in Provo, Utah. Workers at the Geneva Works produce hot rolled sheet and strip, welded pipe, alloy and carbon steel plate and structural shapes.

The investigation revealed that criterion (3) has not been met.

A. With Respect to Workers Producing Alloy and Carbon Steel Structural Shapes

A Department of Labor survey revealed that most customers which decreased purchases from the Geneva Works did not import structural shapes. The one customer that decreased purchases of structural shapes from the Geneva Works and increased purchases of imported structurals in 1979 compared to 1978 increased purchases from other domestic sources by an even greater amount.

B. With Respect to Workers Producing Hot Rolled Carbon Steel Sheet and Strip

Imports of hot rolled carbon steel sheet and strip declined both absolutely and relative to domestic shipments in 1978 compared to 1977, and again in 1979 compared to 1978.

C. With Respect to Workers Producing Welded Steel Pipe and Carbon Steel Plate

Imports of welded pipe and carbon steel plate declined both absolutely and relative to domestic shipments in 1979 compared to 1978.

Plant sales and production of welded pipe and carbon steel plate increased in 1978 compared to 1977, before declining in 1979.

D. With Respect to Workers Producing Allow Steel Plate

Imports of alloy steel plate are negligible. The ratio of imports to domestic shipments of alloy steel plate was less than two percent in both 1978 and 1979.

Plant sales and production of alloy steel plate increased in 1978 compared to 1977 and remained stable in 1979 compared to 1978.

E. With Respect to Workers Producing Pig Iron, Coal Chemicals and Basic Steel

The pig iron, coke and other ingredients produced at the Geneva Works are all used internally in the production of basic steel. The majority of the basic steel produced at the Geneva Works is used internally in the production of finished steel products. The remainder of the basic steel is shipped to the Pittsburg, California Works of U.S. Steel for use in the production of finished steel products. The Pittsburg Works was the subject of recent adjustment assistance investigations, in which it was determined that none of the products had been adversely impacted by imports.

In this case, therefore, the certifying officer has determined that all workers of the Geneva Works of the U.S. Steel Corporation in Provo, Utah engaged in basic steel operations and in employment related to the production of hot rolled sheet and strip, alloy and

carbon steel plate, structural shapes and welded pipe are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7300, Vivitar Corp., Lyndhurst, N.J.

The investigation was initiated on March 10, 1980 in response to a petition which was filed on behalf of workers at the Lyndhurst, New Jersey location of Vivitar Corporation. The workers distribute photographic equipment.

The investigation revealed that criterion (3) has not been met.

The Vivitar Corporation has headquarters in Santa Monica, California. Over 95 percent of the photographic equipment is imported. The Lyndhurst, New Jersey location housed sales, service and distribution operations. On March 1, 1980 the distribution center was closed and consolidated into the Santa Monica distribution center location. The sales and service operations remain open in Lyndhurst, New Jersey.

Since the sales, service and distribution functions conducted at the Lyndhurst, New Jersey facility related exclusively to imported photographic equipment, increases in imports could not have contributed importantly to any employment declines at the Lyndhurst facility. Rather, employment declines at Lyndhurst resulted from the company's consolidation of its distribution operations.

In this case, therefore, the certifying officer has determined that all workers of the Lyndhurst, New Jersey location of Vivitar Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7327, Wellfleet Knitting Mills, Inc., Roselle, N.J.

The investigation was initiated on March 10, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Wellfleet Knitting Mills, Incorporated, Roselle, New Jersey. The workers produce greige double knit fabrics.

The investigation revealed that criterion (3) has not been met.

U.S. imports of greige knitted fabrics are negligible and present no threat to the domestic industry.

U.S. imports of gray woven fabrics decreased absolutely in 1979 compared with 1978.

Employment of production workers at Wellfleet Knitting Mills did not change significantly in 1979 compared to 1978. Employment increased in the last quarter of 1979 and in the first quarter of 1980 when compared with the previous quarter and with the same quarters in the previous year.

In this case, therefore, the certifying officer has determined that all workers of Wellfleet Knitting Mills, Incorporated, Roselle, New Jersey 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 April 14–18th, 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-12821 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7125]

Clayton Shoe Co., Corning, Ark.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 19, 1980 in response to a worker petition received on January 29, 1980 which was filed on behalf of workers and former workers producting women's shoes at Clayton Shoe Company, Corning, Arkansas.

The Notice of Investigation was published in the **Federal Register** on February 29, 1980 (45 FR 13552–3). No public hearing was requested and none was held.

On June 15, 1979 the Department issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance applicable to workers of Clayton Shoe Company, Corning, Arkansas (TA-W-2590). The period of certification remains in effect until June 15, 1980. The present investigation would serve no purpose; therefore it is recommended that the investigation be terminated.

Signed at Washington, D.C. this 21st day of April 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-12817 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7090]

Foam Products Division Lear Siegler, Inc., Marblehead, Mass.; Negative Determination Regarding Application for Reconsideration

By an application dated April 8, 1980, the petitioner requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers producing urethane foam seating for automobiles and trucks at Lear Siegler's Foam Products Division, Marblehead, Massachusetts. The determination was published in the **Federal Register** on April 4, 1980 (45 FR 23094).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioner claims that workers of Lear Siegler's Foam Products Division were laid off because its prime customer for urethane foam was severely affected by foreign imports of automobiles.

The Department's review indicated that workers at Lear Siegler's Foam Products Division did not meet the "contributed importantly" test of the Trade Act of 1974. The Department surveyed the Foam Products Division customers and found that they had reduced their reliance on imported urethane foam in 1978 and 1979.

Imports of urethane foam seating for automobiles must be considered by itself in determining import injury to workers who manufactured this product at the Foam Products Division's Marblehead, Massachusetts, plant. Imported automobiles cannot be considered "like or directly competitive" with urethane foam seating for automobiles even though they may have had a secondary impact on supplies of component parts to domestic automakers. The courts have concluded that imported finished articles are not like or directly competitive with domestic component parts thereof, *United Shoe Workers of America, AFL-CIO* v. *Bedell*, 506 F 2d. 174 (1974). In that case, the court held that imported finished women's shoes were not like or directly competitive with shoe counters, a component of footwear.

Conclusion. After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 21st day of April 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-12818 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 5, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 5, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of April 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Associated Truck Lines (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,628	Delivering and moving freight for auto industry.
B & M Cartage Company (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,629	Delivering and moving freight for auto industry.
Blue Arrow, Inc. (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,630	Delivering and moving freight for auto industry.
Bruce Cartage Co. (Teamsters)	Saginaw, Mich	4/8/80	3/31/80	TA-W-7,631	Delivering and moving freight for auto industry.
Central Transport (Teamsters)	Warren, Mich	4/8/80	3/31/80	TA-W-7,632	Delivering and moving freight for auto industry.
Hollingsworth (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,633	Delivering and moving freight for auto industry.
Gateway Transportation (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,634	Delivering and moving freight for auto industry.
Genessee Cartage Co. (Teamsters)	Warren, Mich	4/8/80	3/31/80	TA-W-7,635	Delivering and moving freight for auto industry.
Inter City Trucking Co. (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,636	Delivering and moving freight for auto industry.
Interstate System (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,637	Delivering and moving freight for auto industry.
Maiers Motor Freight (Teamsters)	Vassar, Mich	4/8/80	3/31/80	TA-W-7,638	Delivering and moving freight for auto industry.
McLean Truck (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,639	Delivering and moving freight for auto industry.
Roadway Express (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,640	Delivering and moving freight for auto industry.
E. C. Smith (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,641	Delivering and moving freight for auto industry.
Tucker Freight Lines (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,642	Delivering and moving freight for auto industry.
Trans Fleet (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,643	Delivering and moving freight for auto industry.
United Trucking (Teamsters)	Flint, Mich	4/6/80	3/31/80	TA-W-7,644	Delivering and moving freight for auto industry.
White Star (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,645	Delivering and moving freight for auto industry.
Yellow Freight (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,646	Delivering and moving freight for auto industry.
S & S Cartage (Teamsters)	Flint, Mich	4/8/80	3/31/80	TA-W-7,647	Delivering and moving freight for auto industry.
Pence Springs Manufacturing Company (ACTWU).	Pence Springs, W. Va	3/31/80	3/25/80	TA-W-7,648	Men's rainwear.
Anderson & Middleton Lumber Company (workers).	Aberdeen, Wash	3/31/80	3/25/80	TA-W-7,649	Cedar shakes for housing and roofing.
Synthetic Rubber & Latex Company (URW)	Akron, Ohio	3/31/80	3/26/80	TA-W-7,650	Synthetic latex.
Firestone Tire & Rubber Company (URW)	South Gate, Calif	3/31/80	3/26/80	TA-W-7,651	Bias-ply truck tires.
Flying Tiger Line—Detroit Station (workers)	Romulus, Mich	4/1/80	3/27/80	TA-W-7,652	Cargo airline..
Freight Consolidation Service, Inc. (workers)	Detroit Mich	3/31/80	3/27/80	TA-W-7,653	Local cartage consolidation and transfer of auto parts..
Eltra Corporation, Prestolite Wire Division (IAM).	Port Huron, Mich	3/31/80	3/26/80	TA-W-7,654	Coils, automobile wire, battery cables and other components.
Essex Group, Inc. (workers)	Zanesville, Ohio	3/31/80	3/21/80	TA-W-7,655	Automotive components and switches.
DiSalvo's, Inc.—AMC Jeep (I.A.M.A.W.)	St. Louis, Mo	4/2/80	3/26/80	TA-W-7,656	Sales and import of imported cars, sales of parts, repair of parts and auto body work.
Lewis & Clark Dodge-Camperland (I.A.M.A.W.).	St. Louis, Mo	4/2/80	3/36/80	TA-W-7,657	Sales of new and used automobiles and parts also repair.
Lou Fusz Pontiac (I.A.M.A.W.)	St Louis, Mo	4/2/80	3/26/80	TA-W-7,658	Sales of new and used automobiles and parts also repair.
Mayr Brothers Logging Company, Willapa Division (I.W.A.).	Raymond, Wash	4/1/80	3/27/80	TA-W-7,659	2x4 studs, chips and ties.
Erskine Glass & Manufacturing Company (American Flint Glass Workers Union of North America).	Wellsburg, W. Va	4/1/80	3/26/80	TA-W-7,660	Illuminating glassware.
Erie Mining Company (USWA)	Hoyt Lakes, Minn	4/1/80	3/26/80	TA-W-7,661	Iron ore pellets.
G III Leather Fashion, Inc. (workers)	New York, NY	4/1/80	3/28/80	TA-W-7,662	Leather coats and jackets.
P & K American, Inc. (workers)	Humptulips, Wash	4/1/80	3/28/80	TA-W-7,663	Shakes and shingles.
Automotive Spring Corporation (UAW)	Detroit, Mich	4/1/80	3/26/80	TA-W-7,664	Hood hing extension springs, door check rod, clips, clamps and brackets.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Dana Corporation, Parish Division (UAW)	Ecorse, Mich	3/31/80	3/19/80	TA-W-7,665	Frames for light and heavy trucks.
Franconia Sportswear, Inc. (workers)	Fall River, Mass	4/2/80	3/26/80	TA-W/7, 666	Ski jackets and outer wear.
Yale Rubber Manufacturing (workers)	Sandusky, Mich	4/2/80	3/28/80	TA-W/7,667	Automobile parts.
Henzler Manufacturing Corporation (UAW)	Toledo, Ohio	4/2/80	3/31/80	TA-W/7, 668	Automobile parts.
Millington Plastics Company (workers)	Upper Sandusky, Ohio	3/11/80	2/18/80	TA-W/7, 669	Decorative and functional interior and exterior auto trim.
Commonwealth Shoe Company (formerly Bostonian Shoe Company).	Whitman, Mass	3/17/80	3/12/80	TA-W/7, 670	Men's dress shoes.
A.M.S., Incorporated (formerly Bostonian Shoe Company) (company).	Gardner, Maine	3/17/80	3/12/80	TA-W/7, 671	Men's dress shoes.
Lesnow Manufacturing Company (workers)	Easthampton, Mass	3/26/80	3/19/80	TA-W/7, 672	Men's sportcoats, suits and all weather raincoats.
Evergreen Sales (workers)	Hoquiam, Wash	4/1/80	3.27/80	TA-W/7, 673	Shakes and shingles.
Firestone Tire & Rubber Company (URW)	Bloomington, Ill	4/2/80	3/27/80	TA-W-7,674	Off-the-road tires (heavy equipment).
Simpson Industries, Simpson Manufacturing Division (Litchfield Independent Workers' Union).	Litchfield, Mich	4/2/80	3/26/80	TA-W-7,675	Damper and idler pulley's for cars and trucks.
International Packings Corporation (workers)	Bristol, N.H	4/2/80	3/27/80	TA-W-7,676	Rubber and metal parts for automobiles and appliances.
Island Creek Coal Company, Donegan #1 Plant (workers).	Fenwick, W. Va	4/2/80	3/27/80	TA-W-7,677	Shipping of metallurgical coal.

[FR Doc. 80-12819 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-28-M

Steel Tripartite Committee; Working Group on Environmental Protection; Meeting

The Steel Tripartite Committee was established under the Federal Advisory Committee Act, 5 U.S.C. App. (1976), to advise the Secretary of Labor and the Secretary of Commerce on international and domestic issues affecting the U.S. steel industry, labor and the public.

Notice is hereby given that the Steel Tripartite Committee's Working Group on Environmental Protection will meet at 10:30 A.M. on May 12, 1980, in room 2125 U.S. Environmental Protection Agency, 401 M St., S.W. Washington, D.C.

The Working Group will consider development of a tripartite report on the relationship between environmental protection and the steel industry, especially regarding the concepts of replacement in kind and consent decrees. A limited number of seats will be available to the public on a first-come basis.

For additional information contact: Mr. Joseph S. Popovich, Executive Secretary, Steel Tripartite Committee, Bureau of International Labor Affairs, U.S. Department of Labor, Washington D.C. 20210, telephone (202) 523-6227; Official records of the meeting will be available for public inspection at room S 5315, U.S. Department of Labor, Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of April, 1980.

Dean K. Clowes,

Deputy Under Secretary for International Affairs, U.S. Department of Labor.

[FR Doc. 80-12816 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension and Welfare Benefit Programs

Proposed Class Exemption; Covering Certain Short-Term Investments

AGENCY: Department of Labor.

ACTION: Notice of proposed class exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed class exemption from certain 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 class exemption would apply to transactions involving certain short-term investments by an employee benefit plan. If granted, the proposed exemption would affect participants and beneficiaries of employee benefit plans, persons who manage the assets of such plans, and other persons who provide services to such plans.

DATES: Written comments must be received by the Department on or before June 24, 1980.

EFFECTIVE DATE: If the proposed exemption is granted, it is proposed to be effective as of January 1, 1975.

ADDRESS: All written comments (preferably at least three copies) should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, Washington, D.C. 20216, Attention: "Short-Term Investments". The applications for exemption which form the basis for this proposed class exemption and all comments relating to the proposed exemption 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.

FOR FURTHER INFORMATION CONTACT: William A. Schmidt of the Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523-9127. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed class exemption from the restrictions of section 406(a)(1) (A), (B), and (D) 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), (B) and (D) of the Code.

The relief proposed herein was requested in two applications for class exemptions—one filed by the American Bankers Association (the ABA) (D-653); the other filed jointly by Prudential Insurance Company of America, The Equitable Life Assurance Society of the United States, John Hancock Mutual Life Insurance Company, Connecticut General Life Insurance Company, Aetna Life Insurance Company, and The Mutual Life Insurance Company of New York (collectively, the Insurance Companies) (D-1204).[1] In addition, the proposed relief, as it relates to repurchase agreements, was also requested in an application for an individual exemption filed by E.I. du Pont de Nemours and Company (Du Pont) (D-1294).

[1] The exemption requested by the Insurance Companies covers short-term investments of plan assets as well as a wide range of other transactions with persons who provide services to plans.

This proposed class exemption is not intended to deal with those other transactions. They will be addressed separately.

The applications were filed pursuant to 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) and Revenue Procedure 75–26, 1975–1 C.B. 722. Applications D–653 and D–1204 were 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 applications contain facts and representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicants.

The applicants request exemptions that would allow employee benefit plans to make certain short-term investments in debt obligations (obligations) issued by certain persons who provide services to the plans or who are affiliated with such service providers. The exemptions requested would cover investments in certificates of deposit,[2] banker's acceptances,[3] commercial paper[4] and transactions involving repurchase agreements.[5]

The applicants represent that an obligation that is well suited for the short-term investment objectives of a plan may be issued or held by a person who provides services to the plan or is an affiliate of such a service provider. The applicants believe that investments in such obligations may constitute violations of sections 406(a)(1) (A), (B) and (D) of the Act and 4975(c)(1) (A), (B) and (D) of the Code.[6] The applicants request that relief be provided to permit plans to make these investments because, in view of the short-term nature of the transactions, the circumstances under which the investment decisions are made and the presence of adequate safeguards to protect plan participants, such investments may be desirable for the plans.

The ABA represents that employee benefit plans often hold funds on a short-term basis, awaiting investment or distribution. These funds may represent contributions, income on investments or the proceeds from portfolio changes. Plans commonly invest these funds in high-quality, short-term debt obligations of the U.S. Treasury, U.S. Government agencies, banks and prime credit commercial borrowers. The investments ordinarily used for these purposes have a maturity of not more than one year, and in many cases three months in typical.

According to the ABA, an employer, particularly one with a plan that covers a large number of employees, may divide investment responsibility with respect to the plan's assets in different ways. The employer may establish two or more separate trusts under a single employee benefit plan and appoint a different bank as trustee with investment discretion as to the assets in each trust. Alternatively, the employer may establish a single trust with a bank as trustee, and appoint one or more investment managers with investment discretion for specified, distinct portions of the assets of the trust. In some of the latter cases, a bank may be retained to act as custodian for the assets of the trust, but the custodial agreement may provide that the custodian does not have any discretionary authority to control or manage these assets.

It is not uncommon, according to the ABA, for one trustee or investment manager under a multi-trust plan to decide that a portion of the plan assets under its control should be invested in obligations issued by a bank which is also a trustee, investment manager or custodian with respect to the plan, or in obligations issued by an affiliate of such bank.

The trustee or investment manager may or may not know at the time an investment decision is made that the obligation has been or will be issued by a party in interest with respect to the plan. Short-term investment decisions must be made quickly and often are made on a daily basis. The ABA argues that in view of the nature of the short-term investment market and the way the investment decision making process in large plans is structured, it is not feasible for trustees and investment managers of these plans to know, or determine prior to consummation of the transaction, whether the issuer of an obligation is a party in interest or disqualified person with respect to a plan for which the acquisition is contemplated. In addition, in the absence of an exemption, banks and their affiliates which issue short-term securities may, in the ABA's view, encounter great difficulty in selling such obligations to employee benefit plans. Obligations of banks and their affiliates are often sold upon original issue by the dealer bank department of the issuer. Despite the speed with which these short-term investments must be made, if an exemption were not available, the dealer bank department would have to determine, first, whether the proposed purchase is for an employee benefit plan and, second, whether the purchase is for a plan served by the issuer or an affiliate. The ABA submits that this procedure would greatly impede, if not halt, the issuance of obligations by a bank or an affiliate of a bank that also provides services to employee benefit plans, and would correspondingly reduce investment opportunities for the affected plans.

The ABA represents that these transactions are customary for employee benefit plans and are beneficial to the trusts and to participants and beneficiaries of the plans. According to the ABA, obligations of banks of the type described herein and commercial paper issued by highly rated commercial borrowers normally produce higher yields than short-term U.S. Treasury and U.S. Government agency obligations, although yields from temporary investments fluctuate with economic conditions, inflation expectations, Treasury refinancings and investor demand.

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[2] Described in the applications as negotiable or non-negotiable instruments evidencing a deposit with a bank, payable to bearer or to a specified person or his order at some future time.

[3] Described as time drafts drawn on and accepted by a bank, which thereby becomes the primary obligor.

[4] Described as unsecured obligations of prime credit commercial borrowers.

[5] Described as agreements by which persons who own securities sell the securities to a third party and agree to repurchase the securities at a later time at an increased price that reflects an interest factor.

[6] Section 406(a) of the Act states that, except as provided in section 408:

(1) A fiduciary with respect to a plan shall not cause the plan to engage in a transaction, if he knows or should know that such transaction constitutes a direct or indirect—

(A) sale or exchange, or leasing, of any property between the plan and a party in interest;

(B) lending of money or other extension of credit between the plan and a party in interest;

(D) transfer to, or use by or for the benefit of, a party in interest, of any assets of the plan; * * * Section 3(14) of the Act defines the term party in interest to include a person who provides services to a plan and a corporation, partnership, or trust or estate of which (or in which) 50 percent or more of—

(1) the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of such corporation,

(2) the capital interest or profits interest of such partnership, or

(3) the beneficial interest of such trust or estate, is owned directly or indirectly, or held by a person who is a party in interest by virtue of providing services to a plan.

Section 4975 of the Code contains restrictions similar to those in section 406(a) of the Act.

The ABA contends that plans should not be prohibited from acquiring obligations issued by banks or their affiliates which may have a pre-existing relationship with respect to certain assets of the plan which are not involved in the transaction, especially when these obligations provide the high yield and safety sought by the plan's investment manager. Further, the banks offering the most desirable obligations often are the very banks which provide services to employee benefit plans that use more than one investment manager.

The exemption for short-term investments requested by the Insurance Companies is supported by representations similar to those made by the ABA. The Insurance Companies maintain that an area of potential prohibited transactions problems involves persons who provide services to plans or who are parties in interest or disqualified persons with respect to plans by reason of a relationship to a service provider, and who unknowingly engage in transactions with such plans. They represent that in these cases, the plan assets involved in the transactions are usually managed by an independent bank, insurance company or investment adviser who is unaware of the relationship between the plan and the service provider or related person. An example of such a transaction furnished by the Insurance Companies involves the purchase on behalf of a plan of commercial paper issued by a wholly owned subsidiary of an insurance company that provides services to the plan, where the decision to purchase the commercial paper is made by a fiduciary who is unrelated to and independent of the insurance company or its subsidiary.

The Insurance Companies argue that the requested exemption for such transactions would pose little possibility for abuse because (1) in most cases the independent fiduciary would be unaware of the person's relationship to the plan; and (2) the party in interest engaging in the transaction with the plan would not have any responsibility, authority, or control with respect to the management or disposition of the plan assets involved in the transaction.

Du Pont states that the Du Pont Pension Trust Fund (the Trust) from time to time enters into repurchase agreements with respect to certain short-term debt obligations.[7] Under these agreements, the Trust acquires securities by paying a specified amount to the seller of the securities, and the two parties agree that on a certain date within a short period of time, often less than one week, the Trust will transfer the securities back to the seller in return for payment of the amount initially paid by the trust plus interest. The amount of interest is based on current short-term interest rates. If the fair market value of securities held by the Trust under these agreements falls below the amount paid by the Trust, the Trust may request additional securities so that the fair market value of the securities held by the Trustee continues to equal the amount paid under the agreement.

The Trust enters into repurchase agreements with broker-dealers, banks and other financial institutions. Many such firms provide research and brokerage services to the Trust and are, therefore, parties in interest and disqualified persons with respect to the plans whose assets are held in the Trust. To avoid potential prohibited transactions, repurchase agreements involving assets of the Trust are now restricted to three relatively small firms which do not provide any services in connection with theTrust. Du Pont represents that securities of the quality and in the amount desired are frequently not available through these firms; moreover, the firms, perceiving the Trust's restrictions, are not as competitive as they might otherwise be. Du Pont asserts that removal of these limitations would permit the Trust to realize a greater return on the investment of its assets than it currently realizes. Du Pont believes that repurchase agreements pose virtually no risk of loss of principal to the Trust since: (1) The Trust would acquire securities having a value commensurate with the amount of money transferred under the agreements, (2) the securities would be marked to market daily to ensure that the fair market value of the securities held would continue to equal the amount of money transferred, (3) the terms of the repurchase agreements would be no less favorable to the Trust than transactions with firms that are not parties in interest or disqualified persons, and (4) the exemption would be limited to transactions with parties that are regulated by a state or federal agency, such as banks, bank holding companies and broker-dealers.

Discussion of the Proposed Exemption

The proposed exemption would provide relief for the investment of plan assets in certain debt obligations with maturities of one year or less. The obligations covered by the proposed exemption are banker's acceptances and repurchase agreements issued by banks, broker-dealers, and reporting dealers, and commercial paper that is ranked in the highest rating category by at least two nationally recognized statistical rating services.

The Department has not proposed relief for investments in certificates of deposit because it believes that adequate relief for such investments is provided by the statutory exemptions contained in sections 408(b)(4) of the Act and 4975(d)(4) of the Code. Those sections provide exemptions for the investment of a plans's assets in deposits of banks or similar financial institutions that are parties in interest with respect to the plan. Certificates of deposit are considered deposits for the purposes of those exemptions.[8]

The proposed exemption would not cover the investment of plan assets in banker's acceptances, repurchase agreements or commercial paper if the drawee of the banker's acceptance, the issuer of the commercial paper or the seller in the repurchase agreement, or an affiliate of such person, has discretionary authority or control over the investment of the plan assets involved in the transaction or renders investment advice with respect to those assets.[9] As proposed, the exemption does not extend to transactions which would ordinarily give rise to violations of section 406(b) of the Act. Thus, the proposed exemption does not contain any relief from the restrictions of section 406(b) of the Act or from the taxes imposed by section 4975(a) and (b) of the code by reason of section 4975(c)(1)(E) and (F) of the Code. The proposed exemption also would not provide relief for short-term investments of plan assets in commercial paper issued by an employer, any of whose employees is covered by the plan, or by an affilitate of such employer.

The proposed exemption contains several additional requirements with

[7] The individual exemption requested by Du Pont covers not only short-term investments in repurchase agreements issued by parties related to the trust, but also borrowing by the Trust through "reverse" repurchase agreements, in which the Trust "sells" securities and agrees to repurchase those securities at an increased price. The proposed exemption does not cover "reverse" repurchase agreements. That part of Du Pont's request will be dealt with separately.

[8] See 29 CFR 2550.408b–4 and 26 CFR 54.4975–6(b).

[9] The term "affiliate" is defined as in 29 CFR 2510.3–21(e). Under that definition an affiliate of a person includes:

(i) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such person;

(ii) Any officer, director, partner, employee or relative (as defined is section 3(15) of the Act) of such person; and

(iii) Any corporation or partnership of which such person is an officer, director or partner.

For purposes of this definition, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

respect to repurchase agreements. It extends to such investments only if the repurchase agreement is embodied in or pursuant to a written agreement, and if prior to entering into the repurchase agreement the plan receives from the bank, broker-dealer or dealer (the seller) the most recent statement of the seller's financial condition and a representation by the seller that there have been no material adverse changes in its financial condition since the date of the statement furnished. The Department would expect such a written agreement to be negotiated between the plan and a potential seller before specific repurchase agreements were actually considered, and that it would contain the general terms of future repurchase agreements, but that specific terms, such as the rate of return and the length of the agreement, would be negotiated for each particular repurchase agreement.

The proposed exemption as applicable to repurchase agreements would also require, among other things, that, at the time the plan the purchase price to a seller, the plan receive, as collateral securing the agreement, securities issued or guaranteed by the Untied States Government or its agencies having, at such time, a market value of not less than 102 percent of the purchase price, and, further, that the two percent margin be maintained throughout the duration of the repurchase agreement.

The conditions concerning repurchase agreements are similar to conditions contained in a class exemption proposed by the Department concerning the lending by a plan of portfolio securities (45 FR 24946, April 11, 1980). In a securities lending transaction a plan lends securities and receives cash or other securities as collateral. Because the risks associated with repurchase agreements and securities lending appear to be in many respects similar, it appears to the Department that similar protections for plan participants and beneficiaries may be appropriate. However, since a number of the conditions in the proposed class exemption concerning repurchase agreements are not based on practices described in the applications, the Department specifically solicits comments concerning the practices relating to repurchase agreements and the impact of these conditions on such practices.[10]

[10] The conditions are based, in part, on the application filed by Du Pont. For example, the repurchase agreements described in the Du Pont application require adjustments in the amount of underlying securities so that the market value of those securities continues to equal the purchase price paid for the securities under the agreement.

For the purpose of this class exemption, a plan fiduciary who causes a plan to engage in a repurchase agreement covered by the exemption will not be deemed to have caused the plan to have engaged in a transaction prohibited by section 406(a)(1)(A) through (D) of the Act solely by reason of the seller's failure to comply with a condition of the exemption. For example, if the seller fails to deliver additional securities when required by a condition of the exemption, the fiduciary would not be deemed to have violated section 406(a)(1) of the Act solely by virtue of such failure. Under these circumstances, however, the fuduciary may violate the requirements of section 404 of the Act if, among other things, the fiduciary does not act prudently to protect the interests of plan participants and beneficiaries.

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 require, among other things, that a fiduciary 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) 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 the participants and beneficiaries;

(4) If granted, the proposed class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption; and

(5) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code and Act, 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 to the address and within the time period set forth above. All comments will be made a part of the the record. Comments should state the reasons for the writer's interest in the proposed 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 applications, the Department is considering granting the following class 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.

The restrictions of section 406(a)(1)(A), (B) and (D) of the Act, and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1)(A), (B) and (D) of the Code shall not apply to the investment of employee benefit plan assets which involves the purchase or other acquisition, holding, sale, exchange or redemption by or on behalf of an employee benefit plan of:

(1) A banker's acceptance that is issued by a bank which is supervised by the United States or a State if;

(a) The banker's acceptance has a stated maturity date of one year or less from date of issue or has a maturity date of one year or less from the date of purchase on behalf of the plan and,

(b) Neither the bank nor any affiliate of the bank has discretionary authority or control with respect to the investment of the plan assets involved in the transaction or renders investment advice with respect to those assets.

(2) Commercial paper if:

(a) It is ranked in the highest rating category by at least two nationally recognized statistical rating services and is issued by a company required to file reports with the Securities and Exchange Commission under section 13 of the Securities Exchange Act of 1934;

(b) It is not issued by an employer any of whose employees are covered by the plan or by an affiliate of such employer;

(c) It has a stated maturity date of 270 days or less from date of issue;

(d) Neither the issuer of the commercial paper nor an affiliate of such issuer has discretionary authority or control with respect to the investment of the plan assets involved in the transaction or renders investment advice with respect to those assets.

(3) A repurchase agreement (or securities under cover of a repurchase agreement) in which the seller of the underlying securities is a bank which is supervised by the United States or a State; a broker-dealer registered under the Securities Exchange Act of 1934; or a dealer who makes primary markets in securities of the United States government or any agency thereof and reports daily to the Federal Reserve Bank of New York its position with respect to government securities and borrowings thereon if,

(a) The repurchase agreement is embodied in or pursuant to a written agreement, the terms of which are at least as favorable to the plan as an arms length transaction with an unrelated party would be;

(b) Prior to entering into the repurchase agreement, the bank, broker-dealer or dealer (seller) furnishes the plan with the most recent statement of the seller's financial condition and a representation by the seller that there has been no material adverse change in its financial condition since the date of the statement furnished;

(c) The plan receives interest at a rate no less than that which it would receive in a comparable transaction with an unrelated party;

(d) The repurchase agreement has a duration of one year or less;

(e) The plan receives securities issued or guaranteed by the United States Government or its agencies having a market value equal to not less than 102 percent of the purchase price paid by the plan;

(f) During the course of the agreement the market value of the underlying securities at the close of a business day is less that 102 percent of the purchase price, the plan receives from the seller by the close of business on the following business day additional securities the market value of which, together with the market value of securities previously delivered or sold to the plan under the repurchase agreement, equals at least 102 percent of the purchase price paid by the plan;

(g) The seller does not deliver additional securities as required above, the plan may terminate the agreement, and, if upon termination or expiration of the agreement, the amount owing is not paid to the plan, the plan may sell the securities and apply the proceeds against the obligations of the seller under the agreement, and against any expenses associated with the sale;

(h) In the event of termination and sale as described in (g) above, the seller pays to the plan the amount of any remaining obligations and expenses not covered by the sale of the securities, plus interest at a reasonable rate;

(i) Upon expiration of the repurchase agreement and return of the securities to the seller, the seller transfers to the plan an amount equal to the purchase price plus the appropriate interest; and

(j) Neither the seller nor an affiliate of the seller has discretionary authority or control with respect to the investment of the plan assets involved in the transaction or renders investment advice with respect to those assets.

If a seller involved in a repurchase agreement convered by this exemption fails to comply with any condition of this exemption in the course of engaging in the repurchase agreement, the plan fiduciary who caused the plan to engage in such repurchase agreement shall not be deemed to have caused the plan to engage in a transaction prohibited by section 406(a)(1)(A) through (D) of the Act solely by reason of the seller's failure to comply with the conditions of the exemption.

For purpose of this exemption the term "affiliate" is defined as in 29 CFR § 2510.3–21(e).

Signed at Washington, D.C., this 18th day of April, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80–12695 Filed 4–24–80; 8:45 am]

BILLING CODE 4510–29–M

Pension and Welfare Benefit Programs

[Application No. D–1263]

Proposed Exemption for a Certain Transaction Involving the Graham-Rogers, Inc., Profit Sharing Plan Located in Bartlesville, Okla.

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 cash sale of a parcel of real property by the Graham-Rogers, Inc. Profit Sharing Plan (the Plan) to Graham-Rogers, Inc. (the Employer). The proposed exemption, if granted, would affect the Employer and participants and beneficiaries of the Plan.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before June 9, 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, N.W., Washington, D.C. 20216, Attention: Application No. D–1263. 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, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz, of the Department of Labor, telephone (202) 357–0040. (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), 406(b)(1) and 406(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 Plan trustee, who is also the majority shareholder of 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 applicants.

1. In December, 1975, the Plan purchased a parcel of real property from Mr. L. E. Scott, an unrelated party, for $10,000. The property was purchased to be used principally as a parking lot for employees of the Employer.

2. On December 4, 1975, the Plan commenced leasing the property to the Employer as a parking lot. The Employer paid $100 monthly rent for approximately 20 parking places. The other spaces were offered to the general public at $5 per space per month, but very few spaces were rented to the general public. In October, 1978, the rent was increased to $7.50 per space per month, and as of June 18, 1979 may spaces remained unrented.

3. The Plan now wishes to sell the lot to the Employer. The sale will be for cash, and no commission will be paid on the sale. The Employer will pay $16,000, the highest of four appraised values as determined by four independent real estate agents. The most recent appraisal was made in February, 1980.

4. At a value of $16,000, the parcel of real property would constitute approximately 9 percent of the Plan's assets. The proceeds from the sale will be reinvested at a better rate of return than the Plan is earning from renting the property.

5. On May 18, 1979, the property was listed for sale at a price of $16,000 with Corbin Company Realtors, an independent realty company in Bartlesvillle, Oklahoma. The property was listed for sale for 60 days, with no offers to buy.

6. In summary, the applicant represents that the proposed transaction meets the criteria for an exemption under section 408(a) of the Act because (1) it is a one-time transaction for cash, (2) it would allow the Plan to sell the property for a large gain, without paying any sales commissions, at a price determined by an independent appraiser, (3) it would allow the Plan to reinvest the funds received at a higher rate of return, (4) since the Plan has listed the property for sale to third parties without success, the Employer is apparently the only willing purchaser at $16,000, and (5) the Plan trustee has determined that the proposed transaction is appropriate for the Plan and is in the best interests of the Plan participants and beneficiaries.

Notice to Interested Persons

On or before May 5, 1980, the applicant will supply notification in writing of the proposed exemption to all Plan participants and beneficiaries. Such notification shall include a copy of this notice of proposed exemption and shall inform all Plan participants and beneficiaries of their right to comment and their right to request a hearing within the period set forth in this notice.

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 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)(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 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), 406(b)(1) and 406(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 the sale of the subject parcel of real property by the Plan to the Employer for $16,000 in cash, provided such amount is not less than the fair market vaule of the property at the time of 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 to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 21st day of April 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80–12790 Filed 4–24–80; 8:45 am]

BILLING CODE 4510–29–M

[Applications Nos. D–1062, D–1741 and D–1742]

Lomas & Nettleton Co. and Lomas & Nettleton Financial Corp.; Proposed Exemption for Certain Transactions Involving Employee Retirement and Profit Sharing Plans

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 proposed participation by the Retirement Plan for Employees of the Lomas and Nettleton Company, the

Retirement Plan for Employees of the Lomas and Nettleton Financial Corporation and the Profit Sharing Plan for Employees of the Lomas and Nettleton Financial Corporation (the Plans) in interim construction and development loans which are originated through and participated in by Lomas and Nettleton Financial Corp. (Lomas Financial). Lomas Financial and its wholly owned subsidiaries (the Lomas Group) are the sponsors of the Plans. The proposed exemption, if granted, would affect the Lomas Group, participants and beneficiaries of the Plans and other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before June 9, 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 Nos. D–1062, D–1741, and D–1742. The applications 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: Richard Small, of the Department, telephone (202) 523–7222. (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), 406(b)(1) and 406(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 Lomas Group, 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 18571, 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 requesed 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 Lomas Group is the nation's largest mortgage banking concern with annual mortgage loan originations in excess of one billion dollars and a mortgage servicing portfolio in excess of 5.85 billion dollars. The Lomas Group has established two retirement plans and one profit sharing plan, i.e. the Plans, which are the subject of this exemption request. An exemption request is being made to allow the Plans over a five-year period to buy participating interests in certain types of mortgage loans from Lomas Financial. The five-year period would begin on the date the grant of an exemption for the proposed transactions is published in the **Federal Register.**

2. Lomas Financial is proposing to sell to the Plans participations in iterim construction and development loans which have a maturity of no longer than two years and with would be secured by first lien real estate mortgages (each loan must be secured by a first lien mortgage or deed of trust on the real property and all improvements to be erected thereon, and such security must have been valued at 125 percent or more of the proposed loan amount) and covered by a permanent mortgage commitment obligating a financially responsible institutional investor (such as a savings and loan association or insurance company) to fund the payment of the entire loan upon completion of construction and development. The cost to the Plans and the rate of return to the Plans would be the rate which is negotiated by Lomas Financial for the entire transaction, but in every case the rate of return to the Plans must be at least two percentage points above the prevailing prime rate of interest charged by leading financial institutions. The rate of return of the Plans would be identical to the rate of return which is received by Lomas Financial.

3. The Plans would not invest in more the 10% of the total amount of any loan nor would more than 10% of the assets of any Plan be invested in any individual loan. In addition, no more than 20% of the total assets of any Plan at the time of purchase could be invested in such loan participations.

4. Each Plan investment will be the subject of an unconditional and irrevocable purchase agreement from Lomas Financial. This agreement will provide that upon the occurance of an event of default under the loan documentation governing the loan in which any Plan has a participation interest, Lomas Financial will immediately repurchase the Plan's entire interest in such loan for an amount equal to the then principal amount of the Plan's investment together with accrued and unpaid interest to the date of purchase. The net worth of Lomas Financial as reflected in its latest published annual report is in excess of sixty million dollars. In comparison, total Plan assets approximate sixteen million dollars and in accordance with the limitation imposed pursuant to the limiting of the aggregate Plan investment to 20% of total Plan assets, the total amount of funds required to repurchase all the Plan's investment even if such investment was the maximum amount permissible, is less than five percent of Lomas Financial's net worth. As an additional safeguard, Lomas Financial will limit Plan investments so that Plan investments shall never exceed fifteen percent of Lomas Financial's net worth as reported in its most recently published financial statement.

5. Lomas Financial is obligated by contract to offer all of such real estate construction and development loans for investment on a participating basis to the Lomas and Nettleton Mortgage investors (LNMI), a Massachusetts Business Trust which is neither owned nor affilated by as much as 50% common stock ownership with Lomas Financial. The business affairs of LNMI are controlled by a Board of Trustees which accepts or rejects investment recommendations made by Lomas Financial. Thus, an affirmative investment decision by the LNMI Trustees, acting on behalf of the LNMI shareholders, would always be a pre-condition to the acceptance of any loan participation by the Plans. Where a participation is also offered to another institutional investor, an affirmative decision by the Board of Directors of such institution would also be a pre-condition to any investment by the plans.

6. In addition, each loan investment must be approved in advance as to suitability by the First National Bank of Dallas (the Bank). As a condition precedent to the purchase of any loan participation by the Plan, the Bank must certify that the terms of the proposed investment are at least equal to those which would be available to any third party making such investment and that such investment is in the best interests of the Plan making the investment. The

Bank will also oversee the payments on the loan participations. The Bank would not serve in any other fiduciary or trustee capacity with respect to any of the Plans or the Lomas Group. Any loan in which the Bank has any interest will not be a candidate for Plan investment.

7. The applicants represent that the proposed transactions will satisfy the criteria of section 408(a) of the Act as follows: (1) the trustees of the Plans represent that the proposed transactions are in the best interests of the Plans; (2) each transaction will be approved by an independent fiduciary; (3) the exemption will be for a relatively short period of time; (4) the Plans will receive a rate of interest at least 2% above the current prevailing prime rate; (5) the Plans will have the security of a first mortgage lien as well as a buy back provision from Lomas Financial; and (6) the transactions will be limited to the lesser of: (a) 20% of the assets of each Plan or (b) 15% of Lomas Financial's net worth.

Notice to Interested Parties

All active and retired participants of the Plans and their beneficiaries will receive notification by mail within ten days of the publication of the notice of pendency. Notification will include a copy of the notice of pendency and a statement advising interested persons of their right to comment or request a hearing.

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 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)(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 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), 406(b)(1) and 406(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 for a five-year period to the sale of participation interests to the Plans of interim construction and development loans by Lomas Financial which are originated through and participated in by Lomas Financial.

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 21st day of April 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-12791 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1234]

Proposed Exemption for Certain Transactions Involving the Textile Workers Pension Fund, Greater New York Joint Board Textile Workers Welfare Fund, and the TWUA Health Plan, All Located in New York, N.Y.

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 purchase by the Textile Workers Pension Fund, Greater New York Joint Board Textile Workers Welfare Fund, TWUA Health Plan, and the Greater New York Joint Board, Textile Division, of the Amalgamated Clothing and Textile Workers Union of all the shares of stock in the TWUA Realty Corporation from the Amalgamated Clothing and Textile Workers Union and the joint operation and occupancy of a building at 99 University Place, New York, New York. The TWUA Realty Corporation holds as its sole asset a building located at 99 University Place, New York, New York. The proposed exemption, if granted, would affect the above named plans, their participants and beneficiaries, the Greater New York Joint Board, Textile Division, of the Amalgamated Clothing and Textile Workers Union, the Amalgamated Clothing and Textile Workers Union and the TWUA Realty Corporation.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before July 25, 1980.

EFFECTIVE DATE: If granted, the exemption would be effective as of December 15, 1978.

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, N.W., Washington, D.C. 20216, Attention: Application No. D-1234. 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, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Charles Edelstein, 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), 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 Textile Workers Pension Fund, Greater New York Joint Board Textile Workers Welfare Fund, TWUA Health Plan, Greater New York Joint Board TWUA Pension Fund, Greater New York Joint Board, Textile Division, of the Amalgamated Clothing and Textile Workers Union, and the Amalgamated Clothing and Textile Workers Union, 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 applicants.

1. The Textile Workers Pension Fund, the Greater New York Joint Board Textile Workers Welfare Fund, and the TWUA Health Plan (the Funds) are multiemployer pension and welfare plans with approximately 40,000, 1,600, and 13,000 participants respectively. Each of the Funds has trustees who are officers or members of the Amalgamated Clothing and Textile Workers Union (Amalgamated). Three of the trustees serve as trustees of more than one Fund. In addition, persons designated by contributing employers serve as trustees for each Fund.

2. On March 14, 1946, the Textile Workers Union of America (Textile Workers) organized TWUA Realty Corporation (the Corporation) to hold title to a building located at 99 University Place, New York, New York. The building was acquired by the Corporation on April 27, 1946. The Textile Workers owned all of the outstanding stock of the Corporation until 1976. On June 3, 1976, Amalgamated was formed as the result of a merger of the Textile Workers and Amalgamated Clothing Workers of America. Until the merger, the building owned by the Corporation was used principally by the Textile Workers as offices for its own officers and employees. As a result of the merger most of the former officers and employees of the Textile Workers were transferred to other quarters.

3. As of November 30, 1978, among the organizations leasing space in the building were the Funds, the Greater New York Joint Board, Textile Division, of the Amalgamated Clothing and Textile Workers Union (Joint Board), a labor organization which is not an employee benefit plan, and the Greater New York Joint Board TWUA Pension Fund (Joint Board Pension Fund), a multiemployer pension plan with approximately 2,500 participants.

4. Because Amalgamated had no substantial use for the building after the merger, Amalgamated decided to sell the building either by direct sale or by a sale of the stock of the Corporation. The Funds, the Joint Board and the Joint Board Pension Fund decided to purchase the building in order to insure their continued ability to occupy the building at a reasonable cost. In order to establish a purchase price for the building, two independent real estate appraisals were obtained. An independent real estate appraiser retained by the prospective purchasers found the value of the property to be $525,000 as of August 9, 1978. An independent real estate appraiser retained by Amalgamated found the value of the property to be $500,000 as of July 12, 1978. The parties thereafter agreed to a price of $485,000 with the transaction to take place via a purchase of the Corporation's stock.

5. The Funds, the Joint Board, and the Joint Board Pension Fund entered into a Participation Agreement and a Stockholders Agreement among themselves. Pursuant to the Agreements the stock of the Corporation was divided into nine equal portions. The Textile Workers Pension Fund was assigned five portions and each of the other purchasers was assigned one portion. In addition, each purchaser received the right to occupy or sublease one floor of the building for each portion of stock allocated. The first floor and the basement of the building, which were not allocated to any of the purchasers, were allocated to the Corporation for lease or rental. Payment of the purchase price is in proportion to the portions of stock allocated. Costs of maintaining the building are also to be allocated on a pro rata basis.

6. The purchasers and Amalgamated entered into a Contract of Sale for the Corporation's stock at the agreed upon price of $485,000. The sale was consummated on December 15, 1978. In addition, the contract of sale provides that should an exemption from the prohibited transaction provisions of the Act not be granted within two years of the closing date, or should an application for exemption be denied within two years of the closing date, the transaction may be rescinded by the purchasers.

7. Prior to the closing date, the Joint Board Pension Fund entered into an agreement with the Textile Workers Pension Fund whereby the Joint Board Pension Fund withdrew from the transaction and assigned its rights under the under the Participation Agreement, Stockholders, Agreement, and Contract of Sale to the Textile Workers Pension Fund. The other purchasers consented to the withdrawal of the Joint Board Pension Fund and the assignment of its rights to the Textile Workers Pension Fund. Pursuant to the Participation Agreement and the Stockholders Agreement, the Textile Workers Pension Fund was allocated one additional floor of the building.

8. The trustees believe that the transaction is in the interests of the Funds and their participants and beneficiaries because it would provide the Funds needed office space at a lower cost than would otherwise be available and avoid substantial relocation expenses.

The applicants represent that the transaction meets the criteria of section 408(a) of the Act because (a) only a small portion of the Funds' assets are involved (3/4 of 1 percent with respect to the Textile Workers Pension Fund, less than 6 percent with respect to the Greater New York Joint Board Welfare Fund, and less than 2 percent with respect to the TWUA Health Plan), (b) the purchases price is less than the value determined by two independent appraisers, (c) title insurance has been

obtained, (d) Amalgamated will indemnify the Funds against any liability arising from prior ownership of the Corporation, (e) by acquiring the stock of the Corporation the purchasers have avoided the cost of reality transfer taxes, and have realized a savings of legal expenses and filing fees that would otherwise be required if a new title holding corporation was formed, and (f) the cost of title insurance was less than the cost would have been if a new title holding corporation was formed.

Notice to Interested Persons

Notice will be provided to the trustees of each of the Funds, to each of the employee organizations which sponsor the Funds and to all current participants in the Funds. Notice to trustees will be provided by in-person delivery or by first class mail within two weeks of publication of this notice in the **Federal Register.** Notice to participants will be provided by the publication of this notice in appropriate union newspapers. Such publication will take place within 60 days of the date this notice is published 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 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)(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 transaciton 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 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), 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 the purchase by the Textile Workers Pension Fund, Greater New York Joint Board Textile Workers Welfare Fund, TWUA Health Plan, and the Greater New York Joint Board, Textile Division, of the Amalgamated Clothing and Textile Workers Union of all the shares of stock in the TWUA Realty Corporation from the Amalgamated Clothing and Textile Workers Union, and the joint operations and occupancy of a building at 99 University Place, New York, New York, provided that the sum paid for the stock is the lesser of $485,000 or the fair market value of the stock at the date of 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 this proposed exemption.

Signed at Washington, D.C., this 21st day of April 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80–12792 Filed 4–24–80; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Addendum

April 22, 1980.

The agenda for the meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) scheduled for May 5–6, 1980, published in the **Federal Register** of April 18, 1980 (Page 26500), has been changed. All sessions of the meeting are open and the amended agenda is as follows:

Monday, May 5, 1980

9:00 a.m.–12:00 noon Chairman's Opening Remarks
Orientation to U.S. Coast Guard Facilities and Programs
12:00 noon–1:30 p.m. Lunch
1:30 p.m.–3:30 p.m. Plenary Session
Anadromous Fish and Habitat Protection
3:30 p.m.–4:30 p.m. National Ocean Goals and Objectives Project
Review of Task Forces on Energy and Waste Management and Pollution: budgets, operational plans, and scope of activities
4:30 p.m.–5:30 p.m. NACOA Steering Committee Meeting
5:30 p.m. Adjourn

Tuesday, May 5, 1980

8:30 a.m.–9:00 a.m. Plenary Session—Coastal Zone Management Act Amendments
9:00 a.m.–9:30 a.m. Oil Spill Compensation Legislation: Status
9:30 a.m.–12:00 noon Waste Management in the Oceans
Dredged Materials
Sewage Sludge
12:00 noon–1:00 p.m. Lunch
1:00 p.m.–3:00 p.m. Weather and Climate
Support for Atmospheric Research and Operational Facilities
Weather Modification
3:00 p.m.–4:00 p.m. Plenary Session
Panel Reports
4:00 p.m. Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street NW. (Room 436, Page Building #1), Washington, DC 20235. The telephone number is (202) 653–7818.

Steven N. Anastasion,

Executive Director.

[FR Doc. 80–12673 Filed 4–24–80; 8:45 am]

BILLING CODE 3510–12–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published March 19, 1980 (45 FR 17702). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the May 1980 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., EST before April 27, 1980, or EDT after that date.

ACRS Subcommittee Meetings

**Sequoyah Nuclear Plant, Units 1 and 2,* April 28, 1980, Washington, DC. POSTPONED INDEFINITELY. Notice of this meeting was published April 11 and 21.

**Reactor Fuel,* April 29, 1980, Washington, DC. The Subcommittee will discuss the NRC research program on reactor fuel for the ACRS annual reports to NRC and Congress. Notice of this meeting was published April 14.

**Babcock and Wilcox Water Reactors,* April 29, 1980 (1:00 p.m.), Washington, D.C. The Subcommittee will review NUREG–0667, "Transient Response of Babcock and Wilcox-Designed Reactors," published April 2, 1980. Notice of this meeting was published April 14.

**Reliability and Probabilistic Assessment,* April 30, 1980, Washington, DC. The Subcommittee will continue its evaluation of the need to develop quantitative safety goals for nuclear power plants and consideration of the actual form these goals may take and what they should accomplish. The Subcommittee will also discuss some general items related to the NRC Probabilistic Analysis Staff's ongoing programs and budget. Notice of this meeting was published April 15.

**Regulatory Activities,* April 30, 1980 (8:45 a.m.), Washington, D.C. The Subcommittee will review regulatory guides and revisions to existing regulatory guides; also, it may discuss pertinent activities which affect the current licensing process and/or reactor operation. Notice of this meeting was published April 17.

**Procedures and Administration,* April 30, 1980 (1:00 p.m.), Washington, D.C. The Subcommittee will consider policies and procedures applicable to the ACRS Fellowship Program and possible reorganization of the ACRS Staff functions, as well as other miscellaneous matters regarding ACRS procedures. Notice of this meeting was published April 17.

**General Electric Test Reactor (GETR),* May 5–6, 1980, Sunol, CA. RESCHEDULED to June 16–17, 1980 (tentative), Sunol, CA.

**Consideration of Class 9 Accidents,* May 9, 1980, Chicago, IL. (Rescheduled from May 6 in Washington, DC.) The Subcommittee will discuss: (1) consideration of low probability, high consequence accidents (including core melt) as part of the licensing process, (2) the Integrated Fuel Melt Research Program, and (3) review of pertinent portions of the NRC research program for the ACRS annual reports to NRC and Congress.

**Reactor Operations,* May 20, 1980, Washington, D.C. The Subcommittee will review NRC research programs in the area of operational safety, including fire protection, noise diagnostics, and man-machine interfaces for the ACRS annual reports to NRC and Congress.

**Site Evaluation/Reactor Radiological Effects,* May 21–22, 1980, Washington, D.C. The Subcommittee will review pertinent portions of the NRC research program for the ACRS annual reports to NRC and Congress.

**Extreme External Phenomena,* May 28–29, 1980, Los Angeles, CA. The Subcommittee will discuss recommendations made by the NRC Staff and the Lawrence Livermore Laboratory resulting from the NRC Task Action Plan, "Seismic Design Criteria-Short Term Program" (TAP–A40). Other related topics may be discussed as time permits.

**Reactor Safety Research,* June 3, 1980 (tentative), Washington, D.C. The Subcommittee will begin preparation of a draft report to NRC on the NRC FY–82 research budget.

**Regulatory Activities,* June 4, 1980 (tentative), Washington, D.C. The Subcommittee will review regulatory guides and revisions to existing regulatory guides; also, it may discuss pertinent activities which affect the current licensing process and/or reactor operation.

**Advanced Reactors,* June 13, 1980 (tentative), Washington, D.C. The Subcommittee will review NRC funding and program direction or program termination as appropriate.

**General Electric Test Reactor (GETR),* June 16–17, 1980 (tentative—rescheduled from May 5–6) Sunol, CA. The Subcommittee will continue its review of the geologic, seismologic and structural engineering aspects of the GETR plant site. Other matters related to the NRC Order to Show Cause may also be discussed.

**Emergency Core Cooling Systems (ECCS)/Reactor Fuel,* June 24–26, 1980 (tentative), Idaho Falls, ID. The Subcommittee will review pertinent portions of the NRC research program for the ACRS annual reports to NRC and Congress, and will be briefed by representatives of the NRC Office of Nuclear Regulatory Research (RES) on NRC research programs related to LOCA/ECCS and system transients.

**Safeguards and Security,* June 26, 1980 (tentative), Washington, D.C. The Subcommittee will review pertinent portions of the NRC research program for the ACRS annual reports to NRC and Congress, and will be briefed by RES on recently completed NRC studies relating to reactor plant design to reduce

vulnerability to sabotage. Code development related to spent fuel storage pool consequence estimates from sabotage attack will be considered, also. A closed session is planned regarding recent events relating to plant security.

Advanced Reactors, July 1, 1980 (tentative), Washington, D.C. The Subcommittee will continue its review of the NRC funding and program direction or program termination as appropriate.

ACRS Full Committee Meetings

May 1–3, 1980

A. *Extended operation of Shippingport Atomic Power Station LWBR core.

B. *Review of NUREG–0667, "Transient Response of Babcock and Wilcox-Designed Reactors."

C. *Application of NRC Action Plans to Near-Term Construction Permits.

D. *ACRS comments re the feasibility and practicality of containing a molten core.

E. *Clarification of ACRS reports on the NRC Action Plans regarding Near-Term Operating Licenses and the NRC Bulletins and Orders Task Force Report.

F. *ACRS Report on the proposed NRC Rule on Emergency Planning (10 CFR, Part 50).

G. *ACRS comments on the installation and use of a Nuclear Data Link to monitor nuclear power plant operations.

H. *Recent operating experience at nuclear plants including turbine disc cracking in pressurized water reactors, and jet pump failures in boiling water reactors.

June 5–7, 1980—Agenda to be announced.

July 10–12, 1980—Agenda to be announced.

Dated: April 21, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80–12653 Filed 4–24–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–142]

The Regents of the University of California; Proposed Renewal of Facility License

The United States Nuclear Regulatory Commission (the Commission) is considering renewal of Facility License No. R–71, issued to The Regents of the University of California (the licensee), for operation of the Argonaut-type research reactor located on the licensee's campus at Los Angeles, California.

The renewal would extend the expiration date of Facility License No. R–71 to March 30, 2000, in accordance with the licensee's timely application for renewal dated February 28, 1980.

Prior to renewal of the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 27, 1980, the licensee may file a request for a hearing with respect to renewal of the subject facility license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the renewal action under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW, Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert W. Reid: (petitioner's name and telephone number); (date petition was mailed); (UCLA); and (April 25, 1980, page No.). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)(v) and 2.714(d).

For further details with respect to this action, see the application for renewal dated February 28, 1980, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC.

Dated at Bethesda, Maryland, this 17th day of April, 1980.

For the Nuclear Regulatory Commission,

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 80-12651 Filed 4-24-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-192]

The University of Texas; Proposed Renewal of Facility License

The United States Nuclear Regulatory Commission (the Commission) is considering renewal of Facility License No. R-92, issued to The University of Texas (the licensee), for operation of the TRIGA Mark I nuclear reactor located on the licensee's campus at Austin, Texas.

The renewal would extend the expiration date of Facility License No. R-92 to February 12, 1990, in accordance with the licensee's timely application for renewal dated January 3, 1980.

Prior to renewal of the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 27, 1980, the licensee may file a request for a hearing with respect to renewal of the subject facility license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding but such an amended petition must safisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the basis for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the renewal action under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW, Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert W. Reid: (petitioner's name and telephone number); (date petition was mailed); (University of Texas); and (April 25, 1980, page No.). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)(v) and 2.714(d).

For further details with respect to this action, see the application for renewal dated January 3, 1980, as will be supplemented, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC.

Dated at Bethesda, Maryland, this 18th day of April 1980.

For the Nuclear Regulatory Commission,

Guy S. Vissing,

Acting, Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 12652 Filed 4-24-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Reactor Fuel; Meeting Addition

It may be necessary for the ACRS Subcommittee on Reactor Fuel to close portions of its meeting on April 29, 1980 for the following reason:

The ACRS is required by Section 5 of the 1978 NRC Authorization Act to review the NRC research program and budget and to report the results of the review to Congress. In order to perform this review, the ACRS must be able to engage in frank discussions with members of the NRC Staff and such discussions would not be possible if held in public sessions. I have determined, therefore, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92-463), that, should such sessions be required, it is necessary to close portions of this meeting to prevent frustration of the above stated aspect of the ACRS' statutory responsibilities. See 5 U.S.C. 552b(c)(9)(B).

All other items remain the same as announced in a notice published April 14, (45 FR 25195).

Dated: April 22, 1980.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 80-12742 Filed 4-24-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Reliability and Probabilistic Assessment; Meeting Change

It may be necessary for the ACRS Subcommittee on Reliability and Probabilistic Assessment to close portions of its meeting on April 30, 1980 for the following reason:

The ACRS is required by Section 5 of the 1978 NRC Authorization Act to review the NRC research program and budget and to report the results of the review to Congress. In order to perform this review, the ACRS must be able to engage in frank discussions with members of the NRC Staff and such discussions would not be possible if held in public sessions. I have determined, therefore, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92-463), that, should such sessions be required, it is necessary to close portions of this meeting to prevent frustration of the above stated aspect of the ACRS' statutory responsibilities. See 5 U.S.C. 552b(c)(9)(B).

All other items remain the same as announced in a notice published April 15, (45 FR 25558).

Dated: April 22, 1980.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 80-12743 Filed 4-24-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee for Screening of Licensing Board Candidates

Notice is hereby given in accordance with Section 10 of the Federal Advisory Committee Act that the NRC's Advisory Screening Committee for Lawyer Members will hold its second and third meetings on May 9 and May 27, 1980, respectively. The meetings on both days will begin at 9:30 a.m. and will be held at East-West Towers, 4350 East-West Highway, Room 415, Betheseda, Maryland 20014.

The Committee will meet in closed session in order to consider the qualifications of candidates for the positions of Chairman, Atomic Safety and Licensing Board Panel, and two Permanent Lawyer members of the Panel.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close these meetings in order to protect information, the release of which would represent an undue invasion of personal privacy under 5 U.S.C. 552b(c)(6). Separation of factual information from information considered exempt from disclosure is not considered practical.

For further information contact Charles J. Fitti, Assistant Executive Secretary, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission 20555. (Telephone AC 301-492-7814).

Dated in Washington, D.C., this 23d day of April 1980.

John C. Hoyle,

Advisory Committee Management Office.

[FR Doc. 80-12961 Filed 4-24-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 81-618]

The Anaconda Co.; Application and Opportunity for Hearing

April 16, 1980.

Notice is hereby given that The Anaconda Company (the "Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934 as amended (the "1934 Act") for an order granting Applicant an exemption from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states, in part:

1. Atlantic Richfield Company ("Atlantic Richfield"), pursuant to a merger between Anaconda Company, a Montana corporation, (the "Predecessor"), Atlantic Richfield Delaware Corporation and Atlantic Richfield, agreed to guarantee the obligations of the Predecessor with respect to $150 million principal amount 6⅝% Debentures, due 1993, (the "Debentures").

2. There are no other securities of the Predecessor or Anaconda outstanding, other than the shares of Anaconda Common Stock owned by Atlantic Richfield.

3. The Debentures are owned by a relatively small number of security holders, i.e., 650.

4. The Debentures are not listed on any national exchange.

5. Consolidated summary of operations and periodic reports are filed by Atlantic Richfield and such includes the operations of Anaconda.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person not later than May 12, 1980 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for the request, and the issues of fact and law raised by the application which such person desires to controvert. At any time, after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 12744 Filed 4-24-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-611]

BDM International, Inc.; Application and Opportunity for Hearing

April 16, 1980.

Notice is hereby given that BDM International, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order exempting Applicant from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Application states, in part:

1. On December 31, 1979, the BDM Corporation (the "Company") became a wholly owned subsidiary of Applicant as a result of a plan of reorganization approved by the Company's shareholders. Pursuant to the reorganization, all shares of the Company's common stock were converted on a share-for-share basis into common stock of Applicant. Applicant now represents the same consolidated financial position and total enterprise as the Company had prior to the reorganization.

2. Applicant is obligated to file reports with the Commission because of its registration statement (which became effective December 10, 1979) relating to the plan of reorganization. On January 1, 1980, the beginning of Applicant's relevant fiscal year, it had 299 shareholders for record. Accordingly, it appears that the reporting requirements of Section 15(d) will be inapplicable to

Applicant for fiscal 1980; however, in the absence of an exemption, Applicant would be required to file a Form 10–K for the fiscal year ended December 31, 1979.

Applicant believes that the request for an order exempting it from the reporting provisions of Sections 13 and 15(d) of the 1934 Act is appropriate inasmuch as it has fewer than 300 shareholders and its stock is not publicly traded.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than May 12, 1980, may submit to the Commission in writing his views on any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 80–12745 Filed 4–24–80; 8:45 am]

BILLING CODE 8010–01–M

[File No. 81–596]

Harter BanCorp; Application and Opportunity for Hearing

April 16, 1980.

Notice is hereby given that Harter BanCorp ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order exempting it from the reporting requirements under Sections 13 and 15(d) of the 1934 Act.

Applicant states, in part:

(1) On July 9, 1979, Applicant was merged into Society Corporation ("Society"), and all of Applicant's outstanding shares of common stock were converted into common shares of Society.

(2) The Society shares issued in such transaction were registered under the Securities Act of 1933; and Society is a reporting company under the 1934 Act;

(3) Applicant believes that such exemption would not be inconsistent with the public interest or the protection of investors.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person no later than May 12, 1980, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 80–12746 Filed 4–24–80; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1815, Amendment No. 1]

California; Declaration of Disaster Loan Area

The above numbered Declaration (See 45 FR 24750) is amended by adding the following counties;

County, natural disaster(s) and date(s)

Contra Costa, heavy rain, mudslides, flooding, high tides, strong winds, 1/13/80–2/26/80.

San Joaquin, heavy rains, high tides, strong winds and flooding, 1/13/80–2/26/80.

Santa Cruz, heavy rains, high winds, high tides, flooding, mudslides and land erosion, 1/8/80–2/26/80.

and adjacent counties within the State of California as a result of natural disaster as indicated. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business June 2, 1980, and for economic injury until the close of business on January 2, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 10, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80–12698 Filed 4–24–80; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area No. 1816; Amdt. No. 1]

Louisiana; Declaration of Disaster Loan Area

The above numbered Declaration (See 45 FR 26544) is amended by adding the following parish:

Parish, Natural Disaster(s) and Date(s)

East Baton Rouge, heavy rains, high winds and flooding, 3/29/80–4/2/80

and adjacent parishes within the State of Louisiana as a result of natural disaster as indicated. All other information remains the same, i.e., the termination dates for filing applications for physical damage is close of business on June 13, 1980, and for economic injury until the close of business on January 12, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 16, 1980.

H. A. Theiste,

Acting Administrator.

[FR Doc.80–12697 Filed 4–24–80; 8:45 am]

BILLING CODE 8025–01–M

Region I Advisory Council Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Montpelier, Vermont, will hold a public meeting at 9:30 a.m., Friday, May 16, 1980, at the Tavern Motor Inn, 100 State Street, Montpelier, Vermont, 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 David C. Emery, District Director, U.S. Small Business Administration, Federal Building, 87 State Street, P.O. Box 605, Montpelier, Vermont 05602, (802) 229–0538.

Dated: April 21, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80–12808 Filed 4–24–80; 8:45 am]

BILLING CODE 8025–01–M

Region VI Advisory Council Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Little Rock, Arkansas, will hold a public meeting at 12:00 noon, Thursday, May 15, 1980, in the Capitol Club, Worthen Bank Building, 200 West Capitol Avenue, Little Rock, Arkansas, 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 Mr. Maurice Britt, District Director, U.S. Small Business Administration, P.O. Box 1401, Little Rock, Arkansas 72203, (501) 378–5871.

Dated April 21, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80–12809 Filed 4–24–80; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area No. 1820]

Missouri; Declaration of Disaster Loan Area

St. Louis County and adjacent St. Louis City and adjacent counties within the State of Missouri constitute a disaster area as a result of damage caused by a tornado which occurred on April 7, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 19, 1980, and for economic injury until the close of business on January 19, 1981, at: Small Business Administration, District Office, 12 Grand Bldg., 5th Floor, 1150 Grand Avenue, Kansas City, Missouri 64106, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 18, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80–12810 Filed 4–24–80; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue; Availability of Report on Closed Meetings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of availability of report on closed meetings of the Art Advisory Panel.

SUMMARY: The report is now available.

Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976); section 8d(3) of the Office of Management and Budget (OMB) Circular No. A–63 (3–27–74), as supplemented; and section 12b of the Department of Treasury Directive 10–06.E (9–2–77): A report summarizing the closed meeting activities of the Art Advisory Panel during 1979, has been prepared. A copy of this report has been filed with the Assistant Secretary of Treasury for Administration and is now available for public inspection at: Internal Revenue Service, Freedom of Information Reading Room, Room 1565, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Requests for copies, at $1.20 each, should be addressed to: Director, Disclosure Operations Division, Attn: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, D.C. 20044.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the Federal Register for Wednesday, May 24, 1978 (43 FR 22321).

FOR FURTHER INFORMATION CONTACT: Tom Hartnett, T:C:E:V, 1111 Constitution Avenue, N.W., Room 5547, Washington, D.C. 20224, Telephone (202) 566–4427 (Not a toll free telephone number).

Jerome Kurtz,

Commissioner.

[FR Doc. 80–12694 Filed 4–24–80; 8:45 am]

BILLING CODE 4830–01–M

U.S. RAILWAY ASSOCIATION

[Docket 211–24]

Consolidated Rail Corp.; Application for a Loan

Subsection (h) of Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C § 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (Conrail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to Section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of Section 211 requires that the Association publish notice of the receipt of any application thereunder in the Federal Register and afford interested parties an opportunity to comment thereon.

Conrail submitted a Borrowing Application dated April 18, 1980, requesting new borrowings of $5,175,000.00. Contrail states that it will use the funds to pay the following obligations: (1) of the Penn Central Transportation Company, Federal Employer's Liability Act (FELA) Claims of $3,000,000 and Unfunded Pension Payments of $950,000; (2) of the Lehigh Valley Railroad Company, Unfunded Pension Payments of $75,000; and (3) of the Erie Lackawanna Railroad Company, FELA Claims of $1,000,000 and Unfunded Pension Payments of $150,000. The Borrowing Application includes the certification and exhibits required by the Loan Procedures.

Interested parties are invited to submit written comments relevant to this application. Any such submission must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, 955 L'Enfant Plaza North, SW., Washington, D.C. 20595, on or before May 7, 1980, to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address Monday through Friday (holidays excepted) between 8:30 a.m. and 5:00 p.m.

Dated at Washington, D.C. this 22nd day of April 1980.

David Kleyps,

Assistant Secretary, U.S. Railway Association.

[FR Doc. 80–12731 Filed 4–24–80; 8:45 am]

BILLING CODE 8240–01–M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 82
Friday, April 25, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2:00 p.m., April 25, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Legislative matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey 254-6314.

[S-816-80 Filed 4-23-80; 9:06 am]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:00 a.m., April 29, 1980.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Commission Guideline I—policy discussion of outline of issues to be addressed with respect to a revision of Guideline I and alternative methods of implementing those revisions.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-817-80 Filed 4-23-80; 9:06 am]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., April 29, 1980.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters/proposed administrative proceedings and proposed private investigation.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-818-80 Filed 4-23-80; 9:06 am]

BILLING CODE 6351-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: 10 a.m., April 30, 1980.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT: Kenneth F. Plumb, Secretary, telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—448th Meeting, April 30, 1980, Regular Meeting (10 a.m.)

CAP-1. Project No. 2827, City of Redding, Calif. and Project No. 2836, County of Tehama, Calif.
CAP-2. Docket No. ER80-211, Mid-Continent Area Power Pool.
CAP-3. Docket No. ER80-113, Central Telephone & Utilities Corp.
CAP-4. Docket No. ER78-380, Indiana & Michigan Electric Co.
CAP-5. Docket No. ER79-333, Ohio Power Co.
CAP-6. Docket No. ER78-355, Lockhart Power Co.
CAP-7. Docket No. ER79-644, Mid-Continent Area Power Pool.
CAP-8. Docket No. ER79-482, Mississippi Power Co.
CAP-9. Docket No. ES80-41, Pacific Power & Light Co.
CAP-10. Docket No. ES80-24, El Paso Electric Co.

Miscellaneous Agenda—448th Meeting, April 30, 1980, Regular Meeting

CAM-1. Docket No. RM79-54, Small power production and cogeneration facilities—qualifying status.
CAM-2. Docket No. RA80-3. Powerine Oil Co.

Gas Agenda—448th Meeting—April 30, 1980, Regular Meeting

CAG-1. Docket No. RP 72-32 (PGA79-1a), Kansas-Nebraska Natural Gas Co., Inc.
CAG-2. Docket No. TA80-2-49 (PGA80-2 and PGA80-2a), Montana-Dakota Utilities Co.
CAG-3. Docket No. TA80-2-50 (PGA80-2), Valley Gas Transmission, Inc.
CAG-4. Docket No. TA80-2-44 (PGA80-2), Commercial Pipeline Co., Inc.
CAG-5. Docket No. RP80-82, Granite State Transmission, Inc.
CAG-6. Docket No. RP80-31, National Fuel Gas Supply Corp.
CAG-7. Docket No. RP80-83, ANR Storage Co.
CAG-8. Docket No. RP80-84, Eastern Shore Natural Gas Co.
CAG-9. Docket Nos. RP73-65, RM79-14 and TA80-1-21 (PGA80-1 and PGA80-2), Columbia Gas Transmission Corp.
CAG-10. Docket No. TA80-1-25 (PGA80-2, IPR80-2, AP80-1, LFUT80-1, TT80-1, and STR80-1), Mississippi River Transmission Corp.
CAG-11. Docket No. RP79-12 (reserved issues), El Paso Natural Gas Co.
CAG-12. Docket No. RP79-59, Colorado Interstate Gas Co.
CAG-13. Docket No. RP79-66, Western Gas Interstate Co.
CAG-14. Docket No. TC79-8, Transcontinental Gas Pipe Line Corp.
CAG-15. Docket No. RI74-188 and RI75-21, Independent Oil and Gas Association of West Virginia.
CAG-16. Docket No. CI80-147, Champlin Petroleum Co.; Docket No. CI76-783, Arkla Exploration Co.; Docket No. CI79-648, Champlin Petroleum Co.
CAG-17. Docket No. Docket Nos. CI73-676, et al., Florida Exploration Co., formerly Continental Exploration Co. (successor-in-interest to Florida Exploration Co., formerly Florida Gas Exploration Co.).
CAG-18. Docket No. CI76-215, Gulf Oil Corp.
CAG-19. Docket No. G-7214, Chevron U.S.A., Inc. et al.; Docket No. CI80-121, Mobil-GC Corp.; Docket No. G-19284 et al., General American Oil Co. of Texas et al.; Docket No. CS76-481 et al., Estate of Emily Wilson Bird, Benjamin L. Bird, independent executor (Emily Wilson Bird); Docket No. CI80-147, Louisiana Land Offshore Exploration Co., Inc.; Docket No. CI80-210, Transco Exploration, Co.; Docket No. CI80-187, Amoco Production Co.; Docket No. CI80-83, et al., Geo. Oil & Gas Co. of Houston; Docket Nos. CI80-88, CI80-89, CI90-91, CI90-94, CI80-95, CI80-100, CI80-101, CI80-163, Geo. Oil & Gas Co. of Houston; Docket No. CI80-150, Amerada Hess Corp.; Docket No. CI79-493, Texas Eastern Exploration Co.; Docket No. CS71-322 et al., Cotton Petroleum Corp. (Cotton Petroleum Co.); Docket No. CI77-384, Amerada Hess Corp.; Docket No. CS76-481 et al., Estate of Emily Wilson Bird, Benjamin L. Bird, Independent Executor;

Docket No. CI80–72, Sun Oil Co.; Docket No. CI78–434, Helmerich Payne, Inc.; Docket No. CI80–159, The Superior Oil Co.; Docket No. CI78–1254, Mobil Oil Exploration & Producing, Southeast, Inc.; Docket No. CS71–210 et al., Gould Oil, Inc. (Barnett Oil Co.); Docket No. CS72–633, Jack L. Phillips, Lavon Phillips, Gail Mizer and Nancy Abernathy (Loyce Phillips); Docket No. CS80–76, R. E. Smith, Interests; Docket No. CS80–82, Dinero Operating Co.; Docket No. CI80–71, Transco Exploration Co.; Docket No. CI80–102, Sun Oil Co.; Docket Nos. CI80–117, CI80–123, CI80–127, CI80–131, CI80–133, Mobil GC-Corp.; Docket No. CI80–235, Freeport Oil Co.; Docket No. CI80–180, McCullock Oil & Gas Corp.; Docket No. CI75–484, Aminoil USA, Inc.; Docket No. CI75–491, Exxon Corp.; Docket No. CI77–418, The Superior Oil Co.; Docket No. CI80–51, Arco Oil & Gas Co. Division of Atlantic Richfield Co.; Docket No. CI80–116, Mobil-GC Corp.; Docket No. G–17617, Gulf Oil Corp.; Docket No. CI80–236, Mesa Petroleum Co.; Docket No. CS71–322 et al., Cotton Petroleum Corp.; Docket No. CS73–268, Home Petroleum Corp. (Bridgek Petroleum Co.); Docket No. CS76–837, estate of James E. Kemp, deceased (James E. Kemp); Docket No. CS71–210 et al., Gould Oil, Inc.; Docket No. CI78–1128 et al., Arkla Exploration Co. et al.; Docket No. CI79–599, Shell Oil Co.; Docket No. G–20092 et al., Sun Oil Co. et al.

CAG–20. Docket No. CI78–742, Exxon Corp. and Docket No. CI78–1165, Isaac Arnold, Jr. et al.

CAG–21. Docket No. CP80–162, Texas Gas Transmission Corp.

CAG–22. Docket No. CP80–129, El Paso Natural Gas Co.

CAG–23. Docket No. CP79–490, Southwest Gas Storage Co. and Panhandle Eastern Pipe Line Co.

CAG–24. Docket No. CP80–141, Oklahoma Natural Gas Gathering Corp.

CAG–25. Docket No. CP80–200, Oklahoma Natural Gas Co.

CAG–26. Docket No. G–6507, Michigan Consolidated Gas Co.; Docket No. CP79–466, ANR Storage Co. and Panhandle Eastern Pipe Line Co.; Docket No. CP80–50, Michigan Wisconsin Pipe Line Co.

CAG–27. Docket No. CP75–57, Kansas-Nebraska Natural Gas Co., Inc.; Docket No. CP75–154, Montana-Dakota Utilities Co.

CAG–28. Docket No. CP79–496, Columbia Gas Transmission Corp.; Docket No. CP80–235, Transcontinental Gas Pipe Line Corp.

CAG–29. Docket No. CP80–34, Panhandle Eastern Pier Line Co.; Docket No. CP80–35, Colorado Interstate Gas Co.

CAG–30. Docket No. CP80–80, Panhandle Eastern Pipe Line Co.

Power Agenda—448th Meeting, April 30, 1980, Regular Meeting

I. Licensed Project Matters

P–1. Project No. 2545, Washington Water Power Co.

II. Electric Rate Matters

ER–1. Docket Nos. ER79–31, ER80–284 and ER80–314, Louisiana Power & Light Co.

ER–2. Docket No. ER79–512, Long Island Lighting Co.

ER–3. Docket Nos. ER80–66, ER80–66, ER80–67, ER80–72 and ER80–220, New England Power Co.

ER–4. Docket Nos. ER77–488 and ER78–520 (phase I), El Paso Electric Co.

ER–5. Docket No. ER76–827, Minnesota Power & Light Co.

ER–6. Docket Nos. ER77–411 et al., Illinois Power Co.; Docket Nos. ER77–23 et al., Illinois Power Co.

ER–7. Docket No. ER78–194, The Cleveland Electric Illuminating Co.

ER–8. Docket No. E–7777(II), Pacific Gas & Electric Co.; Docket No. E–7796, Pacific Power & Light Co.

ER–9. Docket No. EL79–8, Central Power & Light Co., Public Service Co. of Oklahoma, Southwestern Electric Power Co., and West Texas Utilities Co.

Miscellaneous Agenda—448th Meeting, April 30, 1980, Regular Meeting

M–1. Docket No. RM79–54, Small Power Production and Cogeneration Facilities—Qualifying Status.

M–2. Reserved.

M–3. Reserved.

M–4. Docket No. RM80–10, rule required under Section 202 of the NGPA of 1978.

M–5. Docket No. RM79–21, regulations implementing alternative fuel cost ceilings on incremental pricing under the Natural Gas Policy Act of 1978.

M–6. Docket No. RM80–28, permanent rule defining agricultural uses exempt from incremental pricing under the Natural Gas Policy Act of 1978.

M–7. Docket No. RM80–29, section 206(d) rule exempting agricultural uses from incremental pricing surcharges.

M–8. Docket No. RM80–16, disclosed estimation methodology approach for determination of volumes of natural gas used for exempt purposes under the incremental pricing program.

M–9. Docket No. RM 80–24, permanent rule defining small existing industrial boiler fuel users exempt from incremental pricing under the NGPA of 1978.

M–10. Docket No. RM80– , section 206(D) exemption for mechanical cogeneration facilities from the incremental pricing provisions of the NGPA.

M–11. Docket No. RM80–21, regulations under section 110 of the Natural Gas Policy Act of 1978.

M–12. Docket No. RM80–47, final subpart K of part 271 regulations under the Natural Gas Policy Act of 1978.

M–13. Docket No. RM80–8, bona fide offers; right of first refusal.

M–14. Docket No. RM80– , impermissible pricing provisions.

M–15. Docket No. RM80– , blanket certificate authorization for certain new sales of committed or dedicated natural gas.

M–16. Docket No. GP80– , State of Louisiana, section 103 determination Conco Inc., JD80–10659 and JD80–10660.

M–17. Docket No. GP80–91, Department of Energy, Deputy Assistant Secretary, Resource Development and Operations, resource application.

M–18. NGPA Jurisdictional Agency for West Virginia (Office of Oil and Gas)

M–19. Docket No. RM80–46, rule adopting revised alternative fuel price ceiling for the month of April 1980

Gas Agenda—448th Meeting—April 30, 1980, Regular Meeting

I. Pipeline Rate Matters

RP–1. Docket Nos. RP72–133 (PGA78–20) et al., United Gas Pipe Line Co.

RP–2. Docket No. RP78–19, Columbia Gulf Transmission Co.; Docket No. RP78–20, Columbia Gas Transmission Corp.

II. Producer Matters

CI–1. Docket No. CI77–329, Texaco Inc.; Docket Nos. CP77–304 and CP64–07, Sabine Pipe Line Co.

CI–2. Docket No. CI79–408, Shell Oil Co.

III. Pipeline Certificate Matters

CP–1. Docket No. TC80–36, Panhandle Eastern Pipe Line Co.

CP–2. Docket Nos. CP78–123 et al., Northwest Alaskan Pipeline Co.

CP–3. Docket No. ST79–5, Delhi Gas Pipeline Corp.; Docket No. ST79–6, The Nueces Company.; Docket No. ST79–7, Warrior Drilling & Engineering Co. Inc.; Docket No. ST79–16, Delhi Gas Pipeline Corp.; Docket No. ST79–17, Delhi Gas Pipeline Corp.; Docket No. ST79–20, ONG Western, Inc.; Docket No. ST79–21, ONG Western, Inc.; Docket No. ST79–22, Louisiana Intrastate Gas Corp.; Docket No. ST79–23, Louisiana Intrastate Gas Corp.; Docket No. ST79–24, Louisiana Resources; Docket No. ST79–25, Louisiana Intrastate Gas Corp.; Docket No. ST79–26, Louisiana Intrastate Gas Corp.; Docket No. CP79–508, BRM, Inc.; Docket No. ST79–78, Lo-Vaca Gathering Co.; Docket No. ST79–79, Lo-Vaca Gathering Co.; Docket No. ST80–2, The Nueces Co.; Docket No. ST80–3, Transok Pipe Line Co.; Docket No. ST80–4 ONG Western, Inc.; Docket No. ST80–5, The Nueces Co.; Docket No. ST80–6, Producer's Gas Co.; Docket No. ST80–10, Delhi Gas Pipeline Corp.; Docket No. ST80–52, Lo-Vaca Gathering Co.

Kenneth F. Plumb,

[S-824 Filed 4–24–80; 8:45 am]

BILLING CODE 6450–85–M

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FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., April 30, 1980.

PLACE: Hearing room 1, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Report on Notation Items disposed of during March 1980.

2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during March 1980.

3. Report of the Secretary on Applications for Admission to Practice approved during March, 1980 pursuant to delegated authority.

4. Assignment of Informal Dockets by the Secretary during March 1980.

5. Agreement No. 9522–33: Modification of the Med-Gulf Conference Agreement to

clarify and reorganize the agreement in its entirety.

6. Agreement No. 9522–40: Modification of the Med-Gulf Conference Agreement to provide that actions relating to substituted land surface require unanimous vote of the affected Conference section.

7. Agreement No. 6200–20: Modification of the U.S. Atlantic & Gulf/Australia-New Zealand Conference to extend its ratemaking authority to inland points in Australia, New Zealand, and South Pacific Islands.

8. Informal Docket No. 593(I): Ideal Toy Corporation v. Atlantic Container Line—Review of Settlement Officer's decision.

9. Docket No. 80–10: Borden World Trade, Inc. v. Lykes Bros. Steamship Co.—Consideration of the record.

10. Docket No. 80–14: Petition for Declaratory Order of Kuehne & Nagel, Inc.—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–822–80 Filed 4–23–80; 3:13 pm]

BILLING CODE 6730–01–M

6

FEDERAL RESERVE SYSTEM. Board of Governors).

TIME AND DATE: 10 a.m., Wednesday, April 30, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: Summary Agenda: Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed purchase of computer equipment by the Federal Reserve Bank of New York.

2. Proposed amendment to Regulation K (International Banking Operations) to establish procedures by which U.S. banking organizations may make investments abroad.

Discussion Agenda:

1. Proposed amendments to Regulation K (International Banking Operations) to implement the provisions of the International Banking Act relating to nonbanking activities of foreign bank holding companies and foreign banks.

2. Proposed statement to be presented to the Subcommittee on Commerce, Consumer, and Monetary Affairs of the House Committee on Government Operations regarding overseas nonbanking activities of foreign bank holding companies.

3. Proposal to permit underwriting of credit-related home mortgage life insurance as a permissible activity for bank holding companies.

4. 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 cassettee by calling (202) 452–3884 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. Josesph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: April, 22, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S–821–80 Filed 4–23–80; 11:57 am]

BILLING CODE 6210–01–M

7

[USITC SE–80–23A/26]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 25211, April 14, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Thursday, April 24, 1980.

CHANGES IN THE MEETING: In deliberations held Tuesday, April 22, 1980, the United States International Trade Commission, in conformity with 19 C.F.R. 201.37(b) voted to delete the following item from the agenda for Thursday, April 24, 1980, and schedule the following subject matter for a meeting to be held on Tuesday, April 29, 1980, as follows:

1. Melamine from Italy, The Netherlands, and Austria (Inv. 731–TA–13, –14, and –16 [Final])—briefing and vote.

Commissioners Bedell, Moore, Stern, and Calhoun determined by recorded vote that Commission business requires the change in subject matter and affirmed that no earlier announcement of the change in the schedule was possible, and directed the issuance of this notice at the earliest practicable time. Commissioner Alberger voted against the motion.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–820–80 Filed 4–23–80; 11:10 am]

BILLING CODE 7020–02–M

8

[USITC SE–80–25]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, April 23, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C.; 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Vote on docket No. 647 (Steel Jacks).

Portions Closed to the Public:

1. Further discussion of docket No. 647 (Steel Jacks).

CONTACT PERSONS FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–815–80 Filed 4–23–80; 9:06 am]

BILLING CODE 7020–02–M

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POSTAL RATE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS:

(1) 45 FR 15365, March 10, 1980.
(2) 45 FR 19422, March 25, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE CLOSED MEETINGS:

(1) 11:30 a.m., March 13, 1980.
(2) 1:30 p.m., March 25, 1980.

CHANGES IN THE MEETINGS:

(1) There was spontaneous discussion, not anticipated in the published agenda, about an exchange of colloquy during a public Conference in Docket No. MC76–5, March 12, 1980, between the Presiding Officer and Counsel for the Postal Service with regard to a member of the Commission staff. If noticed in advance the matter discussed would have been a closed meeting item closed pursuant to 5 U.S.C. 552b(c)(2)(6).

(2) (a) New time and date: 10 a.m., March 27, 1980. (b) Further discussion of same matter noted in change (1) above. (c) Discussion of Docket No. MC79–2 (EMMS) which, if noticed in advance, would have been closed to the public pursuant to 5 U.S.C. 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: David F. Harris, Secretary, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, 202–254–3880.

[S–823–80 Filed 4–23–80; 3:13 pm]

BILLING CODE 7715–01–M

10

POSTAL RATE COMMISSION.

TIME AND DATE: 10:30 a.m., Monday, May 5, 1980.

PLACE: Conference room, room 500, 2000 L Street NW., Washinton, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. MC79–3 (Red Tag.) (Closed pursuant to 552b(c)(10)).

CONTACT PERSON FOR MORE INFORMATION: Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, telephone (202) 254–5614.

[S–819–80 Filed 4–23–80; 9:06 am]

BILLING CODE 7715–01–M

federal register

Friday
April 25, 1980

Part II

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in 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 and Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

New York.—NY80–3035.

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.

Louisiana:	
LA80–4014	Jan. 25, 1980.
New York:	
NY79–3040	Nov. 23, 1979.
Oklahoma:	
OK78–4059	June 16, 1978.
OK78–4062	June 16, 1978.
OK79–4023	Feb. 2, 1979.
OK79–4073	Aug. 3, 1979.
OK79–4074	Aug. 3, 1979.
OK79–4076	Aug. 17, 1979.
OK79–4097	Nov. 23, 1979.
OK79–4098	Nov. 23, 1979.
OK79–4100	Nov. 23, 1979.
Pennsylvania:	
PA80–3010	Apr. 4, 1980.
Rhode Island:	
RI79–2065	Aug. 17, 1979.
South Carolina:	
SC79–1037	Mar. 9, 1979.
SC79–1062	Apr. 6, 1979.
Texas:	
TX80–4002	Jan. 4, 1980.
TX80–4003	Jan. 4, 1980.
TX80–4004	Jan. 4, 1980.
TX80–4005	Jan. 4, 1980.
TX80–4006	Jan. 4, 1980.
TX80–4024	Apr. 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.

Alaska:	
AK79-5105(AK80-5115)	Feb. 9, 1979.
Florida:	
FL79-1030(FL80-1064)	Feb. 9, 1979.
Georgia:	
GA79-1014(GA80-1066)	Jan. 5, 1979.
New York:	
NY78-3094(NY80-3036)	Nov. 24, 1978.
Pennsylvania:	
PA78-3068(PA80-3029)	Sep. 29, 1978.
Tennessee:	
TN78-1091(TN80-1067)	Oct. 20, 1978.
Texas:	
TX79-4036(TX80-4028)	Aug. 17, 1979.
Wisconsin:	
WI78-2114(WI80-2029)	Oct. 20, 1978.
WI78-2136(WI80-2030)	Oct. 27, 1978.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 18th day of April 1980.

Dorothy P. Come,

Assistant Administrator Wage and Hour Division.

BILLING CODE 4510-27-M

NEW DECISION

STATE: New York COUNTIES: Broome & Chenango
DECISION NO.: NY80-3035 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	13.28	.90	.68		.06
Boilermakers	11.80	1.05	10%		.02
Bricklayers:					
Broome County and Chenango County (Twps. of Tyner, Oxford, Smithville Flats, Brisben, Genegantslet, Green, Coventry, Coventryville, West Bainbridge, North Afton, and Afton)					
Bricklayers, Cement Masons, Plasterers, Stone Masons, Tile Setters, Terrazzo Workers, Marble Masons, Pointers, Caulkers, and Tuckers					
Work performed on projects over $500,000 total project cost	10.35	.70	.55		
Work performed on projects under $500,000 total project cost	8.61	.70	.55		
Cement Masons (Heavy & Highway)	10.75	.70	.55		
Chenango County (Remainder of County)					
Bricklayers, Cement Masons, Plasterers, and Stone Masons (Building)					
Total project cost over $250,000	11.98	.83	.49		.01
Total project cost under $250,000	10.38	.83	.49		.01
Marble Mason, Tile and Terrazzo Workers	11.58	.83	.49		.01
Cement Masons (Heavy & Highway)	11.17	.83	.49		.01
Carpenters:					
Broome County and Chenango County (Twps. of Afton and the Southwest portion of Greene starting at a line at the Northwest corner of Greene twp. and in a straight line going Southeast to the Northern boundaries of the Village of Greene and extending in a straight line to the Western boundary line of Coventry twp., then south to the Broome County line					
Carpenters and Soft Floor Layers (Building)	9.86	.45	.60		
Millwrights and Piledrivermen (Building)	10.11	.45	.60		
Carpenters and Piledrivermen (Heavy and Highway)	11.63	.45	.60		
Chenango County (Remainder of County)					
Carpenters, Dockbuilders, Millwrights, and Piledrivermen	10.75	.75	1.05	.55	.05
Electricians:					
Chenango County (New Berlin and Sherburne)					
Electricians	12.10	.80	3%+.60		.07
Cable Splicers	13.30	.80	3%+.60		.07
Broome County and Chenango County (Remainder of County)					
Electricians	11.61	.89	3%+.52	.58	.05
Cable Splicers	13.36	.89	3%+.52	.58	.05
Elevator Constructors					
Broome County and Chenango County (except twps. of Columbus, New Berlin, and Sherburne)	10.185	.745	.56	a+b	.025
Glaziers	9.60	.45	.60		.03
Ironworkers					
Chenango County (twps. of Smyrna, Sherburne, New Berlin, Columbus, Plymouth, North and Norwich)					
Structural, Ornamental, Reinforcing, Rodmen, Riggers, Machinery Movers, and Stone					
Derrickmen	10.87	1.11	1.02		.04
Sheeter	11.12	1.11	1.02		.04
Sheeter, Tacker-up	10.995	1.11	1.02		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers (Cont'd)					
Broome County and Chenango County (Remainder of County)					
Structural, Ornamental, Reinforcing, Rodmen, Riggers, Machinery Movers, Fence Erector, and Stone Derrickmen	10.95	.93	1.03		
Sheeters	11.20	.93	1.03		
Sheeters, Bucker-up	11.075	.93	1.03		
Laborers, Building					
Chenango County (twps. of Columbus, New Berlin, South New Berlin, and Sherburne)					
Total project cost over $500,000					
Unskilled and Flagmen Mortar Mixer, Plaster Mixer, Power Buggy, Signal Man, Asphalt Worker, Chipping Hammer 12 lbs. or over, Tamp Operator, Vibrator Operator, and Chain Saw Operator	8.36	.75	1.12		
Powderman, Pipelayer, Form and Joint Setter, Concrete Bootman, Gunite, Sandblasting, Epoxy, Wagon Drill, Jackhammer and Air Track Drill	8.51	.75	1.12		
Blasters	8.61	.75	1.12		
Total project cost under $500,000	8.96	.75	1.12		
Unskilled and Flagmen Mortar Mixer, Plaster Mixer Power Buggy, Signal Man, Asphalt Worker, Chipping Hammer 12 lbs. or over, Tamp Operator, Vibrator Operator, and Chain Saw Operator	7.26	.75	.70		
Powderman, Pipelayer, Form and Joint Setter, Concrete Bootman, Gunite, Sandblasting, Epoxy, Wagon Drill, Jackhammer and Air Track Drill	7.41	.75	.70		
Blasters	7.51	.75	.70		
	7.86	.75	.70		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers, Building					
Broome County and Chenango County (Remainder of County)					
Total project cost over $500,000					
Common Laborers and Wreckers Mason Tenders, Scaffold Builders, Bootmen (concrete)	8.63	.75	.75		
Hod Carriers, Mortar Mixers (hand or machine), Asphalt Levelers, and Vibrator Operators	8.74	.75	.75		
Sewer Pipelayers and Tunnel Laborers, Rockman and Drillers Powderman, Pneumatic Tool, Jackhammer and all Mechanical tool operators with 3/4" bits and over	8.80	.75	.75		
Total project cost under $500,000	8.91	.75	.75		
Common Laborers and Wreckers Mason Tenders, Scaffold Builders, Bootmen (concrete)	7.13	.75	.75		
Hod Carriers, Mortar Mixers (hand or machine), Asphalt Levelers, and Vibrator Operators	7.24	.75	.75		
Sewer Pipelayers, Tunnel Laborers, Rockman and Drillers, Powderman, Pneumatic Tool Operators with 3/4" bits and over	7.30	.75	.75		
Lathers	7.41	.75	.75		
Total project cost over $500,000	10.805		.25		.01
Total project cost under $500,000	9.16		.25		.01
Leadburners	10.75	.40	.25	c	.01
Painters					
Chenango County (twps. of Columbus and New Berlin)					
Painter or Taper	8.83		.40		
Structural Scaffold (in excess of 39'), Toothpick Staging (over 25'), All toxic materials brush and roll	9.00		.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters (cont'd)					
Swing Chair, Swing Scaffold, Roller over 10" 'except on floors), Sandblasting, Steam-cleaning, Acid or hi pressure water, Paper and Vinyl hangers, Power grinder with respirator	9.33		.40		
All toxic materials spray	10.08		.40		
Bridges	10.80		.40		
Structural Steel(Building), Spray, Steeple Jack (over 50')	9.83		.40		
Broome County, Chenango County (Remainder of County)					
Painters	8.65	.35	.40		
Spray epoxy	9.90	.35	.40		
Bridges	10.12	.35	.40		
Structural Steel, Spray, Steeple Jack	9.65	.35	.40		
Epoxy	8.90	.35	.40		
Swing Chair, Swing Scaffold, Roll over 10", and Sandblasting	9.15	.35	.40		
Plumbers and Steamfitters					
Total project cost over $500,000	10.78	.72	.55		.21
Total project cost under $500,000	8.85	.72	.55		.21
Roofers	9.65	.64	1.20		
Sheet Metal Workers					
Broome County	11.22	3%+.60	.80		.10
Chenango County	10.655	.60	.80		.07
Sprinkler Fitters	13.54	.75	1.05		.08
Welders-receive rate prescribed for craft performing operation to which welding is incidental.					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a)(1)(ii)).					

Paid Holidays:
A-New Year's Day
B-Memorial Day
C-Independence Day
D-Labor Day
F-Thanksgiving Day
F-Christmas Day

Footnotes:

a. Paid Holidays: A through F, plus the Day after Thanksgiving.

b. Employer contributes 8% of basic hourly rate for 5 years or more of service and 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, providing the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly scheduled work days immediately preceeding and following the holiday.

Chenango County (townships of Sherburne, Columbus, and New Berlin)

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.12	.85	1.27	a	
CLASS B	9.32	.85	1.27	a	
CLASS C	9.52	.85	1.27	a	
CLASS D	9.72	.85	1.27	a	
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generator for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½' and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

Broome County and Chenango County (Remainder of County)

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.64	.80	.80	a	
CLASS B	9.84	.80	.80	a	
CLASS C	10.04	.80	.80	a	
CLASS D	10.24	.80	.80	a	
Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					

Footnote:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

CLASS DEFINITIONS:
CLASS A - Laborers, drill helpers, flagmen, outboard and hand boats

CLASS B - Bull float, chain saw, concrete aggregate, bin concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C - All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D - Blasters, form setter, stone or granite curb setters.

Line Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead and Underground Distribution Work:					
Lineman and Technicians	11.00	1.40	3%+.75	k	
Cable Splicers	14.45	1.40	3%+.75	k	
Groundman Digging Machine Operator and Groundman Dynamite man	9.90	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	8.80	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer)	9.35	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	8.25	1.40	3%+.75	k	
All Overhead Transmission Line Work and Lighting for Athletic Fields:					
Lineman and Technician	12.50	1.40	3%+.75	k	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.25	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.00	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	10.625	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experinced	9.375	1.40	3%+.75	k	
Sub-Station, Switching Structures (when not part of the line), Trafic Signal, Street Lighting, and Electrical, Telephone or CATV Commercial Work:					
Lineman and Technicians	13.15	1.40	3%+.75	k	
Cable Splicers	14.465	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.52	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	11.1775	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	9.8625	1.40	3%+.75	k	

Line Construction (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Digging Machine Operator, Groundman Dynamite Man	11.835	1.40	3%+.75	k	
Telephone and other Communication Systems, Both overhead and underground:					
Linemen and Installer Repairmen	8.34	.40	3%+.25	k	1%
Splicers	8.89	.40	3%+.25	k	1%
Groundman Digging Machine Operator	7.73	.40	3%+.25	k	1%
Groundman	5.72	.40	3%+.25	k	1%
Groundman Truck Driver	6.82	.40	3%+.25	k	1%
Groundman Dynamiteman	6.60	.40	3%+.25	k	1%

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

k. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.75	.50	.90	a	.10
CLASS II	9.50	.50	.90	a	.10
CLASS III	9.25	.50	.90	a	.10
CLASS IV	9.00	.50	.90	a	.10
CLASS V	8.70	.50	.90	a	.10
CLASS VI	7.33	.50	.90	a	.10

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I - Cranes with boom and jib, 175 feet and over

CLASS II - Cranes with boom and jib, 130 feet and over

CLASS III - Cranes with boom and jib, 100 feet and over

CLASS IV - Automatic fine grader, backhoe, cableway, caisson auger, cherry picker (straddle - mobile type), cherry picker (hydralic crane) over 5 ton, not more than (4), crane, derrick, diesel power unit, dragline, excavators (gradall type, hydraulically operated), front end loader (4 cubic yards and over), high speed conveyors (in one line), piledriver, shovel, two and three drum hoist, vibro or sonic hammer controls (when not mounted by rig operator), tower crane

CLASS V - "A" frame truck (when used in setting of installation of material), bulldozer, carry-all scrapper, cherry picker (5 ton or under), compressor (300 cubic feet and over), concrete paver and mixer, (16S and over), concrete pump, core boring machine, machine, crop dryer (when used as heater), dinkey locomotive, elevator cage hoist, fork lift, full time welder on maintenance, front end loader (under 4 cubic yard), grease truck, high pressure boiler, one drum hoist, maintenance engineer, post hole digger, power grader, pumps (4 inch and over), roller, side boom, test boring machine, tractor mounted backhoe, trenching machine, two cage elevator hoist, tugger hoist, vibro tamp, well drill, well point system

CLASS VI - Concrete mixer (under 16S), conveyor, (over 12 foot), firemen, hydraulic pumps, oiler, mechanical heaters (more than two (2) mechanical heaters), power driven welding machine (300 amp. and over, other than all electric - one welding machine under 300 amp. will not require an engineer unless in a battery), pump (under 4 inch), tractor (farm type), steam jenny

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F; (provided an employee works the day before and the day after the holiday).

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	12.25	1.25	1.25	a	.15
GROUP II	11.84	1.25	1.25	a	.15
GROUP III	10.68	1.25	1.25	a	.15
GROUP IV	9.65	1.25	1.25	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memnorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, providing the employee works the day before and the day after the holidav.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker, (over 5 tons capacity) concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated)(gradall or similar), fork lift (factor rated 15 ft. and over), front end loader (4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power garder, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill (truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over),hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive, maintenance engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity; or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors(any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system). light plants, mulching machine, oiler, parapet-concrete or pavement grinder, power broom (towed), power heaterman, revinius widerner, shell winder, steam cleaner, tractor.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	9.78	1.11	.85	a	
CLASS 2	9.83	1.11	.85	a	
CLASS 3	9.88	1.11	.85	a	
CLASS 4	10.03	1.11	.85	a	
CLASS 5	10.18	1.11	.85	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

DECISION NO. LA80-4014 - MOD. #5 (45 FR 6294 - January 25, 1980) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters (Building Construction):					
Zone 10:					
Carpenters & soft floor layers	$10.75	.65	.35		.10
Millwrights	11.65	.65	.35		.10
Piledrivermen	11.25	.65	.35		.10
Electricians:					
Zone 7 - Electricians	13.25	1.75	3%		1%
Cable splicers	13.75	1.75	3%		1%
Line construction:					
Zone 7:					
Linemen; operators	13.25	1.75	3%		1%
Cable splicers	13.75	1.75	3%		1%
Groundmen	11.25	1.75	3%		1%
Marble, tile & terrazzo workers & finishers:					
Zone 6:					
Marble, tile & terrazzo workers	14.25				
Painters:					
Zone 3: Group 1	9.845	.625	.60		.08
Group 2	10.22	.625	.60		.08
Group 3	11.095	.625	.60		.08
Painters jurisdiction for Zone 2 should read:					
Zone 2 - Ascension (North of Hwy. 22), Assumption, (north of Hwy. 22), East Baton Rouge, East Feliciana, Iberville, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, Tangipahoa (west of Hwy 51), West Baton Rouge & West Feliciana Pars.					

DECISION NO. LA80-4014(CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Painters:					
Zone 8:					
Group 1 - Brush; taping; floating & texture	$ 9.05		.25		.05
Group 2 - Sandblasting, industrial & steel	9.42		.25		.05
Jurisdiction of Painters:					
Zone 8 - Acadia, Iberia, Lafayette, St, Landry (south half), St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes					

DECISION #NY79-3040 - Mod. #2
(44FR 67311 - November 23, 1979)
Albany, Rensselaer, Saratoga and Schenectady Counties, New York

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Schenectady County, Saratoga County (Remainder of County)					
Electricians	12.10	.70	3%+1.35		.03
Cable Splicer	12.60	.70	3%+1.35		.03
Elevator Constructors	11.17	.745	.56	d+e	.025
Ironworkers:					
Rehabilitation work on residential structures over 4 stories defined to include demolition alteration and repair on any existing structure which is intended for predominantly residential use	7.81	.75	1.25		.08
Power Equipment Operators					
Heavy & Highway Construction					
Group I	12.35	1.15	1.25	a	.15
Group II	11.94	1.15	1.25	a	.15
Group III	10.78	1.15	1.25	a	.15
Group IV	9.75	1.15	1.25	a	.15
Laborers: Heavy and Highway Construction					
Albany County (Cities of Cohoes and Watervliet), Saratoga County (Twps. of Halfmoon and Stillwater), Rensselaer County (Twps. of Berlin, Sand Lake, Poestenkill, Brunswick, Petersburg, Schagticoke, Pittstown, Hoosick and Grafton)					
Class A	8.94	1.00	1.20	a	.10
Class B	9.14	1.00	1.20	a	.10
Class C	9.34	1.00	1.20	a	.10
Class D	9.59	1.00	1.20	a	.10
Albany County (entire County except Cities of Cohoes and Watervliet), Rensselaer County (Twps. of North Greenbush, East Greenbush, Schodack, Nassau and Stephentown)					
Class A	9.04	.90	1.20	a	.10
Class B	9.24	.90	1.20	a	.10
Class C	9.44	.90	1.20	a	.10
Class D	9.64	.90	1.20	a	.10

Decision #NY79-3040 - Mod. #2

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use:					
Albany County: The west side of Hudson River, extending westerly along north side of 1st St. (Watervliet), to one-half mile of Route 9 to Shaker Rd. to Route 9 northerly to north line of Albany County;					
Rensselaer County: Twps. of Berlin, Sand Lake, Postenkill, Schodack, Pittstown, Hoosick, Brunswick, Grafton & Petersburg; and					
Saratoga County: Beginning southerly at the east side of Route 9, running northerly along Route 9 to Malta, including all of Twp. of Stillwater, continuing along the east shore of Saratoga Lake to the Saratoga City Line, easterly of Saratoga City Line taking in all of the Twp. of Schuylerville. This includes all towns, cities and villages in forsaid counties.					
GROUP I	$6.47	1.00	1.10		.12
GROUP II	6.595	1.00	1.10		.12
GROUP III	6.61	1.00	1.10		.12
GROUP IV	6.65	1.00	1.10		.12
GROUP V	6.685	1.00	1.10		.12
GROUP VI	6.67	1.00	1.10		.12
GROUP VII	6.85	1.00	1.10		.12

DECISION #NY79-3040 - Mod. #2

Line Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead and Underground Distribution Work:					
Lineman and Technicians	11.00	1.40	3%+.75	k	
Cable Splicers	14.45	1.40	3%+.75	k	
Groundman Digging Machine Operator and Groundman Dynamite man	9.90	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	8.80	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer)	9.35	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	8.25	1.40	3%+.75	k	
All Overhead Transmission Line Work and Lighting for Athletic Fields:					
Lineman and Technician	12.50	1.40	3%+.75	k	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.25	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.00	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	10.625	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experinced	9.375	1.40	3%+.75	k	
Sub-Station, Switching Structures (when not part of the line), Trafic Signal, Street Lighting, and Electrical, Telephone or CATV Commercial Work:					
Lineman and Technicians	13.15	1.40	3%+.75	k	
Cable Splicers	14.465	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.52	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	11.1775	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	9.8625	1.40	3%+.75	k	

DECISION #NY79-3040 - Mod. #2

Line Construction (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Digging Machine Operator, Groundman Dynamite Man	11.835	1.40	3%+.75	k	
Telephone and other Communication Systems, Both overhead and underground:					
Linemen and Installer Repairmen	8.34	.40	3%+.25	k	1%
Splicers	8.89	.40	3%+.25	k	1%
Groundman Digging Machine Operator	7.73	.40	3%+.25	k	1%
Groundman	5.72	.40	3%+.25	k	1%
Groundman Truck Driver	6.82	.40	3%+.25	k	1%
Groundman Dynamiteman	6.60	.40	3%+.25	k	1%

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

k. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday.

DECISION NO. RI79-2065 - Mod. #3 (44 FR 48587 - August 17, 1979) Statewide, Rhode Island	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION					
Change:					
Bricklayers; Stonemasons: Remainder of County	11.30	1.20	1.25		.02
CARPENTERS; Millwrights; Piledriverman; & Soft Floor Layers:					
Cities of Providence, Pawtucket, East Providence, Central Falls, Cranston, Warwick, Woonsocket; Towns of Barrington, Burrillville, Warren, Bristol, West Warwick, East Greenwich, West Greenwich, North Providence, Johnston, Cumberland, Lincoln, Smithfield, North Smithfield, Foster, Scituate, Gloucester, Coventry, North Kingstown, South Kingstown, Exeter, Narragansett, Westerly, & Charlestown:					
Residential	9.08	.65	.90		.05
Millwrights	11.60	.65	.90		.05
Cement Masons; Plasterers: Woonsocket, N. Smithfield, Burrillville, Chepachet, Cumberland (N 1/3), & Lincoln	11.30	1.20	1.25		.02
Elevator Construction	11.355	1.045	.82		.035
Glaziers	10.25	.62	1.38		.01
Sheet Metal Workers	11.28	.96	1.55		.12

DECISION No. RI79-2065 - Mod. #3 (Cont'd) HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck drivers					
Class I	8.27	.9925	1.10		a+b
Class II	8.42	.9925	1.10		a+b
Class III	8.47	.9925	1.10		a+b
Class IV	8.57	.9925	1.10		a+b
Class V	8.67	.9925	1.10		a+b
Class VI	8.92	.9925	1.10		a+b
Class VII	9.17	.9925	1.10		a+b
DECISION NO. SC79-1037 - Mod. #2 (44 FR 13230 - March 9, 1979) Sumter County, South Carolina					
CHANGE:					
Sprinkler Fitters	$10.28	.75	1.05		.08
DECISION NO. SC79-1062 - Mod. #1 (44 FR 20937 - April 6, 1979) Georgetown and Harry Cos., South Carolina					
CHANGE:					
Sprinkler Fitters	10.28	.75	1.05		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #OK78-4059-Mod. #8					
43 FR 26258-June 16, 1978					
Wagoner County, Oklahoma					
DECISION #OK78-4062-Mod. #9					
43 FR 26265-June 16, 1978					
Pittsburg County, Oklahoma					
DECISION #OK79-4023-Mod. #7					
44 FR 6881-February 2, 1979					
Comanche County, Oklahoma					
DECISION #OK79-4073-Mod. #5					
44 FR 69108-August 3, 1979					
Garfield County, Oklahoma					
DECISION #OK79-4074-Mod. #6					
44 FR 45864-August 3, 1979					
Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole and Pottawatomie Counties, Oklahoma					
DECISION #OK79-4076-Mod. #5					
44 FR 48585-August 17, 1979					
Latimer, LeFlore, Haskell, Sequoyah and Pushmataha Counties, Oklahoma					
DECISION #OK79-4097-Mod. #2					
44 FR67321-November 23, 1979					
Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers Counties, Oklahoma					
DECISION #OK-79-4098-Mod. #3					
44FR67324-November 23, 1979					
Muskogee, Adair, Cherokee and Okmulgee Counties, Oklahoma					
DECISION #OK79-4100-Mod.#2					
44FR67326-November 23, 1979					
McIntosh County, Oklahoma					
CHANGE:					
POWER EQUIPMENT OPERATORS:					
GROUP V	$11.05	.70	.50		.12

DECISION NO. PA80-3010 - MOD. NO. 1
(45 FR 23270 - April 4, 1980)
Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford & Venango Counties, Pa.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
ZONE 3					
CLASS 1	$10.00	9%	7%		
CLASS 2	10.25	9%	7%		
CLASS 3	10.80	9%	7%		
LANDSCAPE LABORERS:					
Zone - 3					
CLASS 1- To read: Landscape laborer to include general landscaping work and the driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job	9.00	9%	7%		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4002 - MOD. #2 (45 FR 1379 - January 4, 1980) Bee, Kleberg & Nueces Cos., Texas					
CHANGE:					
Carpenters: Carpenters	$ 9.39	.51	.40		.05
Line construction:					
Linemen	12.06	.60	3%		1/2%
Cable splicers	12.185	.60	3%		1/2%
Groundmen	6.63	.60	3%		1/2%
DECISION NO. TX80-4003 - MOD. #3 (45 FR 1380 - January 4, 1980) Jefferson & Orange Cos., Texas					
Omit all rates & classifications for painters southern half of Jefferson Co. & all of Orange County					
ADD:					
Painters:					
Southern half of Jefferson Co. & all of Orange Co.:					
Brush:					
Commercial	12.10	.60			.05
Residential	11.95	.60			.05
Paperhanger:					
Commercial	12.35	.60			.05
Residential	12.20	.60			.05
Spray:					
Commercial	12.60	.60			.05
Residential	12.47	.60			.05
Sandblasting & power cleaning:					
Commercial	12.42	.60			.05
Residential	12.21	.60			.05
Hot paint or creosote:					
Commercial	12.85	.60			.05
$.25 premium per hour on all work from stage, chair, window jack or ledge					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4003(CONTD)					
CHANGE:					
Asbestos workers:					
Jefferson County	$ 13.12	1.00	1.08		.05
Bricklayers & stonemasons	13.03	.69	.80		.04
Pipefitters	12.72	.87	.75		.10
Tile setters	11.52	.69	.80		.04
DECISION NO. TX80-4004 - MOD. #3 (45 FR 1383 - January 4, 1980) Wichita County, Texas					
CHANGE:					
Laborers: Group 1	6.35	.30	.27		
Group 2	6.48	.30	.27		
Group 3	6.60	.30	.27		
Group 4	6.85	.30	.27		
DECISION NO. TX80-4005 - MOD. #6 (45 FR 1385 - January 4, 1980) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
CHANGE:					
Building Construction:					
Plumbers & pipefitters:					
Zone 1	10.88	.30	.55		.04
Incidental Paving & Utilities:					
Plumbers (Bell & Coryell):					
Zone 1	10.88	.30	.55		.04

DECISION NO. TX80-4006 - MOD. #2 (45 FR 1388 - January 4, 1980) Travis County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters:					
Carpenters	$11.76	.48	.60		.04
Millwrights	12.01	.48	.60		.04
DECISION NO. TX80-4024 - MOD. #1 (45 FR 23280 -April 4,1980) El Paso County, Texas					
CHANGE:					
Ironworkers	9.85	.55	1.65		.15
Power equipment operators:					
Group 1	8.44	.70	.60		.15
Group 2	9.02	.70	.60		.15
Group 3	9.11	.70	.60		.15
Group 4	9.76	.70	.60		.15
Group 5	9.84	.70	.60		.15
Group 6	10.48	.70	.60		.15
Group 7	10.64	.70	.60		.15

STATE: Alaska COUNTIES: Statewide
DECISION NUMBER: AK80-5115 DATE: Date of Publication
Supersedes Decision No. AK79-5105 dated February 9, 1979, in 44 FR 8476
DESCRIPTION OF WORK: Building Projects (including residential project consisting of single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

AREA 1 (North of the 63rd Parallel) AREA 2 (South of the 63rd Parallel and west of the 141st Meridian) AREA 3 (East of the 141st Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$22.95	.65	$1.30		.10
BOILERMAKERS	19.07	1.175	1.25	1.00	.04
BRICKLAYERS; Blocklayers; Stonemasons	17.68	.90	2.95		.09
CARPENTERS:					
Area 1:					
Carpenters	18.00	.90	2.00		.10
Power actuated tool operator; Dewalt or similar type saw operator; Marlite and acoustical; Fire or floor repair work applicators; Nailing machine operator; Saw filer	18.55	.90	2.00		.10
Millwrights	18.70	.90	2.00		.10
Piledrivermen	16.77	.90	3.00		.10
Areas 2 and 3:					
Journeyman Carpenters	17.51	.90	2.00		.25
Acoustical and marlite applicators; Floor workers; Radial arm saw operators; Fire and floor workers	17.89	.90	2.00		.25
Millwrights	18.04	.90	2.00		.25
Piledrivermen	16.77	.90	3.00		.10
CEMENT MASONS:					
Area 1	16.33	.90	3.00		.15
Area 2	16.08	.90	3.00		.15
CULINARY WORKERS:					
Working camp manager; Head cook; Baker; Cook-baker	15.31	.50	2.45		.04
Cook	14.95	.50	2.45		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Electricians; Technicians	$20.40	$1.50	3%+3.00		.25
Cable Splicers	22.15	1.50	3%+3.00		.25
ELEVATOR CONSTRUCTORS	20.95	1.045	3%+.82	a	.035
GLAZIERS:					
Area 1	16.80	.90	1.00	1.00	.05
Areas 2 and 3	18.07	.90	1.00	1.00	.05
IRONWORKERS:					
Bender operator; Bridge; Fence erector; Machinery mover; Ornamental; Reinforcing; Sheeter; Structural	18.85	1.35	3.00		.30
LATHERS	19.01	.90		1.08	.04
LINE CONSTRUCTION:					
Groundmen	18.40	1.50	3%+3.00		.25
Equipment operators; Linemen; Technicians	20.40	1.50	3%+3.00		.25
Cable Splicers	22.15	1.50	3%+3.00		.25
Powderman	18.40	1.50	3%+3.00		.25
MARBLE SETTERS; Terrazzo Workers	17.68	.90	2.95		.09
PAINTERS:					
Area 1:					
Zone 1: Within a 10 mile radius of the Fairbanks Post Office including Ft. Wainwright					
Zone 2: Beyond 10 miles and up to 40 miles radius of the Fairbanks Post Office including Eielson Air Force Base and all the Sites within this territory					
Zone 3: Beyond 40 miles radius of the Fairbanks Post Office					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Zones 1 and 3:					
Brush; Roller; Paper; Vinyl	$19.35	.77	$2.00		.15
Utilidor; Swing; Sign; Bosun	19.60	.77	2.00		.15
Structural steel; Pot tender; Sandblaster	19.85	.77	2.00		.15
Epoxy; Tar; Finish metal spray	20.35	.77	2.00		.15
Spray painter	21.45	.77	2.00		.15
Tapers, hand	19.62	.77	2.00		.15
Tapers, machine	20.62	.77	2.00		.15
Buffer operator	19.88	.77	2.00		.15
Hardwood finishers	20.10	.77	2.00		.15
Zone 2:					
Brush; Roller; Paper and vinly hangers	20.20	.77	2.00		.15
Utilidor; Swing; Bosun; Sign	20.45	.77	2.00		.15
Epoxy; Tar; Finish metal spray	21.20	.77	2.00		.15
Spray painter	22.30	.77	2.00		.15
Tapers, hand	20.47	.77	2.00		.15
Tapers, machine	21.47	.77	2.00		.15
Buffer operators	20.73	.77	2.00		.15
Hardwood operators	20.95	.77	2.00		.15
Zone 1, 2 and 3:					
Height Pay; All work on any form of scaffolding or staging over 40 ft. will be paid $.25 more per hour and for every additional 20 ft. $.25 more per hour will be paid to the employee. The height of work shall be determined from the ground to the point of hookup.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Areas 2 and 3:					
Brush; Roller; Sign Paper and vinyl; Swing Stage; Taper/Drywall; Structural steel	$18.50	.90	$2.00		.20
Spray; Sandblast; Pot Tender	18.90	.90	2.00		.20
Epoxy and tar applicator	19.10	.90	2.00		.20
Steel jack and tower	19.00	.90	2.00		.20
Height Pay: all classifications, with the exception of steeple jacks and tower painters, a $.25 hourly premium shall be paid for swing stage work on a structure with height in excess of 40 ft. an additional $.25 per hourly height pay shall be paid for each additional 50 ft. thereafter. Height pay on all towers and steeplejack work shall start at the 150 ft. level. $.50 per hour above the scale shall be paid for each additional 100 ft.	19.80	.90	2.00		.20
PLASTERERS:					
Area 1	17.45	.90	3.00		.15
Area 2	17.20	.90	3.00		.15
PLUMBERS; Steamfitters:					
Area 1	19.32	.95	2.65		.50
Area 2	19.15	.93	2.40		.20
Area 3	17.89	1.20	2.70		.20
Residential construction:					
Area 1	14.32	.73	1.40		.15
Area 2	13.405	.93	2.40		.20
ROOFERS:					
Area 1	17.50	1.40	3.00		.05
Areas 2 and 3	17.20	1.40	3.00		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Area 1	$19.54	.68	$1.33		.18
Areas 2 and 3	20.11	.86	1.49		.22
Residential construction:					
Areas 2 and 3	14.08	.86	1.49		.22
SOFT FLOOR LAYERS:					
Area 1:					
Zones 1 and 3	19.37	.77	2.00		.15
Zone 2	20.22	.77	2.00		.15
Areas 2 and 3	19.50	.90	1.00		.20
SPRINKLER FITTERS	17.52	.75	1.05		.08
SURVEY CREWS:					
Party chief	17.59	1.99	3.00		.20
Instrumentman	15.60	1.99	3.00		.20
Head chainman	15.05	1.99	3.00		.20
Stakehop	15.05	1.99	3.00		.20
Rear chainman	14.62	1.99	3.00		.20
TERRAZZO WORKERS' and TILE SETTERS' FINISHERS	14.83	.90	2.95		.09
TILE SETTERS	17.01	.90	2.95		.09
RIGGERS; WELDERS: Receive rates for craft performing operation to which rigging or welding incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 8% of the basic hourly rate for over 5 years' service and 6% of the basic hourly rate for 6 months' to 5 years' of service as Vacation Pay Credit. Six Paid Holidays: A through F.

LABORERS:					
Group 1	$14.82	.80	$3.00		.20
Group 2	15.07	.80	3.00		.20
Group 3	15.37	.80	3.00		.20
Group 4	15.57	.80	3.00		.20
Group 5	15.77	.80	3.00		.20
Group 6	15.99	.80	3.00		.20

LABORERS

Group 1: Window Cleaner; Building Laborers; Carpenter Tender; Material Handlers; Hook Tenders; Signal Man/Dumpman; Flagman; Sandblast, Pot Tender; Saw Tenders; Pitman; Utiliwalk and Utilidor; Ditch Diggers; Monolithic Workers (sewers); Dryer Man (bridges, dams); Topman and Bull Gang (tunnel and shaft); Brakeman (tunnel or shafts); General Laborer; Sandblaster; Oil Spill Clean Up

Group 2: Base and Floor Machine Man; Pneumatic or Power Tools; Compactor; Rigger; Hydroseeder Nozzleman; Choke Setter; Tank Cleaners; Stake Hopper; Grademen; Concrete Labor (including Vibratorman, Power Buggy and Concrete Power Saw, Curb and Gutter Man); Asphalt Worker (including plant crew); Tar Rubber- add $.25 per hour to scale; Steam Point or Water Jet Operator; Mucker and Laborers (tunnel and shaft); Nippers (tunnel or shafts); Monolithic Workers

Group 3: Jackhammer or Pavement Breakers; Catylist; Epoxie (tank cleaning); Chuck Tender (Wagon and Track Drills); Mason Tender and Mud Mixer (sewers); Insulators (foam gun operator)

Group 4: Bricklayers; Cement Finishers; Gunnite Operator; Burning and Cutting Torch; Pipelayer (culvert and multiplate); Plasterers Tenders; High Scaler; Sloper (over 20 ft.); Chain Saw and Power Saws (brush cutter); Rakers (asphalt crew); Tar Rubber - add $.25 per hour to scale; Cement or Lime Dumper or Handler (sack or bulk); Pipelayers (sewer or water mains); Sewer Caulkers; Timberman (sewer); Pipe Builder (stove pipe crews); Sandblaster (bridges and dams); Monolithic Workers; Powderman Tender

Group 5: Timber Faller; Wagon Driller; Air Trac Wagon Driller; Chain Saw Filer; Miners, tunnels or shafts

Group 6: High Rigger and Tree Topper; Powderman (tunnels or shafts - add $.30 per hour); Miners, Shafts and Raises (tunnel or shafts); Toxic Pay, add $.35 per hour; Scaffold Pay, add $.15 per hour over 10 ft., $.30 per hour over 40 ft. based on free-fall distrance

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$17.00	$1.10	$3.00		.15
Group 1-A	18.13	1.10	3.00		.15
Group 2	16.51	1.10	3.00		.15
Group 3	16.05	1.10	3.00		.15
Group 4	15.03	1.10	3.00		.15

POWER EQUIPMENT OPERATORS

Group 1: "A" Frame Trucks; Helicopters; Transporters; Deck Winches: Double power Drum; Backfiller; Batch Plant Operator: Batch and Mixer, over 200 yds. per hour; Belcrete with power pack and similar Conveyors; Bending Machine; Bulldozer, Quad or HD 41 or similar; Cableways and Highlines, 3 yds. and under; Cleaning Machine; Coating Machine; Cranes: Shovels, Backhoes, Draglines, Clamshells (Crawler, truck type, Rubber-tired, Creter, Floating Locomotive, Whirley, either 3 yds. or under or 150" boom, including jibs and under, or 45 tons and under - Hydralifts or Transporters, all track or truck type - Hyster Cat Cranes and attachments, Sidebooms, under 45 tons); Derricks; Ditching or Trenching Machine (16" or over); Drilling Machines, Core, Cable, Rotary and Exploration; Hydro Ax and similsr; Loaders (Forklifts with power boom and swing attachment; Overhead and Front End, 2½ yds. through 4 yds.; Loaders with Forks or Pipe Clamps); Mechanics, Welders, Bodyman; Mixers (mobile type with hoist combination); Motor Patrol Grader (over Model 14 or similar types); Mucking Machines (Mole, Tunnel Drill and/or Shield); Operator on Dredges; Piledriver Engineers, L.B. Foster, Puller or similar, Paving Breaker; Power Plant, Turbin Operator, 300 K.W. and over (power plants or combination of power units over 300 K.W. on highway or airfield construction or Quarry operations); Sauerman-Bagley; Scrapers, Tournapulls, Caterpillar, Euclid and similar type equipment over 25 yds. through 40 yds.; Shot Blast Machine; Sub Grader (Gurries, C.M.I. and C.M.I. Roto Mills and similar types); Tack Tractor; Truck mounted Concrete Pump; Wate Kote Machine; Hover Craft, Flex Craft, Loadmaster, Air Cushion, Terrain Vehicle, Helicopter Transporter, Cableways, Rollingon, Dredge Barge-cable, Highline or Cable Car, Camp Maintenance Engineer, Boat Coxswains; Asphalt Roller; Bulldozers; Crusher; Finishing Machine Operator, concrete paving, sidewalk, curb and gutter machine; Loaders, elevating Belt type, Euclid and similar types; Motor Patrol Grader, 14 and under; Scrapers, 25 yds. and under; Spreaders; Blaw Know, Cedarapids, Barber Greene, Screed, Slurry Machine; Nodwell Sno Cat

POWER EQUIPMENT OPERATORS (Cont'd)

Group 1-A: Cableways and Highlines, over 4 yds.; Cranes: Shovels, Backhoes, Draglines, Clamshells (Crawler, truck type, Floating Locomotive, Whirley, either over 3 yds. or over 150' boom, including jibs or over 45 tons); Tower Cranes, Pecco, Lorain, Bucyrus and similar types; Hyster Cat Cranes and attachments, Sidebooms, 45 tons and over; Loader, over 4 yds.; Motor Patrol Grader (finish: when finishing to final grade, red, blue or similar hubs); Power Plants (1000 k.w. and over); Slip Form Paver, C.M.I. and similar types; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment, over 40 yds.

Group 2: Batch Plant Operator: Batch and Mixer, 200 yds. per hour and under; Cement Hogs and Concrete Pump Operators; Compressors: Steel Erection, including Sandblasting, painting of same; Piledriving; Conveyors (except as listed in Group 1); Hoists on Steel Erection, Towermobiles and Air Tuggers; Loaders, Elevating Grader, Dumor and similar; Locomotives: Rod and Geared Engines; Mixers Screening, washing plant; Sideboom (cradling rock drill); Skidder; Trenching Machine, under 16"; Service Oiler, Journeyman; Boiler-Fireman

Group 3: "A" Frame Trucks, Deck Winches; Single Power Drum; Bombardier (tack or tow rig); Boring Machine; Brooms, power Wayne, Saginaw and similar types; Bump Cutter (Concut, Christenson or similar types; Compressors, excavating; Farm Tractor; Forklift, industrial type; Gin Truck or Winch Truck with poles when used for hoisting; Hoists, Air Tugger, Elevators; Loaders (Elevating-Athey, Barber Greene and similar types; Forklifts or Lumber Carrier (on construction job sites); Forklifts with tower; Overhead and Front End, under 2½ yds.); Locomotives: Dinkey (air, steam, gas and electric) Speeders; Mechanics, light duty; Mixers: Concrete Mixers and Batch, 200 yds. per hour and under; Oil, Blower Distributors; Pipeline Dream; Posthole Diggers, mechanical; Pot Fireman (power agitated); Power Plant, Turbine Operator, under 300 k.w.; Pumps: Fuller Kenyon, water; Rollers, Tampers, Vibrators, all except Asphalt Saws, concrete; Straightening Machine; Tow Tractor; Grade Checker, Stake Hopper; Rig Oiler, over 45 ton, over 3 yds. or over 150' boom; Drill Tender

Group 4: Rig Oiler (advances to Group 3, if over 45 tons or 3 yards or 150' boom); Parts and equipment Coordinator; Swamper (on Trenching Machines or Shovel type equipment); Spotter; Steam Cleaner

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$15.61	$1.99	$3.10		.20
Group 2	15.67	1.99	3.10		.20
Group 3	15.14	1.99	3.10		.20
Group 4	15.99	1.99	3.10		.20
Group 5	16.39	1.99	3.10		.20
Group 6	16.70	1.99	3.10		.20
Group 7	16.99	1.99	3.10		.20
Group 8	17.30	1.99	3.10		.20
Group 9	17.61	1.99	3.10		.20
Group 10	17.92	1.99	3.10		.20
Group 11	18.23	1.99	3.10		.20
Group 12	18.54	1.99	3.10		.20
Group 13	18.84	1.99	3.10		.20
Group 14	16.13	1.99	3.10		.20
Group 15	14.86	1.99	3.10		.20
Group 16	15.29	1.99	3.10		.20
Group 17	15.67	1.99	3.10		.20
Group 18	15.97	1.99	3.10		.20
Group 19	16.50	1.99	3.10		.20
Group 20	16.77	1.99	3.10		.20
Group 21	16.94	1.99	3.10		.20
Group 22	15.91	1.99	3.10		.20
Group 23	15.03	1.99	3.10		.20

TRUCK DRIVERS

Group 1: Buggymobile; Hyster Operators (handling bulk aggregate); Lumber Carrier

Group 2: Semi or Truck and Trailer; Dumpsters; Batch Trucks, over 5 yards; Dump Trucks, over 5 yards up to and including 10 yards; Fuel Truck; Greasers of Grease Trucks; Flat Beds, dual rear axle; Ready Mix: over 3 yards up to and including 5 yards; Water Wagon, semi; Water Wagon, dual axle Winch Trucks; Flat Bed including "A" Frame, manfactures rating over 5 tons; Bull Lift and Fork Lifts, over 5 tons; Front End Loader with Forks; Partsman and Outside Expeditor; Bus Operator, over 30 passengers, Track Truck Equipment; (all Terrain vehicles, Form Distributor Truck, double axle; Loadmaster (air and water operations); Air Cushion or similar type vehicle; Fire Trucks - double axle; Vacuum Truck; Vacuum Truck Sweepers - dual axle; Riggers; Combination Truck, fuel and grease; Greaser; Hydro Seeders, dual axle

Group 3: Batch Truck up to and including 5 yards; Dump Truck (including Rockbuggy and Trucks with pumps) up to and including 5 yards; Flat Beds, single rear axle; Water Wagon, single axle Winch Truck, Flat Bed, including "A" Frame manufactured rating 5 tons and under; Bull Lifts and Fork Lifts up to and including 5 tons; Bus Operator, up to 30 passengers; Form Distributor Truck, single axle, Hydro Seeder, single axle, team drivers (horses, mules and similar equipment); Vacuum Trucks and Truck Sweepers, single axle; Fire Trucks, single axle; Ambulance

Group 4: Dump Trucks, over 10 yards up to and including 20 yards; Tire Service Man; Lowbed Heavy-duty Trailer; Oiler Distributor Drivers; Ready Mix: Compactor (when pulled by rubber-tired equipment); Lowboys, including attached trailer and jeeps

Group 5: Dump Trucks, over 20 yards up to and including 30 yards

Group 6: Dump Trucks, over 30 yards up to and including 40 yards

Group 7: Dump Trucks, over 40 yards up to and including 50 yards

Group 8: Dump Trucks, over 50 yards up to and including 60 yards

TRUCK DRIVERS (Cont'd)

Group 9: Dump Trucks, over 60 yards up to and including 70 yards

Group 10: Dump Trucks, over 70 yards up to and including 80 yards

Group 11: Dump Trucks, over 80 yards up to and including 90 yards

Group 12: Dump Trucks, over 90 yards up to and including 100 yards

Group 13: Dump Trucks, over 100 yards (above scale to be paid on actual water level measurements)

Group 14: Turn-O-Wagoner, DW-10 when not self-loading

Group 15: Gravel Spreader Box Operator on Truck; Pickup (pilot cars, all light-duty vehicles); Warehouseman, Class 2: Farm type rubber-tired tractor (material hauling or pulling wagons); Swampers

Group 16: Ready Mix: Up to and including 3 yards

Group 17: Ready Mix: Over 5 yards up to and including 7 yards

Group 18: Ready Mix: Over 7 yards up to and including 9 yards

Group 19: Ready Mix: Over 9 yards up to and including 12 yards

Group 20: Ready Mix: 13 yards and over

Group 21: Ready Mix, semi with double bowl mixer

Group 22: Water Wagon, when pulled by Euclid or similar type equipment

Group 23: Warehouse - Class 1

DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1: Assistant Mate (deckhand)	$15.03	$1.10	$3.00		
Group 2: Fireman; Oiler	16.05	1.10	3.00		
Group 3: Assistant Engineer (electric, diesel, steam or booster pump); Assistant Engineer (electric generator operator for primary pump, power barge or dredge), Mates and Boatman, Engineer Welder, Craneman	16.51	1.10	3.00		
Group 4: Leverman (hydraulic)	17.00	1.10	3.00		
Group 5: Leverman Dipper (5 yards and under, over 5 yards)	18.13	1.10	3.00		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(i)(ii)).

STATE: Florida COUNTY: Broward
DECISION NUMBER: FL80-1064 DATE: Date of Publication
Supersedeas Decision No.: FL79-1030 dated February 9, 1979 in 44 8493.
DESCRIPTION OF WORK: Building Construction (does not include single family houses or apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	12.09	.65	.65		.02
Boilermakers	11.70	.75	1.10		.02
Bricklayers; Stonemasons	11.55	.73	.65		.03
Carpenters; Soft floor layers	10.60	.90	.55		.08
Cement masons	11.55	.73	.65		.03
Electricians:					
Zone I - (East of a line running north and South from point where the east edge of Conservation Area 2 meets State Highway #84:					
Electricians	12.51	.65	3%+.40		1%
Cable Splicers	13.33	.65	3%+.40		1%
Zone II - (west of a line running north to Palm Beach County and south to Dade County:					
Electricians	13.01	.65	3%+.40		1%
Cable Splicers	13.83	.65	3%+.40		1%
Elevator Constructors Mechanics	11.16	895	.69	a+b	.03
Glaziers	10.24	.55	.40		
Ironworkers	11.55	.98	1.00		.10
Laborers (Permit Value $500,000 and over):					
Air tool operators; Mason tenders; Mortar mixers; Pipelayers	7.85	1.12	.50		
Plasterers' tenders	8.03	1.12	.50		
Unskilled laborers	7.75	1.12	.50		
Laborers (Permit Value up to $500,000):					
Air tool operators; Mason tenders; Mortar mixers; Pipelayers	6.15	1.07	.50		
Plasterers' tenders	6.33	1.07	.50		
Unskilled laborers	6.05	1.07	.50		
Lathers	10.85	.80	.55		.06
Line Construction:					
Linemen; Class 'A' Equipment Operators	11.08	.45	3%		0.75%
Class 'B' Equipment Operators	8.86	.45	3%		0.75%
Cable Splicers	11.33	.45	3%		0.75%
Groundmen	6.01	.45	3%		0.75%
Marble setters	11.55	.73	.65		.03
Millwrights	11.27	.60	.70		.10
Painters:					
Brush	10.15	.55	.60		.07
Drywall tapers; Paperhangers	10.35	.55	.50		.02
Spray; Sandblaster	10.65	.55	.50		.02
Piledrivermen	11.00	.65	.70		.10
Plasterers	11.55	.73	.65		.03
Plumbers; Pipefitters:					
Small Commercial: (Office bldgs. of 1 or 2 fixtures; and restarts):	8.90	.60	.80		.10
All other work	11.30	.60	.80		.10
Refrigeration & Air Conditioning Mechanics:					
Units of over 10 tons	12.35	1.23	1.15		.15
Units 10 tons & under	9.21	1.23	1.15		.15
Roofers	8.60	.45	.20	.85	.15
Sheet metal workers	12.41	.75	.24+.50		.11
Sprinkler fitters	11.36	.75	1.05		.10
Tile & Terrazzo workers	11.55	.73	.65		.03
Welders - rate for craft to which welding is incidental.					

FOOTNOTES:
a. Six paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

b. Eight per cent of basic hourly rate for employee who have worked in business more than five years; six percent for employees who had worked less than five years.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OPERATING ENGINEERS					
GROUP I	10.35	.50	.80		.10
GROUP II	10.20	.50	.80		.10
GROUP III	9.70	.50	.80		.10
GROUP IV	9.25	.50	.80		.10
GROUP V	9.10	.50	.80		.10
GROUP VI	8.75	.50	.80		.10
GROUP VII	8.50	.50	.80		.10
GROUP VIII	8.40	.50	.80		.10
GROUP IX	8.00	.50	.80		.10

OPERATING ENGINEERS:

Group I:
All tower cranes, cranes with boom length over 250 ft., derricks, helicopters, All types of flying cranes, all nuclear powered equipment.

Group II:
All cranes with boom length of 150 ft. to 250 ft., cranes of 150 tons and over with boom length of under 250 ft., gantry and overhead cranes.

Group III:
All hydro cranes, cranes with boom length of under 150 ft., clamshell, shovel, backhoe, gradall, cherrypicker, dragline, piledriver, drilling of piling tugger hoist, motor grader (finish), mechanic, sideboom, tractor boom, concrete mixer, cableway.

Group IV:
Boring & drilling machine,concrete pump machine, batching plant, inside elevator, forklift with vert. lift of over 20 ft.

Group V:
Locomotive, motor mixing pump, winch truck, A-frame truck, grease truck, front end loader, bulldozer, pan, motor grader, forklift.

Group VI:
Trenching and ditching machine,roller, fireman, distributor (bituminous), finish machine (paving), wellpoint system (installation and/or operation), siphon vacumn pump, tractor, conveyor.

Group VII:
Utility operator (any conbination of equipment up to and including 4 pieces listed in Group VIII), welding machine (3 or 4).

OPERATING ENGINEERS (CONT'D):

Group VIII:
Pump (over 2½ inches), compressor (over 125 c.f.m.)., generator (over 5 KW), welding machine (2).

Group IX:
Oiler, fuel truck, machine helper, boom hauling truck lowboy truck

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: GEORGIA

COUNTIES: CLAYTON, DEKALB, & FULTON

DECISION NUMBER: GA80-1066

DATE: DATE OF PUBLICATION

Supersedes Decision Number GA79-1014, dated January 5, 1979, in 44 FR 1632.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.85	.55	.75		.10
BOILERMAKERS	11.55	1.05	1.10		.02
BRICKLAYERS & STONE MASONS	10.80	.65	.57		.10
CARPENTERS, DRYWALL HANGERS, & RESILIENT FLOOR LAYERS	10.95	.60	.45		.02
CARPET LAYERS	9.00	.60	.45		.02
CEMENT MASONS	9.95	.60	.80		
ELECTRICIANS:					
Wiremen	12.05	8%	12%		½ of 1%
Cable splicers	12.95	8%	12%		½ of 1%
ELEVATOR CONSTRUCTORS' MECHANICS	10.03	.895	.69	a + b	.03
GLAZIERS	11.40	.80	.53		.11
IRONWORKERS	10.55	.70	.67		.07
LATHERS	10.80	.25	.35		.06
MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS	10.80	.65	.57		.03
MARBLE, TILE, & TERRAZZO FINISHERS	7.00				
MILLWRIGHTS	10.85	.45	.50		.05
PAINTERS:					
Brush, roller, & drywall finishers	10.85	.55	.75		.05
Paperhangers	11.10	.55	.75		.05
Drywall taping (where pressurized tools are used), boatswain chair & window-jack work, all steel above 25' (where no scaffold is erected), & any scaffold above 25' (not floored solid)	11.35	.55	.75		.05
Spray, steamcleaning, waterblasting, sandblasting, steeple-jack work, gold leafing, stencil designing, graining, & marbelizing	11.85	.55	.75		.05

DECISION NO. GA80-1066

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN	$11.10	.60	.45		.02
PLASTERERS	10.42	.60	.80		
PLUMBERS & PIPEFITTERS	11.90	1.00	.85		.11
ROOFERS	8.05	.35	.20		.02
SHEET METAL WORKERS	11.50	.70	.91		.07
SPRINKLER FITTERS	12.80	.85	1.20		.08

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

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)).

DECISION NO. GA80-1066

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.30	.30	.33		.10
Group 2	7.52	.30	.33		.10
Group 3	7.80	.30	.33		.10
Group 4	8.05	.30	.33		.10
Group 5	8.37	.30	.33		.10
Group 6 (25¢ above rate for classification under which employed)					

Group 1 - Batch plant man; buggy rollers (Ga.); cleaners, brick or lumber; clearing of right-of-way & building site (hand tools); concrete curer-sealer and liquid hardner; conveyor operator, used in tending plasterers & bricklayers; electricians laborer; excavator, backfiller, grader, hand; forklift operator, walk-type mech. used in tending plasterers and bricklayers; form oilers; form stripper; metal pan handler; plumber laborer; pipe doper; precast slab layer (floor, roofs, walks, curbs); puddlers, concrete; rail porter; railroad track laborer; reinforcing steel handler; scaffolds and staging for masons & plasterers, erecting & removing; scarifyer, concrete, mech. or hand; sheeting and shoring laborers; steam jennies, used in cleaning equipment; tenders (all crafts); tool room man; truck-spotter dumper; water boy; winch handler (manual); wrecking buildings & miscellaneous structures.

Group 2 - All tool operators: air, electric or gas powered, such as jackhamer, paving breaker, tampers, vibrator, spade, chipping hammer, & barco tamp.; bucket dump man, concrete; burner demolition work; chain saw operator; flagman; form setter, steel; mixer, mortar, cement, grout, clay, etc. (hand machine oper.); mortar mixer used in connection with hose for gypsum roofs, plastering, asbestos, fiber, soundproofing, etc.; mortorized post hole digger; power saw operator, concrete, outside building; steam cleaning machine operator; sewer pipe layer, yarner, wiper & pot man; slip form raiser, steel or wood, jack or screw type; wheelbarrow operator, motorized.

Group 3 - Powderman tender; wagon drill operator, track or wheel type and other equipment used in drilling for blasting.

Group 4 - Caisson work, hole man; tunnel laborer.

Group 5 - Nozzleman, concrete pneu.; powderman.

Group 6 - Chimneys or stacks, isolated.

DECISION NO. GA80-1066

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.40	.63	.75		.09
GROUP B	10.05	.63	.75		.09
GROUP B-1	10.15	.63	.75		.09
GROUP C	7.87	.63	.75		.09
GROUP D-1	8.43	.63	.75		.09
GROUP D-2	7.20	.63	.75		.09
GROUP E	7.49	.63	.75		.09
GROUP F	6.41	.63	.75		.09

GROUP A - Backhoe operator, clamshell operator, concrete mix operator - mix plant, concrete pump operator - Ridley or similar type, crane operator (truck, tower, crawler, or locomotive), derrick operator, dragline operator, drill operator - Caisson foundation type, elevator operator - temporary construction elevator used to haul building material and personnel), elevating grader operator, hoisting engine operator, locomotive operator, mechanics - heavy duty, concrete paving mixer operator, pile driver operator, rock crusher operator, shovel operator, trenching machine operator over 6 ft. depth capacity, tugger hoist operator, well drill operator - performing foundation work, winch truck operator - hoisting material, air compressor operator - 365 C.F.M. and over (furnishing air simultaneously for more than one contractor.

GROUP B - Bulldozer operator, dozer shovel operator, drill operator - Quarry Master type, fireman - stationary or portable, motor grader operator, motor scraper operator - (pans), pusher dozer operator, self-propelled compactor operator with blade, tractor operator with special equipment, trenching machine operator - up to and including 6 ft. depth capacity.

GROUP B-1 - Dewatering system operator where multiple pumps are used, generator operator - 75 K.V.A. and over, elevator operator - inside electric permanent house elevator used to haul building materials and personnel, fork lift operator, oilers on cranes with earth boring drill attached with a separate power source, well point system operator (including the operation of all pumps on project operated by the contractor).

GROUP C - Air compressor operator - 600 CU. FT. and over, air compressor operator Batt. of Two (300 Cu. Ft. and over), hydrohammer operator, concrete batch plant operator.

GROUP D-1 - Oiler-grease truck, truck or locomotive crane.

GROUP D-2 - Oiler - unspecified, pump operator - over 4" (up to 4 batteries), welding machine operator (batteries of 4 or more, portable, gasoline, or diesel driven).

GROUP E - Concrete mixer operator (skip types, except paving mixers), concrete finishing machine operator, concrete paving machine operator, roller operator (asphalt type), well drill operator - not performing foundation work.

GROUP F - Air compressor operator - over 150 C.F.M. but less than 600 Cu. Ft., conveyor operator - chain or belt type, sand blasting machine operator, water pump operator 4" and over.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ONONDAGA
DECISION NO.: NY80-3036 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY78-3094 dated November 24, 1978 in 43 FR 55180
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and apartments up to and including 4 stories), Heavy, and Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	13.28	.90	.68		.06
Boilermakers	11.80	1.175	10%		.03
Bricklayers and Stone Masons	11.24	.75	1.06		.05
Carpenters, Building	11.02	.85	1.20		.05
Carpenters, Heavy & Highway	10.63	.85	1.20		.025
Cement Masons, Building	10.45	.80	1.00		
Cement Masons, Heavy and Highway	10.85	.80	1.40	a	
Electricians					
Elbridge and Skaneateles	13.55	1.05	3%+.65		.15
Remainder of County					
Electricians	13.30	.77	3%+1.10		.05
Cable Splicers	14.15	.77	3%+1.10		.05
Elevator Constructors	12.31	.745	.56	b+c	.025
Glaziers	11.00	.80			.01
Iron Workers:					
Structural, Ornamental, Machinery Mover, Reinforcing and Rigger	11.98	.77	1.40		.10
Sheeter	12.23	.77	1.40		.10
Sheeter Bucker-up	12.10	.77	1.40		.10
Laborers, Building:					
Laborers	8.45	.75	1.15		
Masontenders & Scaffold Builders	8.55	.75	1.15		
Lathers	10.86	.75			.01
Lead Burners	10.75	.40	.25	d	.01
Marble, Tile & Terrazzo Workers	10.26	.75	1.05		
Marble, Tile & Terrazzo Finishers	8.61	.75	1.06		
Millwrights & Piledrivers	10.945	1.23	1.15		.05
Painters:					
Boatswain Chair	11.32	.80	.88		.05
Bridge	11.77	.80	.88		.05
Swing	11.22	.80	.88		.05
Brush & Roller, Wallcovering	10.57	.80	.88		.05
Structural Steel	11.17	.80	.88		.05
Sandblasting	11.27	.80	.88		.05
Spray, Epoxy application	11.07	.80	.88		.05
Taping	10.57	.80	.88		.05
Plumbers	11.93	1.17	1.07		.025
Roofers	11.60	1.00	1.35		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet Metal Workers	10.655	.60	.80		.07
Soft Floor Layers	11.02	.85	1.20		.05
Sprinkler Fitters	13.54	.75	1.05		.08
Steamfitters	13.145	.90	.80		.025
Truck Drivers, Building:					
Truck Drivers	9.60	.60	.75		
Mechanics	9.80	.60	.75		
Euclids	9.85	.60	.75		
Welders- Receive rate prescribed for craft performing operation to which welding is incidential.					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).					

PAID HOLIDAYS:
A-New Year's Day; B- Memorial Day; C- Independence Day; D-Labor Day; F-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, provided employee works the day before and the day after the holiday.
b. Holiday: A through F, day after Thanksgiving.
c. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
d. Holidays: A through F; Washington's Birthday; Christmas Eve, and Good Friday providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

Line Construction (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Digging Machine Operator, Groundman Dynamite Man	11.835	1.40	3%+.75	k	
Telephone and other Communication Systems, Both overhead and underground:					
Linemen and Installer Repairmen	8.34	.40	3%+.25	k	1%
Splicers	8.89	.40	3%+.25	k	1%
Groundman Digging Machine Operator	7.73	.40	3%+.25	k	1%
Groundman	5.72	.40	3%+.25	k	1%
Groundman Truck Driver	6.82	.40	3%+.25	k	1%
Groundman Dynamiteman	6.60	.40	3%+.25	k	1%

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

k. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class 1	$11.78	1.05	.75	a	.15
Class 2	11.18	1.05	.75	a	.15
Class 3	11.18	1.05	.75	a	.15
Class 4	12.47	1.05	.75	a	.15
Class 5	12.28	1.05	.75	a	.15
Class 6	13.78	1.05	.75	a	.15
Class 7	12.78	1.05	.75	a	.15
Class 8	12.28	1.05	.75	a	.15

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

POWER EQUIPMENT OPERATORS: Building Construction

Class 1: Asphalt and blacktop roller; Automated concrete spreader (CMI or equivalent); Automated fine grade machine (CMI); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and BlawKnox); Blacktop Plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Caisson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picker over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more than four (4); Crane, Crusher-Rock; Derrick; Diesel power unit; Dragline; Dredge; Dual drum paver; Elevating grader (self-propelled or towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft. or more); Front end loader (4 c.y. and over); Gradall; Grader (power); Head tower (Saur man or equal); Hoist (2 or 3 drums); Locomotive; Maintenance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Ross carrier, Lumber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operator)

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	8.99	.75	1.50	a	
CLASS B	9.19	.75	1.50	a	
CLASS C	9.39	.75	1.50	a	
CLASS D	9.59	.75	1.50	a	
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

FOOTNOTE:

a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A

Laborers, drill helpers, flagmen, outboard and hand boats.

CLASS B

Bull float, chain saw, concrete aggregate, bin concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sand-blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C

All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D

Blasters, form setter, stone or granite curb setters.

Line Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead and Underground Distribution Work:					
Lineman and Technicians	11.00	1.40	3%+.75	k	
Cable Splicers	14.45	1.40	3%+.75	k	
Groundman Digging Machine Operator and Groundman Dynamite man	9.90	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	8.80	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer)	9.35	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	8.25	1.40	3%+.75	k	
All Overhead Transmission Line Work and Lighting for Athletic Fields:					
Lineman and Technician	12.50	1.40	3%+.75	k	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.25	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.00	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	10.625	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experinced	9.375	1.40	3%+.75	k	
Sub-Station, Switching Structures (when not part of the line), Trafic Signal, Street Lighting, and Electrical, Telephone or CATV Commercial Work:					
Lineman and Technicians	13.15	1.40	3%+.75	k	
Cable Splicers	14.465	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.52	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	11.1775	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	9.8625	1.40	3%+.75	k	

POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction

Class 2: "A" Frame truck; Blacktop plant (non-automatic); Boring machine; Bulldozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (315 c.f. and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Fork lift (factory rating less than 15 ft.); Front end loader (under 4 cu. yds.); Gunnite machine; High pressure boiler (15 lbs. and over); Hoist (one drum); Hydraulic breaking hammer (Drop hammer); Kolman plant loader (screening gravel); Maintenance grease man; Mixer for stabilized base - self-propelled (seaman mixer); Monorail machine; Parapet concrete or pavement grinder; post hole digger (truck or tractor mounted); Power sweeper (Wayne or similar); Pump 4" and over; Pump-crete or squeeze-crete; Road widener (front end of grader or self-propelled); Shell winder (motorized); Snorkel (overhead arms); Roller; Trenching machine (digging capacity of 4 ft. or less); Tugger hoist; vibro tamp; Well drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driven); Winch cat; Winch truck

Class 3: Compressor (under 315 cu. ft.); Concrete paver or mixer (under 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft.); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Mechanical heaters - more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacture's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp. and over (other than all electric); One welding machine under 300 amp. will not require an engineer unless in a battery); Power heaterman (hay drier) Pump (under 4"); Revinius widner (road widener); Steam cleaner or Jenny; Tractor with or without towed accessories, post driver (truck or tractor mounted)

Class 4: Master Mechanic

Class 5: Tower Crane

Class 6: Crane or Derrick with a boom length over 300 ft. including jib

Class 7: Crane or Derrick with a boom length over 150 ft. including jib, and on a piledriver with leads or boom length of over 100 ft.

Class 8: Quad 9 bulldozer or multibowl scraper

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	12.25	1.25	1.25	a	.15
GROUP II	11.84	1.25	1.25	a	.15
GROUP III	10.68	1.25	1.25	a	.15
GROUP IV	9.65	1.25	1.25	a	.15
PAID HOLIDAYS: A-New Year's Day; B-Memnorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTE: a. Paid Holidays: A through F, providing the employee works the day before and the day after the holidav.					

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker, (over 5 tons capacity) concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated)(gradall or similar), fork lift (factor rated 15 ft. and over), front end loader (4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power garder, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill (truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over),hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive, maintenance engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity; or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors(any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system). light plants, mulching machine, oiler, parapet-concrete or pavement grinder, power broom (towed), power heaterman, revinius widerner, shell winder, steam cleaner, tractor.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	9.39	.65	.85	a	
CLASS 2	9.44	.65	.85	a	
CLASS 3	9.49	.65	.85	a	
CLASS 4	9.64	.65	.85	a	
CLASS 5	9.79	.65	.85	a	
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

FOOTNOTE:

a. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1

Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2

Tandems, batch trucks, mechanics and dispatcher.

CLASS 3

Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4

Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5

Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

STATE: Pennsylvania
DECISION NO.: PA80-3029

COUNTY: Lebanon
DATE: Date of Publication

Supersedes Decision No. PA78-3068 dated September 29, 1978, in 43 FR 45160.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	11.61	1.12	.90		.01
Boilermakers	14.64	1.175	1.00		.02
Bricklayers	10.57	.60	.57		.02
Carpenters	10.92	.55	.65		.05
Cement Masons:					
West of Rte. 501	10.79	.70	.70		
East of Rte. 501	9.64		1.65		
Electricians:					
That portion of Lebanon County that is North and West of Interstate Route 81, including all of the Fort Indiantown Gap Military Reservation	11.36	.65	3%+.67		½ of 1%
That portion of Labanon County which extends South and East of Interstate Route 81	10.09	.65	3%+.67		½%
Elevator Constructors	11.23	.745	.56	a+b	.025
Elevator Constructors' Helpers	7.86	.745	.56	a+b	.025
Elevator Constructors' Helpers (Prob.)	5.615				
Glaziers:					
Twps. of Bethel, Jackson, Mill Creek, Levanon., E. of Rte. 72, Heidlberg & Richland	9.19	.40	.40		.01
Remainder of County	10.14	.55	.60		.01
Ironworkers	12.505	1.24	1.36		.03
General Laborers	7.25	.45	.45		
Operator of jackhammer, paving breaking and other pnematic, electrical and mechanical tools, laying of all clay, terra cotta, ironstone vitrified concrete or non-metallic pipe and the making of joints for sam, wagon drill operator, cofferdam (below 10') tunnel free air, handling and using cutting or burning torches in the wrecking of buildings, blasters, plasterer tenders, mason tenders scaffold builders and removal of power buggies	7.35	.45	.45		
Lathers	9.83		.15		.01
Lead Burners	10.75	.40	.25	c	.01
Line Construction:					
Linemen & cable splicers	12.05	.45	3%		3/8%
Groundmen	7.23	.45	3%		3/8%
Winch truck operator	8.43	.45	3%		3/8%
Marble Setters	9.60	.60	.48		
Millwrights	12.57	.55	.65		.05
Painters (East of Route 72)					
Brush	9.75	.75	.80		
Structural steel & spray	10.80	.75	.80		
Highway bridges	11.20	.75	.80		
Painters (West of Route 72)					
Brush	9.62	.35	.33		.02
Structural steel	10.07	.35	.33		.02
Spray	10.37	.35	.33		.02
Piledrivermen	11.52	2.48	1.40	d	.13
Plasterers:					
East of Rte. 501	10.31		1.65		.01
West of Rte. 501	9.85	.70	.70		.01
Plumbers & steamfitters:					
East of Rte. 501	12.73	.85	1.40		.14
West of Rte. 501	11.55	.85	.90		.12
Roofers:					
Anniville, Cold Springs, East Hanover, North Anniville, North Cornwall, North Londonderry, South Anniville, South Londonderry, Union, West Cornwall Twp.: Compositions	10.76	.80	.55		
Remainder of County: Composition, damp & Waterproofing	13.47	1.40	.95	e	.14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet Metal Workers	11.06	1.42	1.18		.14
Soft Floor Layers	9.60	.55	.65		.05
Sprinkler Fitters	13.55	.75	1.05		.08
Stonemasons	10.57	.60	.57		.02
Terrazzo Workers	10.05	.60	.57		
Tile Setters	10.05	.60	.57		
Truck Drivers:					
Pick-ups, dump, flat trucks to & including 2 highway license plates	8.39	f	g		
Transit-mix, winch, trucks, tractor trailers, all types euclids, ross lumber carriers & Trucks over 2 plates	8.64	f	g		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6 % basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F, plus the Friday after Thanksgiving Day.

c. 8 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day and Christmas Day.

e. Paid holidays: Election Day and Labor Day, July 4th.

f. $71.37 per month for employees who have worked sixty hours or more during the month.

g. $41.95 per month for employees who have worked sixty hours or more during the month.

Welders - rate for craft

"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))."

DECISION NO. PA80-3029

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	12.86	7%	10.3%	a	1.8%
GROUP 2	12.57	7%	10.3%	a	1.8%
GROUP 3	11.70	7%	10.3%	a	1.8%
GROUP 4	10.93	7%	10.3%	a	1.8%
GROUP 5	10.46	7%	10.3%	a	1.8%
GROUP 6	9.55	7%	10.3%	a	1.8%
GROUP 7	13.11	7%	10.3%	a	1.8%
GROUP 7-A	13.36	7%	10.3%	a	1.8%
GROUP 7-B	13.60	7%	10.3%	a	1.8%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTY: SHELBY
DECISION NUMBER: TN80-1067 DATE: DATE OF PUBLICATION
Supersedes Decision Number TN78-1091, dated October 20, 1978, in 43 FR 49207.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.50	.65	1.00		.05
BOILERMAKERS	10.70	1.05	1.10		.02
BRICKLAYERS & STONE MASONS	11.85	.63	.30		.10
CARPENTERS, PILEDRIVERMEN, & SOFT FLOOR LAYERS	10.23	.75	.65		.085
CEMENT MASONS	9.725	.50	.65		.15
ELECTRICIANS:					
Wiremen & Electronic technicians	12.23	.95	3% + .50		¼ of 1%
Cable splicers	12.33	.95	3% + .50		¼ of 1%
ELEVATOR CONSTRUCTORS' MECHANICS	10.56	.895	.69	a + b	.03
GLAZIERS	9.00	.75	.40		
IRONWORKERS	9.60	.65	.70		.125
LATHERS	9.30	.25			
LINE CONSTRUCTION:					
Linemen	12.23	.95	3% + .50		3/4 of 1%
Cable splicers	12.33	.95	3% + .50		3/4 of 1%
Special equipment operators	9.15	.95	3% + .50		3/4 of 1%
Groundmen	6.10	.95	3% + .50		3/4 of 1%
MARBLE MASONS, TERRAZZO WORKERS, & TILE SETTERS	9.41	.53	.36		.05
MILLWRIGHTS	11.00	.77	.40		.12
PAINTERS:					
Commercial	10.375	.55	.50		.10
Industrial, spray, & sandblasting	10.625	.55	.50		.10
PIPEFITTERS & AIR CONDITIONING MECHANICS	13.42	.75	.30		
PLASTERERS	11.40				.01
PLUMBERS	13.17	.75	.50		
ROOFERS	10.00		.25		.03
SHEET METAL WORKERS	12.47	1.21	.37		.06
SPRINKLER FITTERS	12.80	.85	1.20		.08
TRUCK DRIVERS:					
Trucks - up to but not including 5 tons	7.995		c		
Trucks - 5 tons and over including special equipment	8.395		c		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% of the basic hourly rate for employees with 6 months to 5 years of service.

c. Pension Fund: Employer contribution of $11.00 per week for employees on payroll 30 days or more.

DECISION NO. TN80-1067

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1 - General laborers, concrete laborers, track laborer walkers, cement finisher tenders, plumber tenders, carpenter tenders, asphalt rakers, tampers, form strippers, and roofer tenders;	$ 7.445	.30	.40		.05
GROUP 2 - Storm and sanitary pipe layers, and well driller tenders;	7.545	.30	.40		.05
GROUP 3 - Mat weavers, motor buggie operators, chain saw operators, vibrator and electric hammers, and all air tool and pneumatic tool operators;	7.595	.30	.40		.05
GROUP 4 - Deep hole men, and jackhammers;	7.795	.30	.40		.05
GROUP 5 - Powdermen, torch men on demolition and salvage work, and sand hog (free air);	7.995	.30	.40		.05
GROUP 6 - Hod carriers, mason tenders, and plasterer tenders.	8.15	.35	.40		.05

DECISION NO. TN80-1067

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$10.375	.50	.50		.20
CLASS B	9.945	.50	.50		.20
CLASS C	9.245	.50	.50		.20
CLASS D	8.845	.50	.50		.20

CLASS A - Shovels, backhoes, draglines, cranes, gantrys, gradall, winch with boom, motor patrol, trenching machine (18" & over), pile driver, tug boat operator, mechanics (heavy), central mixing plant, locomotive engineer, strattle carriers, core drills (over 3"), tower cranes, hydro cranes, austin western and similar type cranes, drilling of piling, tugger, earth freezing equipment, 3 drum hoist, side boom, dredge operator (engineer), hopto, pump crete, mucking machines, cableways, central compressor plant, derrick boat, concrete pump, welders (men from the craft), helicopter operator, well point system, sweeper, bulldozers, pans, scrapers, fork lift, & front end loader.

CLASS B - Trenching machines (18" and smaller), tandem rollers, pavers, mobile mixers (rubber tired, mobile, mixed on job), back filler, blade graders, dinkey operator over 10 tons, elevating graders, winches (operated from trucks or tractors, without booms and powered by other than the truck), distributors, bituminous surfaces, 1 and 2 drum hoist, grout pumps, motor boat, switchman, earth compactors (motorized - Buffalo-Springfield type).

CLASS C - Locomotive fireman (on boilers 100 h.p. and over), air compressor (stationary), earth drills, scale operators, tractors (40 h.p. and less), motor crane driver and oiler, pumps (larger than 4"), dinkey operators (10 tons and less), oilers on gantrys, & greasers.

CLASS D - Air compressor operator, mechanic helper, locomotive fireman, welding machine operator, deck hand, & elevator operators

Unlisted classifications needed for work not included within the scope of 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)).

STATE: Texas COUNTIES: Galveston & Harris
DECISION NO.: TX80-4028 Date: Date of Publication
Supersedes Decision No. TX79-4036, dated August 17, 1979 in 44 FR 48594.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current highway general wage determination for Paving & Utilities Incidental to Building Construction for Galveston (excluding Galveston Island) & Harris Counties)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.12	1.00	1.08		.05
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS & STONEMANSONS	12.25	.69	.80		.06
CARPENTERS:					
Carpenters & Piledrivermen	11.60	1.00	.85		.07
Millwrights	11.985	1.00	.85		.07
CEMENT MASONS:					
Galveston County	11.50	.68	.72		
Harris County	11.50	.68	.72		.08
ELECTRICIANS:					
Galveston County	13.39	.75	3%+1.40		.08
Harris County	13.25	.80	10%		.08
ELEVATOR CONSTRUCTORS	11.73	.895	.69	4%+a+b	.035
GLAZIERS	11.17	.60	.425		.01
IRONWORKERS	11.86	.55	1.45		.10
LABORERS:					
GROUP 1 - Common	8.57	.47	.80		.02
GROUP 2 - Air tool operator (jackhammer-vibrator); mason tenders; pipelayers (concrete & clay); sand Blasterers; power buggy operator	8.755	.47	.80		.02
GROUP 3 - Lather tender; mortar mixers; plaster tenders & hod carriers	8.865	.47	.80		.02
GROUP 4 - Well driller	9.16	.47	.80		.02
GROUP 5 - Well driller tender	8.705	.47	.80		.02
GROUP 6 - Blaster, powderman	9.025	.47	.80		.02
LATHERS (Harris County only)	12.72	.60	.35		.03
Line Construction:					
Zone 1 - Galveston Co. & that part of Harris Co. from Loop 610 east to State Highway 59, north on State Highway 59 to Highway 1960, west on Highway 1960 to Highway 6, south on Highway 6 to State Highway 59, southeast on State Highway 59 to Loop 610, around Loop 610 to State Highway 59 North:					
Lineman & Cable Splicer	$13.50	.60	3%		½%
Groundman	7.83	.60	3%		½%
Zone 2 - Remainder of Harris Co:					
Lineman & Cable splicer	13.25	.60	3%		½%
Groundman	7.69	.60	3%		½%
MARBLE MASONS:					
Galveston County	10.95				
Harris County	11.38	.63	.20		
MARBLE MASONS' FINISHERS	9.30				
PAINTERS:					
East Harris County:					
GROUP 1 - All brush painting, hand rolling and all other work other than that below	13.33				
GROUP 2 - All pneumatic & electric tools & steam cleaning	13.685				
GROUP 3 - All tape and float on drywall	13.425				
GROUP 4 - All paper & vinyl hanging	13.58				
GROUP 5 - All spray painting, Sandblasting & waterblasting	13.725				
GROUP 6 - Steeple jack work, hot materials	13.99				
Remainder of Harris County:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	11.705	.565	.55	.40	.04
GROUP 2 - All spray painting, sandblasting, waterblasting	12.08	.565	.55	.40	.04
GROUP 3 - Tape, float & drywall	11.83	.565	.55	.40	.04
GROUP 4 - Steeple jack work, hot materials	12.33	.565	.55	.40	.04
Galveston County:					
GROUP 1 - Painters on new work	11.01	.70	.55	1.00	.035
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	11.26	.70	.55	1.00	.035

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
GROUP 3 - Painters on rework & repaint	10.255	.70	.55	1.00	.035
PIPEFITTERS	13.70	.70	.80		.06
PLASTERERS	12.40	.87	.40		.02
PLUMBERS	13.22	.75	.80		.12
ROOFERS:					
Composition	10.48	.42	.45	.35	.06
Slate & tile	11.23	.42	.45	.35	.06
Kettlemen	9.74	.42	.45	.35	.06
SHEET METAL WORKERS	12.86	3%+.45	.74	.42	.10
SOFT FLOOR LAYERS	11.37	.50	.45		.14
SPRINKLER FITTERS	12.79	.75	1.05		.08
TERRAZZO WORKERS:					
Galveston County	10.95				
Harris County	11.38	.63	.20		
TERRAZZO WORKERS' FINISHERS:					
Terrazzo workers' finishers	9.30				
Terrazzo floor machinemen	9.45				
Terrazzo base machinemen	9.60				
TILE SETTERS:					
Galveston County	10.95				
Harris County	11.38	.63	.20		
TILE SETTERS' FINISHERS	9.30				
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons; wash grease, tireman, fuel pump operator when used on construction jobs	7.84				
GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds.	8.23				
GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats	8.45				
GROUP 4 - Euclids (not self-loading)	8.61				
GROUP 5 - Pickup drivers	9.14				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	11.94	.75	1.00		.07
GROUP 2	10.08	.75	1.00		.07
GROUP 3	9.45	.75	1.00		.07
GROUP 4	9.24	.75	1.00		.07

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader, self-propelled; bull clam; back filler; derrick-power operated (all types); clam shell; draglines; push cat operator; bull dozer & all types cat tractors; cable-way; backhoe; shovel, power operated; crane, power operated (all types); elevating grader, self-propelled; hoist, motor-driven, two drums or more; mix mobile; water well drilling machines, used on construction; building elevator, used on construction; tug boat operator, assigned to construction; winch truck; locomotive crane; concrete mixer, 14 cubic feet or more; paving mixer (all types); pile driver; scraper, heavy type, over 3 cubic yards; trenching machine (all sizes); gradall; high-lift; foundation boring machine; gasoline or diesel-driven welding machines, 7 or more; pumpcrete machine operator; turnapulls; DW-10 Caterpillar, S-18 euclid and similar tractors; asphalt plant mixer operator on job; crusher operator on job; scoopmobiles; forklift used on construction (not including warehousing); well point pump; concrete batch plant operator; pneumatic rollers, self-propelled;

GROUP 2 - Air compressors; blade grader, towed; flex plane; form grader: concrete mixer, less than 14 cubic feet; pumps; pulsometer; truck crane driver; gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); hoist, single drum; scraper, 3 cubic yards or less; wagon drill operator; conveyor; generator gasoline or diesel driven, over 1500 watts; rubber tired farm tractor with attachments; a light equipment operator may run 1 or 2 105 cfm compressors

GROUP 3 - Fireman
GROUP 4 - Oiler

DECISION NO.: TX80-4028

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day' F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates
b - Paid Holidays A thru G

SUPERSEDES DECISION

STATE: Wisconsin COUNTIES: Barron, Dunn, Polk & St. Croix Counties

DECISION NUMBER: WI 80-2029 Date: Date of Publication

Supersedes Decision No. WI78-2114 dated, October 20, 1978 in 43 FR on page 49225

DESCRIPTION OF WORK: Building Construction, (excluding 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.
ASBESTOS WORKERS	$12.81	.60	1.00		.02
BOILERMAKERS	12.87	1.275	1.00		.05
BRICKLAYERS	10.97	.75	.40		.04
CARPENTERS:					
Carpenters	10.92	.60	.70		.05
Millwrights & Piledrivermen	11.12	.60	.70		.05
CEMENT MASONS	10.97	.75	.40		.04
ELECTRICIANS: (Hudson, St Joseph & Troy Twps. in St. Croix Co.	11.85	5 3/4	5 7/8%	11 5/8 % +.05	1 3/8%
ELECTRICIANS (Remainder of Area)	12.43	5%	3%		1 1/4%
ELEVATOR CONSTRUCTORS:					
Constructors	11.85	1.045	.69	a&b	.03
Helpers	8.295	1.045	.69	a&b	.03
Helpers (Prob.)	5.925				
IRONWORKERS: Structual, Ornamental and Reinforcing	12.20	.85	.80		.04
LABORERS:					
Laborers, common & Mason tender	8.98	.50	.45		.02
Mortar mixer & plasterer laborer air, gas & electric equipment, vibrator operator, Kettlemen, dumpmen & pittmen, Burner on wrecking, Scaffold Builder & washing walls on swinging scaffold, Gunnite man & nozzle men, puddlers (when concrete pumps & when working behind paving machine), Cement dumper	9.13	.50	.45		.02
Jackhammer	9.23	.50	.45		.02
LATHERS	12.00				
LINE CONSTRUCTION:					
Linemen	11.82	.62	7%		
Heavy Equipment Operator	10.64	.62	7%		
Light Equipment Operator	9.46	.62			
Heavy Groundmen-Truck Driver	8.27	.62	7%		
Light Groundmen - Truck Driver	7.68	.62	7%		
Groundmen	6.50	.62	7%		

DECISION NO. WI 80-2029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	$10.15		.15	5%	
Structural Steel	10.40		.15	5%	
Sandblaster & Spray	10.65		.15	5%	
Swing Stage	10.40		.15	5%	
PLASTERERS	10.97	.75		.40	.04
PLUMBERS & STEAM FITTERS	11.67	.45	.65	1.30	
ROOFERS	11.57			3%	
SHEET METAL WORKERS	11.74	.75	.60		.06
TRUCK DRIVERS:					
Two axle	9.25	c	d		
3 or more axles	9.35	c	d		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day;

FOOTNOTES:

a. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Holidays A through F

c. $18.85 per week for each employee.

d. $24.00 per week for each employee.

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)).

DECISION NO. WI 80-2029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$12.02	1.05	.90		.05
GROUP II	11.77	1.05	.90		.05
GROUP III	11.47	1.05	.90		.05
GROUP IV	11.37	1.05	.90		.05
GROUP V	10.96	1.05	.90		.05
GROUP VI	10.62	1.05	.90		.05

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson Rigs, Pile Driver, Skid Rigs, Derrick Operator and Traveling Cranes (Bridge Type), Concrete Paver (over 27E), Concrete Spreader and Distributor

GROUP II - Material Hoists, Tractor or Truck Mounted Hydraulic Backhoe, Tractor or Truck Mounted Hydraulic Crane (5 Tons or Under), Manhoist, Tractor (over 40 H.P.), Bulldozer , Endloader (over 40 H.P.), Forklift (25' and over), Motor Patrol, Scraper Operator, Sideboom, Straddle Carrier, Mechanic and Welder, Bituminous Plant and Paver Operator, Roller (over 5 tons), Rotary Drill Operator and Blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and Grout Pumps, Backfiller, Concrete Auto Breaker (large), Concrete Finishing Machine (Road Type), Roller (Rubber Tire), Concrete Batch Hopper, Concrete Conveyor Systems, Concrete Mixers (14S or over), Screw Type Pumps, and Gypsum Pumps, Tractor, Bulldozer, Endloader (under 40 H.P.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial Locomotives, Roller (under 5 tons) and Firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'); Tampers-Compactors riding type), Assistant Engineer, "A" Frame and Winch Trucks, Concrete-Auto Breaker, Hydro-Hammer (small), Booms and Sweeper, Hoists (tuggers) Stump Chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering Machine Operator, Screed Operator, Farm or Industrial Tractor Mounted Equipment, Post Hole Diggers, Stone Crushers and Screening Plants, Firemen (asphalt Plants), Air Compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), Combination Small Equipment Operator; Air, Electric Hydraulic Jacks (Slip form), Compressors (under 300 CFM); Welding Machines, Heaters (mechanical), Prestress Machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric), Oiler and Greaser, Boiler Operators (temporary heat), Rotary Drill Helpers, Conveyors, forklift (12' and under)

STATE: WISCONSIN
DECISION NUMBER WI 80-2030
COUNTIES: La Crosse, Monroe & Vernon
DATE: Date of Publication
Supersedes Decision NO. Wi 78-2136 dated October 27, 1978 in 43 FR Page 50370
DESCRIPTION OF WORK: Building Construction and Residential Construction in Lacrosse County Only.

32 - Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.55	.95	1.00	1.25	.05
BOILERMAKERS	12.87	1.275	1.00		.05
BRICKLAYERS & STONE MASONS	11.00	.75	.35		
CARPENTERS:					
Carpenters	10.72	.60	.70		.05
Millwrights & Piledrivermen	11.12	.60	.70		.05
Carpenters (Residential)	6.72	.60	.40		.05
CEMENT MASONS	10.23	.75	.40		
ELECTRICIANS	12.38	.65	3%		
ELEVATOR CONSTRUCTORS:					
Constructors	11.85	1.045	.69	a&b	.03
Helpers	8.295	1.045	.69	a&b	.03
Helpers (Prob.)	5.925				
GLAZIERS	11.64	.70			.03
IRONWORKERS (all but N.W. corner of Co.:):					
Structural, ornamental & reinforcing	12.04	.75	.75		.07
Laborers: General Laborers, Mason Tenders Plasterer Laborer	8.87	.55	.45		.03
Mortar Mixer Air Hammer Operator, Air Spade Operator and Jack Hammer Operator	9.02	.55	.45		.03
Lathers	10.90		.15		
PAINTERS:					
Brush	9.68		.70		
Structural Steel	9.95		.70		
Swing Stage	10.00		.70		
Spray and Sandblasting	10.37		.70		
PLASTERERS	11.05				
PLUMBERS:					
Plumbers & Steamfitters	12.65	.90	.60		.05
ROOFERS:					
Roofers	11.57			3%	
SHEET METAL WORKERS	10.78	.75	.60		.04
SOFT FLOOR LAYERS	9.80	.30			
TERRAZZO WORKERS & TILE SETTERS	9.75	.75	.35		

DECISION NO. WI 80-2030

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Building					
Dump truck drivers or excava.	8.67	c			
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day: D-Labor Day' E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:
a. Holidays; A through F.

b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 6% of rate for employee who has worked less than 5 years.

c. $87.65 a month welfare.

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)).

DECISION NO. WI 80-2030

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$12.02	1.05	.90		.05
GROUP II	11.77	1.05	.90		.05
GROUP III	11.47	1.05	.90		.05
GROUP IV	11.37	1.05	.90		.05
GROUP V	10.96	1.05	.90		.05
GROUP VI	10.62	1.05	.90		.05

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.). Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GOUUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire),
Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric), oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

[FR Doc. 80-12465 Filed 4-24-80; 8:45 am]

BILLING CODE 4510-27-C

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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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	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

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

CIVIL AERONAUTICS BOARD

20065 3–27–80 / Rules of conduct in Board proceedings; public filing informal communications

20065 3–27–80 / Terminations, suspensions, and reductions of service

FEDERAL COMMUNICATIONS COMMISSION

17588 3–19–80 / FM assignment to Buckhannon, W. Va.; Change in table of assignment

17587 3–19–80 / FM assignment to Martinez, Ga.; Change, in table of assignment.

17587 3–19–80 / FM assignment to Warrensburg, Mo.; Change, in table of assignment.

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

12253 2–25–80 / Foreign quarantine: importation of certain things; dogs and cats

JUSTICE DEPARTMENT

Immigration and Naturalization Service—

19545 3–26–80 / Transfer of Service Office from Tokyo, Japan to Seoul, Korea; Establishment of Service Office in Bangkok, Thailand, and resulting changes in responsibility for approving relative petitions by consular officers at these locations

Rules Going Into Effect April 26, 1980

CIVIL AERONAUTICS BOARD

16139 3–12–80 / Delegation and review of action under delegation; nonhearing procedures

16132 3–12–80 / Implementation of the National Environmental Policy Act

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner—

19868 3–26–80 / Sections 8 and 23 Housing assistance payments programs—Amendment of Fair Market Rent Schedules, existing housing

Rules Going Into Effect April 27, 1980

TRANSPORTATION DEPARTMENTS

Office of the Secretary—

55575 9–27–79 / Alaska; relocation of standard time zone boundary

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing April 24, 1980

Slip Laws

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