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Friday
January 18, 1980

Highlights

3559 **Decontrol of Heavy Oil** Executive order amending the definition of heavy crude oil

3561 **Nonelectric Cooking Ware of Steel** Presidential proclamation

3557 **Customs Valuation Agreement** Presidential memorandum

3690 **Privacy Act** State issues annual publication of systems of records

3732 **Medical Devices** HEW/FDA issues procedures and conditions for investigational device exemptions; effective 7–16–80 (Part II of this issue)

3690 **Medical Devices** HEW/FDA announces availability of guideline on exemption or variance from good manufacturing practice

3870 **Advertising** FTC issues guidelines on use of endorsements and testimonials; effective 1–18–80 (Part VI of this issue)

3762 **Unvented Gas-Fired Space Heaters** CPSC proposes application of oxygen depletion sensor and fuel gas cutoff device; comments by 3–18–80, meeting 3–10–80 (Part III of this issue)

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3565 **State Administrative Expense Funds** USDA/FNS issues interim rule regarding allocation of discretionary funds; comments by 3–15–80

3574 **Cosmetic Ingredient Labeling** HEW/FDA amends rules; recognition of new sources of ingredient names by 2–19–80, termination of recognition of affected current sources of ingredient names by 7–18–80

3592 **National School Lunch Program** USDA/FNS issues intent to propose rules to formalize a system for monitoring meal patterns; comments by 3–3–80

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3569 **Alternative Price Ceilings** DOE/FERC denies rehearing and stay regarding incremental pricing under Natural Gas Policy Act of 1978

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Federal Register
Vol. 45, No. 13
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Presidential Documents

Title 3–

The President

Memorandum of January 16, 1980

Memorandum for the United States Trade Representative

I have today sent the attached notices to the Speaker of the United States House of Representatives and the President of the United States Senate. These notices shall be published in the **Federal Register.**

Jimmy Carter

THE WHITE HOUSE,
Washington, January 16, 1980.

Dear Mr. Speaker: (Dear Mr. President:)

During 1979 we achieved a remarkable series of improvements in the international rules for the conduct of trade, domestic legislation governing trade policy, and the organization of the Executive branch trade policy agencies. These successes were the result of a cooperative effort between the Congress and the Executive which must be continued if we are going to conduct successfully our international economic policy.

At the end of the Tokyo Round of the Multilateral Trade Negotiations last year, we had not yet completed negotiations with a significant number of developing countries on the Customs Valuation Agreement. Despite this fact, we decided to submit the Customs Valuation Agreement to the Congress together with the other nontariff barrier codes for approval. Negotiations with developing countries have continued, however, and have reached a point such that I can now notify the Congress of my intention to enter into a supplementary agreement on customs valuation.

The new agreement would make a minor amendment to the Customs Valuation Agreement already approved by the Congress. This amendment would eliminate one of the four tests under the Agreement by which related parties can establish a transaction value for customs purposes, i.e., the use of the transaction value from unrelated parties' sales of identical goods from third countries (Article 1.2(b)(iv)). This amendment will have little impact on the Customs Valuation Agreement but will greatly facilitate acceptance of that Agreement by a significant number of developing countries. All the developed country signatories to the Agreement support the amendment.

In accordance with the Trade Act of 1974 procedures for approval and implementation of trade agreements, the United States Trade Representative and other appropriate agencies will consult with Congressional committees about the agreement for the next 90 calendar days. After the agreement has been signed it will be submitted for Congressional approval together with proposed implementing legislation and a statement of administrative action necessary or appropriate to implement the agreement in the United States.

The agreement will not take effect with respect to the United States, and will not have domestic legal force, unless the Congress approves it and enacts the appropriate implementing legislation.

Congressional approval of the amendment to the Customs Valuation Agreement will help us obtain broader support for the Tokyo Round agreements by developing countries. This result will advance our national interest and enhance the prosperity of our people. I look forward to working together in this continuing effort.

Sincerely,

Jimmy Carter

THE WHITE HOUSE,
Washington, January 16, 1980.

[FR Doc. 80-1836
Filed 1-16-80; 3:15 pm]
Billing code 3195-01-M

[This is the text of identical letters, both dated January 16, 1980, addressed to the Honorable Thomas P. O'Neill, Speaker of the House of Representatives, and to the Honorable Walter F. Mondale, President of the Senate.]

Presidential Documents

Executive Order 12189 of January 16, 1980

Definition of Heavy Oil

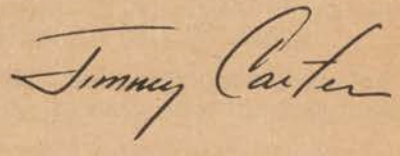
By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), and in order to provide that certain oil is exempt from price controls on and after August 17, 1979, and that other oil is exempt on and after December 21, 1979, it is hereby ordered that Executive Order No. 12153 of August 17, 1979, as amended by Executive Order No. 12186 of December 21, 1979, is amended to read as follows:

"1–101. Prices charged in the first sale of heavy crude oil are exempted from price controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended. This exemption shall only apply to heavy crude oil as it is defined, and for the time period to which the definition is applicable, as set forth in this Order.".

"1–102. Effective August 17, 1979 through December 20, 1979, 'heavy crude oil' means all crude oil produced from a property, but only if, during the last month prior to July 1979 in which crude oil was produced and sold from that property, such crude oil had a weighted average gravity of 16.0° API or less, corrected to 60° Fahrenheit.".

"1–103. Effective December 21, 1979 and thereafter, 'heavy crude oil' means all crude oil produced from a property, but only if, during the last month prior to July 1979 in which crude oil was produced and sold from that property, such crude oil had a weighted average gravity of 20.0° API or less, corrected to 60° Fahrenheit.".

"1–104. The Secretary of Energy may, pursuant to Executive Order No. 11790, as amended by Executive Order No. 12038, adopt such regulations as he deems necessary to implement this Order.".



THE WHITE HOUSE,
January 16, 1980.

[FR Doc. 80–1837
Filed 1–16–80; 3:16 pm]
Billing code 3195–01–M

Presidential Documents

Proclamation 4713 of January 16, 1980

Temporary Duty Increase on the Importation Into the United States of Certain Nonelectric Cooking Ware of Steel

By the President of the United States

A Proclamation

1. Pursuant to section 201(d)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2251(d)(1)), the United States International Trade Commission (USITC), on November 5, 1979, reported to the President (USITC Report 201–39) the results of its investigation under section 201(b) of the Trade Act (19 U.S.C. 2251(b)). The USITC determined that nonelectric cooking ware of steel, enameled or glazed with vitreous glasses, is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles. The subject articles are now provided for in item 654.02 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) (formerly provided for in item 653.97, TSUS). The USITC recommended the imposition of additional duties on imports of the above specified articles.

2. On January 2, 1980, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to remedy or prevent the injury or threat thereof, found to exist by the USITC, by proclaiming a temporary duty increase. On January 2, 1980, in accordance with section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to proclaim a temporary duty increase and stating the reasons why my decision differed from the action recommended by the USITC.

3. Section 503(c)(2) of the Trade Act (19 U.S.C. 2463(c)(2)) provides that no article shall be eligible for purposes of the Generalized System of Preferences (GSP) for any period during which such article is the subject of any action proclaimed pursuant to section 203 of the Trade Act (19 U.S.C. 2253).

4. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief be proclaimed and take effect within 15 days after the import relief determination date.

5. Pursuant to sections 203(a)(1) and 203(e)(1) of the Trade Act (19 U.S.C. 2253(a)(1) and 2253(e)(1)), I am providing import relief through the temporary increase of the import duty on certain nonelectric cooking ware of steel, as hereinafter proclaimed.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including General Headnote 4 of the TSUS (19 U.S.C. 1202), section 604 and section 203 of the Trade Act (19 U.S.C. 2483; and 19 U.S.C. 2253), and in accordance with Articles I and XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A12 and 61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) Part I of Schedule XX to the GATT is modified to conform to the actions taken as set forth in the Annex to this proclamation.

(2) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation.

(3) GSP eligibility is suspended for the nonelectric cooking ware of steel classified under TSUS item 923.60 as added by the Annex to this proclamation for such time as the import relief provided for therein is in effect.

(4) This proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on or after January 17, 1980, and before the close of January 16, 1984, unless the period of its effectiveness is earlier expressly suspended, modified or terminated.

(5) The Commissioner of Customs shall take such action as the U.S. Trade Representative shall direct in the implementation and administration of the import relief herein proclaimed.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of Janauary, 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

ANNEX

Subpart A, part 2 of the Appendix to the TSUS (19 U.S.C. 1202) is modified—

(1) by adding the following new headnote 7:

"7. *United States International Trade Commission (USITC) surveys on certain nonelectric cooking ware of steel*—The USITC shall conduct surveys with respect to cooking ware of the type subject to temporary duty increases under item 923.60 as follows:

"(a) *Semiannually*—Surveys semiannually to obtain periodic data on U.S. production; U.S. producers' domestic, export, and total shipments, imports, apparent U.S. consumption, employment, and man-hours. The initial survey shall cover the last half of 1979 and the first half of 1980, the last such survey shall cover the semiannual period which ends not less than 60 days prior to the termination of the import relief. The results of the surveys shall be published and transmitted to the U.S. Trade Representative within 60 days of the end of each survey period.

"(b) *Annually*—Annual surveys to obtain from domestic producers annual data on profits, capital expenditures, capacity, and capacity utilization. The initial survey shall cover calendar year 1979, and the results of this and subsequent surveys shall be published and transmitted to the U.S. Trade Representative by the end of the first quarter of each year thereafter so long as the import relief is in effect." and

(2) by inserting in numerical sequence the following new provision:

Item	Articles	Rates of Duty				
		1				2
"923.60	Cooking ware (except teakettles) of steel, not having self-contained electrical heating elements, enameled or glazed with vitreous glasses, and valued not over $2.25 per pound, provided for in item 654.02	Effective on or after January 17, —				
		1980	1981	1982	1983	
		The rate provided for in item 654.02 + 20¢ per lb., but the total duty shall not exceed 53.3% ad val.	The rate provided for in item 654.02 + 20¢ per lb., but the total duty shall not exceed 53.3% ad val.	The rate provided for in item 654.02 + 15¢ per lb., but the total duty shall not exceed 53.3% ad val.	The rate provided for in item 654.02 + 10¢ per lb., but the total duty shall not exceed 53.3% ad val.	35.5% ad val., but not less than the rate which would have applied had the imported article been subject to the applicable column 1 rate of duty provided herein for this item."

[FR Doc. 80-1915
Filed 1-17-80; 12:05 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 45, No. 13
Friday, January 18, 1980

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 Parts 213 and 900

Excepted Service; Intergovernmental Personnel Act Programs

AGENCY: Office of Personnel Management.

ACTION: Final rules.

SUMMARY: This document transmits two editorial changes to Office of Personnel Management (OPM) regulations.

EFFECTIVE DATE: December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Beverly M. Jones, 202–254–7086.

The changes are as follows:

§ 213.3337 [Amended]

(1) On November 27, 1979 at 44 FR 67621, OPM published FR Doc. 79–36284, adding a new excepted service appointing authority in the General Services Administration. That document incorrectly added a new § 213.3337(g), *Federal Property Resources Service.* Since a paragraph (g) already existed, this document redesignates that paragraph as § 213.3337(i).

(Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58, Comp. p. 218)

§ 900.204 [Amended]

(2) On August 14, 1979, OPM published FR Doc. 79–25033 making editorial and nomenclature changes in 5 CFR Chapter I. The amendatory language of paragraph 3 at 44 FR 47524 reads, "In § 900.204(b) (2), (3), (g) (1), (2), (3), (4), and (5), change 'Commission' to 'Director, Office of Personnel Management' * * *". This document corrects that amendatory language to read, "In § 900.204(g) (1), (2), (3), (4), and (5); (h) (2) and (3), change 'Commission' to 'Director, Office of Personnel Management' * * *".

(Authority: Pub. L. 95–454, Reorganization Plan No. 2 of 1978)

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

[FR Doc. 80–1731 Filed 1–17–80; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 235

Child Nutrition Programs; State Administrative Expense Funds

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: This interim regulation provides for a change in the method of allocating discretionary State Administrative Expense (SAE) funds; reinstates the ten percent transfer limitation for non-discretionary School Nutrition, Child Care and Summer Food Service Programs SAE allocations; establishes a minimum level of SAE funds to be allocated for School Nutrition Programs management improvement purposes; and also provides for several technical amendments to existing final and interim regulations governing State Administrative Expense funds. These technical amendments are non-substantive in nature and are included in this interim regulation for the purpose of coordinating and clarifying existing provisions.

EFFECTIVE DATE: Effective upon signature. To be assured of consideration, comments on these amendments must be received by March 15, 1980. In submitting comments, the reader should bear in mind that paragraph order and designation under this interim rule and the SAE interim rules of August 31, 1979 and September 14, 1979 may change somewhat when these rules are finalized. The Department plans to publish a consolidation of Part 235 when these interim rules are finalized. Therefore, comments should be restricted to the substantive regulatory changes covered by this interim rule.

FOR FURTHER INFORMATION CONTACT: Margaret O'K. Glavin, Director, School Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–8130.

SUPPLEMENTARY INFORMATION: For the sake of clarity, supplementary information is presented for each of the seven provisions covered by this interim rule in the order in which those provisions occur.

Provision No. 1—This provision amends § 235.4, paragraph (b) of Amendment 2 dated August 21, 1979 to make it clear that only State agencies which administer the Child Care Food Program will be allocated SAE funds under this paragraph. This action is considered technical and non-substantive in nature.

Provision No. 2—This amends § 235.4, paragraph (b)(2) of the interim regulation dated August 31, 1979 to correct a reference to paragraph (b)(3) of that section. This correction is made necessary by the redesignation of paragraph (b)(3) to paragraph (b)(4) by provision no. 4 of this regulation. This action is also considered technical and non-substantive in nature.

Provision No. 3—This redesignates paragraph (b)(3) of § 235.4, which was added by the interim regulation of August 31, 1979, to paragraph (b)(4). In addition, this paragraph is amended to allow discretionary SAE funds, which remain after all other allocations are completed, to be made available to State agencies which administer the Child Care Food Program as well as to State distributing agencies which administer the Food Distribution Program in schools. The Department believes that this action is necessary to provide the flexibility needed to maximize the use of discretionary SAE funds for program improvement purposes as outlined in Section 7 of P.L. 95–627.

Under current regulations, the annual allocation of discretionary SAE funds to State agencies administering the Child Care Food Program is limited to $30,000 each. This interim regulation would enable the Department to direct additional SAE discretionary funds, as available and as determined necessary by the Secretary, to State agencies for the improvement of the administration of the Child Care Food Program. Public Law 95–627 made several significant changes in the Child Care Food Program. These changes will increase the administrative burden of State agencies by causing them to develop new systems, or adjust existing systems, for

implementing these changes and by requiring increased monitoring of program sponsors to ensure proper implementation at the local level. Final program regulations setting forth State agency requirements in this area will soon be issued with the requirement that full implementation of those regulations be accomplished within FY 1980. This fact, combined with the fact that in some States SAE funds are already being used in the CCFP in excess of amounts provided by the mandatory formula specified in Pub. L. 95–627 and by the interim regulations of August 31, 1979 ($30,000), has led the Department to conclude that additional flexibility in the allocation of discretionary SAE funds, as provided by this regulation, is necessary.

Provision No. 4—This redesignates paragraph (b–1) of § 235.4, which was added by the interim regulation of September 14, 1979, to paragraph (b)(3). This redesignation makes the SAE allocation sequence clearer and easier to understand. In addition, this provision establishes a minimum level of SAE funds to be allocated under this paragraph for fiscal year 1980 and succeeding fiscal years. That minimum level is the amount that was designated for School Nutrition Programs management improvement in fiscal year 1979 ($4 million). This funding guarantee will place State agencies in a better position to plan for and utilize these funds.

Provision No. 5—This is a technical change to correct paragraph and program references in the first sentence of § 235.4(c). It also reinstates, within § 235.4(c), a provision which was mistakenly deleted in the interim regulation published August 31, 1979.

That provision requires that non-discretionary SAE funds be used for costs related to administering the child nutrition program(s) for which each allocation is made but also provides the authority for States to transfer some of these SAE funds among such programs. These programs are the School Nutrition Programs, the Child Care Food Program and the Summer Food Service Program for Children (a separate SAE allocation is provided for the administration of summer programs under 7 CFR Part 225). The amounts of such transfers are limited to ten percent of any one fund allocation.

Provision No. 6—This corrects a paragraph reference within § 235.6, paragraph (a–1) which is made necessary by the paragraph redesignation covered by provision No. 3 of this interim rule. This action is technical and non-substantive.

Provision No. 7—This amends the first sentence of § 235.6, paragraph (c) to make it clear that any State Administrative Expense funds covered by the Child Nutrition Act and allocated under § 235.4 of the regulations may be used to assist in the administration of the Food Distribution Program only in schools and institutions which participate in the National School Lunch, School Breakfast and Child Care Food Programs. This provision is also considered to be technical and non-substantive.

Accordingly, the Department is amending 7 CFR Part 235 on an interim basis as follows:

1. In § 235.4, the introductory text of paragraph (b) is revised; paragraph (b)(2) is amended; paragraph (b–1) is redesignated paragraph (b)(3) and is amended by adding the following sentence after the second sentence of the paragraph; paragraph (b)(3) is redesignated paragraph (b)(4) and revised and paragraph (c) is revised to read as follows:

§ 235.4 Allocation of funds to States.

* * * * *

(b) For the fiscal year ending September 30, 1979 and for each succeeding fiscal year, FNS shall allocate to each State agency which administers the Child Care Food Program an amount equal to the sum of: twenty percent of the first $50,000; ten percent of the next $100,000; five percent of the next $250,000; and two and one-half percent of any remaining funds expended within the State under Section 17 of the National School Lunch Act, as amended, during the second preceding fiscal year. FNS may adjust the amount of any such allocation in accordance with changes in the size of the Child Care Food Program in a State.

* * * * *

(b)(2) * * * *Provided, however,* That any State in which the Food Distribution Program in schools, as defined in § 235.2(o)(1) of this part, and the Food Distribution Program in institutions, as defined in § 235.2(o)(2) of this part, is administered by different agencies, this allocation and any Food Distribution Program allocation provided for in paragraph (b)(4) of this section shall be made to the State agency which administers the Food Distribution Program in schools.

(b)(3) * * * For the fiscal year ending September 30, 1980 and for each succeeding fiscal year, the amount of State Administrative Expense funds designated by FNS for use in program management improvement and subject to allocation under this paragraph shall be equal to or greater than the amount so designated by FNS for the fiscal year ending September 30, 1979. * * *

(b)(4) For the fiscal year ending September 30, 1980, and for each succeeding fiscal year, funds which remain after the allocations required in paragraphs (a), (b), (b)(1), (b)(2) and (b)(3) of this section, and after any payments provided for under paragraph (f) of this section, shall be available, as determined by the Secretary, for allocation to those State distributing agencies which are allocated funds under paragraph (b)(2) of this section and to State agencies which administer the Child Care Food Program (7 CFR Part 226). The amount of funds to be allocated to each State distributing agency for any fiscal year shall bear the same ratio to the total amount of funds made available for allocation to all State distributing agencies under this paragraph as the value of donated foods delivered to the State for schools and institutions participating in programs under Parts 210, 220 and 226 of this title during the second preceding fiscal year bears to the value of donated foods delivered to all the States for such schools and institutions during the second preceding fiscal year. The amount of funds to be allocated to each State Child Care agency for any fiscal year shall bear the same ratio to the total amount of funds made available for allocations to all State Child Care agencies under this paragraph as the amount of funds allocated to the State Child Care agency under paragraph (b) of this section bears to the amount allocated to all State Child Care agencies under that paragraph.

* * * * *

(c) Funds allocated under paragraphs (a), (b), (b)(1), (b)(2), (b)(3), (b)(4) and (f) of this section and 7 CFR Part 225 shall be used by the State agency for administrative costs incurred by it in connection with the programs governed by Parts 210, 215, 220, 225, 226, 230 and 250 of this title. Funds allocated under paragraphs (a) and (b) of this section and 7 CFR Part 225 shall be used by the State agency for the program(s) for which allocated, except that the State agency may transfer up to ten percent of the funds allocated for any such program(s) to other such program(s).

2. In § 235.6, the first sentence of paragraph (a–1) is amended and the first sentence of paragraph (c) is amended to read as follows:

§ 235.6 Use of funds.

* * * * *

(a–1) State administrative expense funds paid to any State agency under § 235.4(b)(3) shall be available for activities associated with improving program management, and shall be used

for administrative expenses in connection with auditing, monitoring and carrying out corrective actions to ensure adherence to the following program performance standards. * * * * * * * *

(c) In addition to State Administrative Expense funds made available specifically for food distribution purposes under paragraphs (b)(2) and (b)(4) of § 235.4, State administrative expense funds allocated under paragraphs (a), (b), (b)(1), (b)(3), for the Child Care Food Program under (b)(4), and (f) of § 235.4 may be used to assist in the administration of the Food Distribution Program (7 CFR Part 250) in schools and institutions which participate in programs governed by Parts 210, 220, and 226 of this title when such Food Distribution Program is administered within the State agency and may also be used to pay administrative expenses of a distributing agency, when such agency is other than the State agency and is responsible for administering all or part of such Food Distribution Program. * * *

(Sec. 14, Pub. L. 95-166, 91 Stat. 1338, (42 U.S.C. 1776); Sec. 7(a), Pub. L. 95-627, 92 Stat. 3621 (42 U.S.C. 1776))

Note.—This interim rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available at the Office of the Director, School Programs Division, USDA–FNS, Washington, D.C. 20250 during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday).

Dated: January 10, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-1434 Filed 1-17-80; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 235; Lemon Reg. 234, Amendment 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period January 20–26, 1980, and increases the quantity of such lemons that may be so shipped during the period January 13–19, 1980. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective January 20, 1980, and the amendment is effective for the period January 13–19, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are 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 available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on January 15, 1980, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is good.

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

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, 202–447–5975.

§ 910.535 Lemon Regulation 235.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period January 20, 1980, through January 26, 1980, is established at 200,000 cartons.

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

2. Paragraph (a) of § 910.534 Lemon Regulation 234 (45 F.R. 2310) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period January 13, 1980, through January 19, 1980, is established at 220,000 cartons."

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

Dated: January 16, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-1913 Filed 1-17-80; 11:41 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Reg. B; Docket No. R-0248]

Equal Credit Opportunity; Suspension of Board Interpretation Section 202.1104

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Suspension of interpretation.

SUMMARY: The Board suspends its recent interpretation of Regulation B, which determined that a New Jersey statute governing what may be asked in connection with credit applications was not inconsistent with the Equal Credit Opportunity Act, as implemented by Regulation B.

EFFECTIVE DATE: January 21, 1980.

FOR FURTHER INFORMATION CONTACT: Robert C. Plows, Section Chief, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3667).

SUPPLEMENTARY INFORMATION: On October 4, 1979, the Board published (44 FR 57070) an interpretation of Regulation B, § 202.1104, determining that a New Jersey statute (New Jersey Stat. Annot. § 10:15–12(i)(2)) is not inconsistent with the Equal Credit Opportunity Act (15 U.S.C. 1691–1691f), as implemented by Regulation B (12 CFR Part 202). A number of persons have contacted the Board since the

interpretation was issued, questioning the analysis of the effect of the New Jersey law. Pending resolution of that issue, the Board believes that suspension of the interpretation for additional study would be advisable.

Accordingly, pursuant to § 705(f) of the Equal Credit Opportunity Act (15 U.S.C. 1691d(f)), the Board suspends Interpretation § 202.1104 of Regulation B.

By order of the Board of Governors, January 11, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-1650 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 46

[Docket No. RM80-9; Order No. 67]

Order Issuing Part 46 of the Commission's Regulations as Final Regulations; Public Utility Filing Requirement Under Section 211 of the Public Utility Regulatory Policies Act of 1978

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final regulations.

SUMMARY: This rule implements, in part, section 211 of the Public Utility Regulatory Policies Act of 1978 (PURPA) which amended section 305 of the Federal Power Act (the Act) by adding a new subsection (c). Subsection (c) imposes a reporting requirement upon any person holding certain interlocking positions between a public utility and any of a number of other entities and, additionally, imposes upon each public utility a requirement that it make public by January 31 of each year a list of its largest purchasers, based upon kilowatt hours consumed. This rule implements the latter requirement imposed upon the public utilities.

EFFECTIVE DATE: January 11, 1980.

FOR FURTHER INFORMATION CONTACT: Colette K. Bohatch, Federal Energy Regulatory Commission, Office of the General Counsel, Room 8113, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8079.

In the matter of Public Utility Filing Requirement Under Section 211 of the Public Utility Regulatory Policies Act of 1978.

Issued January 11, 1980.

This rule implements, in part, section 211 of the Public Utility Regulatory Policies Act of 1978 (PURPA) which amended section 305 of the Federal Power Act (the Act) by adding a new subsection (c). Subsection (c) imposes a reporting requirement upon any person holding certain interlocking positions between a public utility and any of a number of other entities and, additionally, imposes upon each public utility a requirement that each publish by January 31 of each year a list of its largest purchasers as defined therein, based upon kilowatt hours consumed. This rule implements the latter requirement imposed upon public utilities.

I. Background

On November 14, 1979, the Commission issued a Notice of Proposed Rulemaking issued in this docket, 44 FR 66205, *et seq.* In that notice, the Federal Energy Regulatory Commission (Commission) proposed regulations which would implement all aspects of section 305(c) of the Act.

In order to provide the public utilities sufficient time to compile and to file the lists by January 31, 1980, the Commission decided to issue the pertinent sections of the proposed rule as phase I of the final rule prior to addressing all of the provisions of the proposed rule in this docket in final form. The public comments which were directed to the compilation and filing of lists of the largest users were reviewed and changes were made to both § 46.2 and § 46.6 of the proposed rule in accordance with many of the suggestions. The other provisions of the proposed rule will be finalized in the near future.

II. Specific Issues

(A) Definitions

Many of the commenters expressed concern that the Commission reconcile the differences which exist between the proposed rule in this docket and the regulations implementing section 305(b). Section 305(c) differs from section 305(b) in several ways: one significant distinction involves the definition of "public utility". Section 305(b) is silent while section 305(c) defines public utility to include "any company which is part of a holding company system which includes a registered holding company unless no company in such system is an electric utility." The Commission decided to maintain the definition of "public utility" as found in § 46.2 of the proposed rule with necessary modifications to clarify this definition as used in section 305(c). The definition of "public utility", in § 46.2 of the final rule, conforms the rule to the definition in section 305(c) of the statute.

Comments were received which suggested excluding Federal, State, and local governmental agencies from the coverage of these reporting requirements on the basis that these agencies are not intended to be covered and it serves no useful regulatory purpose to do so. In response to these suggestions, the Commission has added a definition of "purchasers" which has the effect of excluding governmental agencies from this category.

(B) Public Utility Filing Requirement

Section 305(c) imposes upon public utilities a requirement that each utility publish by January 31st of each calendar year (commencing in 1980) a list of the purchasers who purchased the twenty largest annual amounts of electric energy measured in kilowatt hours in each of the preceding three calendar years.

The proposed rule would have required each public utility to report not only the name and business address but also the kilowatt hour consumption of each of these purchasers. Under § 46.3 of the final rule, each public utility shall provide only the name and address of each purchaser without publicly identifying the total kilowatt hours of electric energy purchased by each purchaser. Public disclosure of the actual kilowatt hour consumption is not required by the statute nor can the Commission find any compelling reason to so require. Commenters indicated a concern regarding the possible proprietary nature of such information in some cases.

Section 46.3 further specifies how a public utility should determine which of its purchasers should be listed. The twenty largest purchasers in each year should be identified on the basis of records maintained with the public utility except where one purchaser maintains more than one account, the utility should aggregate those accounts to arrive at the total kilowatt hours purchased by such purchaser.

The Commission is aware that total sales data may not be available by the January 31st filing date and accordingly has modified this requirement to provide a procedure, in § 46.3(e) of the final rule, for revising the list. The possibility does exist that a utility may have to rely upon estimates in order to compile this list. Each utility relying on estimates shall file no later than March 1 a revision of its largest purchaser list. Any utility filing a revised list will notify the newly listed purchasers as well as purchasers

whose names were removed from the list.

III. Effective Date

Proposed regulations of Part 46 were originally issued for comment on November 14, 1979, and published in the Federal Register on November 19, 1979. 44 FR 66205, *et seq.* (Nov. 19, 1979). In order to provide public utilities sufficient time to comply with certain provisions of Part 46 by January 31, 1980, it is necessary for the Commission to issue a final rule implementing three definitions as set forth in § 46.2 and the public utility reporting requirement set forth in § 46.3. In light of the January 31st reporting requirement, good cause exists to issue this final rule effective immediately.

(Federal Power Act, as amended, 16 U.S.C. §§ 792–828c; Public Utility Regulatory Policies Act of 1978, 18 U.S.C. §§ 2601–2645; Department of Energy Organization Act, 42 U.S.C. §§ 7101–7352)

In consideration of the foregoing, the Commission adds Part 46 to Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations, as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Subchapter B is amended by adding the following after Part 45:

PART 46—PUBLIC UTILITY FILING REQUIREMENT

Sec.

46.1 Purpose.
46.2 Definitions.
46.3 Purchaser list.

Authority: This part issued under the Federal Power Act, as amended, 16 U.S.C. §§ 792–828c; Public Utility Regulatory Policies Act of 1978, 18 U.S.C. §§ 2601–2645; Department of Energy Organization Act, 42 U.S.C. §§ 7101–7352.

§ 46.1 Purpose.

The purpose of this part is to implement section 305(c) of the Federal Power Act, as amended by section 211 of the Public Utility Regulatory Policies Act of 1978.

§ 46.2 Definitions.

For the purpose of this part:

(a) "Public utility" has the same meaning as when used in section 201(e) of the Federal Power Act and further includes any company which is part of a holding company system unless no company in such system is an electric utility within the meaning of section 3 of the Federal Power Act.

(b) "Holding company system" has the same meaning as when used in the Public Utility Holding Company Act of 1935.

(c) "Purchaser" means any individual or corporation (within the meaning of section 3 of the Federal Power Act) who purchases electric energy from a public utility.

§ 46.3 Purchaser list.

(a) *Compilation of list.* On or before January 31 of each year, each public utility shall compile a list of the purchasers described in paragraph (b). Such list shall identify each purchaser by name and principal business address.

(b) *Largest purchasers.* The list required under paragraph (a) shall include each purchaser who, during any of the three (3) preceding calendar years, purchased (for purposes other than resale) from a public utility one of the twenty (20) largest amounts of electric energy measured in kilowatt hours sold (for purposes other than resale) by such utility during such year.

(c) *Special rules.* If data for actual annual sales (for purposes other than resale) are not available in the records of the public utility, the utility may use estimates based on actual data available to it. If one purchaser maintains several billing accounts with the public utility, the kilowatt hours purchased in each account of that purchaser shall be aggregated to arrive at the total for that purchaser.

(d) *Notification of largest purchasers.* Each public utility shall notify by January 31 of each year each purchaser which has been identified on the list of largest purchasers under paragraph (b).

(e) *Revision of the list.* Each public utility relying upon any estimates for its January 31st filing, shall revise the list compiled under paragraph (b) no later than March 1 of the year in which the list was originally filed to reflect actual data not available to the utility prior to that time. Any revised list shall be filed with the Commission and made publicly available through the utility's principal business office no later than March 1. A utility filing a revised list shall indicate thereon the changes made to the list previously filed under paragraph (b). On or before the filing and publication of the revised list, the public utility shall notify the newly-listed purchasers and any purchasers whose names were removed from the list.

[FR Doc. 80-1649 Filed 1-16-80; 8:45 am]

BILLING CODE 6450-01-M

18 CFR Part 282

[Docket No. RM79-21]

Regulations Implementing Alternative Fuel Price Ceilings on Incremental Pricing Under the Natural Gas Policy Act of 1978; Order Denying Rehearing and Stay

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order Denying Rehearing and Stay.

SUMMARY: On September 28, 1979, the Federal Energy Regulatory Commission (Commission) issued Orders Nos. 50 and 51 in Docket No. RM79-21 to implement portions of the first phase of the incremental pricing program (44 FR 57754, October 5, 1979). Several parties filed petitions for rehearing of Order No. 50 and one party filed a petition for rehearing and a petition for stay of Order No. 51. On November 26, 1979, the Commission granted rehearing of Orders Nos. 50 and 51 solely for the purpose of further consideration. By this order, the Commission denies rehearing of Orders Nos. 50 and 51 and denies the request for stay of Order No. 51.

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8079.

Issued: December 20, 1979.

On September 28, 1979, the Commission issued Order No. 50 and Order No. 51 in Docket No. RM79-21. These orders implement portions of the first phase of the incremental pricing program under the Natural Gas Policy Act of 1978 (NGPA).

Order No. 50 sets ceilings on the prices which can be charged for the natural gas used as boiler fuel by large industrial users. Under the three-tier approach set forth in Order No.50, the price paid by industrial users for their natural gas will be equivalent to the price they would pay for the fuel oil which they could burn as an alternative to natural gas.

Order No. 51 amends the regulations promulgated in Order No. 50 to exempt industrial boiler fuel facilities from incremental pricing above the price of high sulphur No. 6 fuel oil. Under this exemptive rule, which will remain in effect until November 1, 1980, large industrial users will be charged a price for their boiler use of natural gas equivalent to the price they would pay for high sulphur No. 6 fuel oil. Order No. 51 was issued under authority of section 206(d) of the NGPA, and, as required by

that section, transmitted to the Congress for review. The Congress took no action to disapprove the regulation contained in Order No. 51 during the thirty day review period, and thus Order No. 51 became effective December 1, 1979.

Several petitions for rehearing of Order No. 50 and Order No. 51 were filed with the Commission. On November 26, 1979, the Commission granted rehearing of the orders solely for purposes of further consideration.

Petitions for rehearing of Order No. 50 were filed by United Distribution Companies, Associated Gas Distributors, Natural Gas Pipeline Company of America, Mississippi River Transmission Corporation (MRTC), National Consumer Law Center, *et al.*, and Air Products and Chemicals, Inc. (Air Products).[1]

The arguments raised by petitioners in their applications for rehearing have been adequately addressed by the Commission in Order No. 50, and further discussion of those issues here would not be helpful.[2] Accordingly, the Commission hereby denies rehearing of Order No. 50.

The National Consumer Law Center, *et al.* (NCLC), filed a petition for rehearing of Order No. 51 on October 29, 1979. In addition, on November 21, 1979, NCLC filed a motion for expedited consideration of the petition for rehearing and for stay of Order No. 51.

In its petition for rehearing of Order No. 51, NCLC contends that the Commission exceeded its exemption authority under section 206(d) of the NGPA when it set the alternative fuel price ceiling at the price of high sulphur No. 6 fuel oil for all industrial boiler fuel facilities not exempt from the first phase of the incremental pricing program.

Petitioner also requests a stay of Order No. 51, the effect of which would be the immediate implementation of the three-tiered approach for calculating ceiling prices set forth in Order No. 50.

The Commission's rationale for granting an exemption to all industrial boiler fuel facilities from incremental pricing above the price of high sulfur No. 6 fuel oil is fully set forth in the preamble in Order No. 51. In that Order, the Commission also fully explained its reasons for adopting the exemption pursuant to its exemption authority under section 206(d) of the NGPA. Additional discussion of these issues is not needed.

Furthermore, Order No. 51 was submitted to the Congress for review pursuant to the requirements of section 206(d) of the NGPA and was not disapproved during the thirty day review period. The Commission believes the Congressional concurrence, as evidenced by its inaction with respect to the submittal, serves to provide additional support for the position adopted by the Commission in Order No. 51.

For these reasons the Commission hereby denies NCLC's petition for rehearing and petition for stay of Order No. 51.

The motion for expedited consideration of NCLC's petition for rehearing is rendered moot by this order.

The Commission Orders: 1. The motion for leave to file out of time by Air Products and Chemicals, Inc. is denied.

2. The petitions for rehearing of Order No. 50 are denied.

3. The petition for rehearing and the petition for stay of Order No. 51 are denied.

4. The petition of National Consumer Law Center, *et al.*, for expedited consideration of its petition for rehearing is dismissed.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1648 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[1] The deadline for filing petitions for rehearing was October 29, 1979. The petition of Air Products was received by the Office of the Secretary of the Commission on October 30, 1979. The Commission finds that the petition of Air Products is untimely filed. Good cause for waiving the regulations pertaining to the filing of applications for rehearing has not been shown. We will, however, treat Air Products' application as a petition for reconsideration and will address the merits of the arguments contained therein. In ruling on this filing the Commission does not waive its right to assert that Air Products is not entitled to seek judicial review of Order No. 50 because it failed to apply timely for rehearing of Order No. 50. See *Boston Gas Co.* v *FERC*, 575 F.2d 975, 977-980 (1st Cir. 1978).

[2] In its petition for rehearing, Air Products requested that the regulations be amended to permit a facility to be incrementally priced at a No. 6 level if its alternative fuel is priced at parity with No. 6 fuel oil.

MRTC's petition for rehearing requested that the regulations be amended to permit a pipeline, which serves customers in an SMSA that includes areas in more than one state, to apply to its customers in such SMSA the alternative fuel price ceiling for whichever of the states the pipeline elects.

The Commission acknowledges that these two issues were not extensively discussed in Order No. 50, but believes that the appropriate vehicle for both of the petitioners' requests is an adjustment proceeding under section 502(c) of the NGPA. Accordingly, the Commission's denial of rehearing of Order No. 50 is without prejudice to any adjustment request either petitioner might subsequently file.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 80-25]

Vessels in Foreign and Domestic Trades; Fees

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: Recent legislation repealed several statutes under which Customs charged and collected fees for specific services provided to vessels by Customs officers. This legislation authorized the Secretary of the Treasury to establish a new schedule of fees to return to the Government the approximate costs of the services provided. This document (1) establishes a new fee schedule to be used for the remainder of 1980, and (2) amends the Customs Regulations to provide that a revised fee schedule will be published in December 1980, to be used by Customs in charging and collecting fees for services provided to vessels in 1981, and that a new fee schedule will be published in December of each year thereafter for services to be provided during the following year.

EFFECTIVE DATE: February 19, 1980.

FOR FURTHER INFORMATION CONTACT: Jerry Laderberg, Carriers, Drawback, and Bonds Division, U.S. Customs Service 1301 Constitution Avenue, N.W. Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 95-410, the "Customs Procedural Reform and Simplification Act of 1978", approved October 3, 1978 ("the Act"), repealed sections 2654, 4381, 4382, and 4383 of the Revised Statutes of the United States (19 U.S.C. 58; 46 U.S.C. 329, 330, and 333), the statutory authority under which Customs has been charging and collecting fees for specific services provided to vessels by Customs officers. These fees, designated as "Navigation Fees" in section 4.98(a), Customs Regulations (19 CFR 4.98(a)), were as follows:

Fee No. and description of services	A	B
1 Entry of vessel, including American, from foreign port (19 U.S.C. 58):		
(a) Less than 100 net tons	$1.50	
(b) 100 net tons and over	2.50	
2 Clearance of vessel, including American, to foreign port (19 U.S.C. 58):		
(a) Less than 100 net tons	1.50	
(b) 100 net tons and over	2.50	
3 Issuing permit to foreign vessel to proceed from district to district and receiving manifest (46 U.S.C. 329, 330)	2.00	$0.10
4 Receiving manifest of foreign vessel on arrival from another district, and granting a permit to unlade (46 U.S.C. 329,330)	2.00	0.10
5 Receiving post entry (19 U.S.C. 58, 46 U.S.C. 330)	2.00	2.00
6 Receiving official bond not otherwise provided for (19 U.S.C. 58)	0.40	
7 Certifying payment of tonnage tax for foreign vessels only (19 U.S.C. 58)	0.20	0.20
8 Furnishing copy of official document, including certified outward foreign manifest, and others not elsewhere enumerated (19 U.S.C. 58)	0.20	0.20

The fees in Column A were those collectible on the Atlantic, Gulf, and Pacific coasts and on the Mississippi River and tributaries; those in Column B were collectible on the northern, northeastern, and northwestern frontiers (Great Lakes, Lake Champlain, and St. Lawrence River).

Because these fees did not cover the costs of providing the services, section 214 of the Act authorized the Secretary of the Treasury to establish a new schedule of fees to be charged and collected for furnishing these services. These fees are to be consistent with section 501 of the Independent Offices Appropriation Act, 1952 (31 U.S.C. 483a), the so-called "User Charges Statute", which provides that the costs of specific services for private interests shall be reimbursed to the Government.

Interim action was required so that fees could be charged and collected for the services provided, pending the preparation and publication of a new fee schedule. In this regard, on October 12, 1978, Customs published a General Notice in the **Federal Register** (T.D. 78–381; 43 FR 46962), which provided that until a new fee schedule becomes effective, Customs would continue to charge and collect the fees presently set forth in section 4.98(a), Customs Regulations (19 CFR 4.98(a)), for services provided to vessels by Customs officers.

Proposed Rule

In accordance with section 214 of the Act, on May 25, 1979, a notice of proposed rulemaking was published in the **Federal Register** (44 FR 30375).

1. The notice proposed a new schedule of fees which would become effective upon publication in the **Federal Register** as a Treasury Decision and remain in effect for the remainder of calendar year 1979.

2. The notice also proposed to amend section 4.98(a), Customs Regulations (19 CFR 4.98(a)), by deleting the existing fee schedule and providing that a General Notice will be published in the **Federal Register** and CUSTOMS BULLETIN in December 1979, setting forth a revised schedule of fees for specific services provided to vessels by Customs officers in 1980, and that a new schedule will be published in December of each year thereafter for services provided during the following year to reflect changes in the rate of compensation paid to the Customs officer performing the service. The revised fee schedule would be based upon the amount of time the average service requires of a Customs officer in the fifth step of GS–9.

The notice also set out (1) the amount of revenue raised in fiscal year 1978 for each service, (2) the estimated length of time in hours reflected in the proposed new fee schedule required by a Customs officer to accomplish each service, and (3) the proposed new schedule of fees, as follows:

Fee No. and description of services	Amount collected 1978	Estimated time in hours	Proposed new fee
1 Entry of vessel, including American, from foreign port:			
(a) Less than 100 net tons	$269,151	½	$5.90
(b) 100 net tons and over	(a) and (b)	1	11.90
2 Clearance of vessel, including Amercian, to foreign port:			
(a) Less than 100 net tons	262,570	½	5.90
(b) 100 net tons and over	(a) and (b)	1	11.90
3 Issuing permit to foreign vessel to proceed from district to district, and receiving manifest	115,598	1	11.90
4 Recieving manifest of foreign vessel on arrival from another district, and granting a permit to unlade	109,091	1	11.90
5 Receiving post entry	81,410	½	5.90
6 Receiving official bond not otherwise provided for	388	¼	3.00
7 Certifying payment of tonnage tax for foreign vessels only	27,201	¼	3.00
8 Furnishing copy of official document, including certified outward foreign manifest, and others not elsewhere enumerated	3,710	1	11.90
Total	869,119		

Explanation

Section 24.17(d), Customs Regulations (19 CFR 24.17(d)), provides that the reimbursable charge for regular compensation shall be computed in accordance with § 19.5(b). Customs Regulations (19 CFR 19.5(b)), which contains the computation of the rate per hour for regular pay. The charge shall be computed at a rate per hour equal to 137 percent of the hourly rate of regular pay of the particular employee, with an addition equal to any night pay differential actually payable under section 5545, title 5, United States Code. The ratio of the annual number of working hours charged to Customs appropriation to the net number of annual working days is 137 percent. Therefore, the hourly rate proposed to be utilized was $11.88, which was 137 percent of the hourly rate of pay of a Customs officer in the fifth step of GS–9.

It is indicated in the legislative history of Pub. L. 95–410 (House Report No. 95–621, 95th Congress, 2nd Session, 1978, p. 28), that the fees to be charged shall be based upon the amount of time the average service requires of a Customs officer in the third step of GS–11. However, Customs has determined that these services generally are provided by a Customs officer in the fifth step of GS–9 and will use this pay rate as the basis for calculating the fees.

The proposed fees were rounded off to the nearest tenth of a dollar. It also was proposed to eliminate the fees under Column "B" in the present schedule. Fees under Column "B" were collectible on the northern, northeastern, and northwestern frontiers (Great Lakes, Lake Champlain, and St. Lawrence River). Because Congress has repealed sections 329, 330, and 333 of title 46, and section 58, title 19, United States Code, and because the amount of the fee to be charged and collected is to be based on the amount of time required to provide the service and not on when or where the service is performed, Customs has determined that there was no reason to continue the distinction between Column "A" and Column "B" fees. The explanatory material presently set forth in paragraphs 4.98(b) through 4.98(h), Customs Regulations, remains unchanged, except where noted below under "Other Changes".

Interested parties were given until June 25, 1979, to submit relevant data, views, or arguments regarding the proposals.

Discussion of Comments

One commenter believes that the estimated periods of time required to accomplish some of the services are excessive, thereby inflating the fees. He suggests that the estimated periods of time required to perform several of the services reduced.

Customs has reviewed the estimated periods of time reflected in the proposed new fee schedule as required to accomplish each service and determined that, based upon work measurement studies, these periods are accurate and represent the average length of time in hours for each designated service throughout all Customs regions.

The second commenter notes that the Act authorized the Secretary of the Treasury to establish a new schedule of fees to return to the Government the approximate cost of each service rendered. However, the commenter objects to paying two charges when the service is performed on a reimbursable overtime basis. He states that in a reimbursable overtime situation, he would be required to pay the applicable charge specified in the proposed fee schedule, which now would be based upon the actual cost of the service rather than a flat statutory fee, as well as the reimbursable overtime compensation for the Customs officer performing the service.

Customs believes this comment has merit. Accordingly, a sentence has been added to proposed § 4.98(a) to provide that when a particular vessel service is performed for which reimbursable overtime compensation is applicable, the party requesting the service would pay only the applicable overtime charge, and not both the overtime charge and the fee specified in the fee schedule.

This same commenter believes that the new fee schedule, although supported by legislative authority, is discriminatory against vessels because no similar overtime reimbursable compensation fees are applicable to air commerce.

Under title 49, United States Code, section 1509(c), as amended, the "Secretary of the Treasury is authorized by regulations to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels * * * ". The Secretary has not exercised this authority in connection with the Schedule of Navigation Fees in § 4.98. Customs Regulations. It is Customs opinion that although the Secretary has not elected to exercise this authority with respect to aircraft, he is not precluded from exercising similar authority relating to vessels. Customs does, however, intend to review again whether appropriate charges should be levied for services provided to aircraft.

Other Changes

Upon its own review, Customs has made an additional change in the proposed amendment:

The new fee schedule published in this document is effective February 19, 1980, and shall remain in effect for the remainder of 1980. Proposed § 4.98(a) therefore is amended to provide that a revised fee schedule will be published in December 1980 (rather than 1979), to be used to charge and collect fees for services to be provided in 1981 (rather than 1980).

Action

After consideration of the comments received, and upon Customs own review, it has been decided to: (1) Adopt the fee schedule as proposed, with the changes set forth in this document:

Fee No. and description of services	Fee
1 Entry of vessel, including American, from foreign port:	
(a) Less than 100 net tons	$6.40
(b) 100 net tons and over	12.70
2 Clearance of vessel, including American, to foreign port:	
(a) Less than 100 net tons	6.40
(b) 100 net tons and over	12.70
3 Issuing permit to foreign vessel to proceed from district to district, and receiving manifest.	12.70
4 Receiving manifest of foreign vessel on arrival from another district, and granting a permit to unlade.	12.70
5 Receiving post entry	6.40
6 Receiving official bond not otherwise provided for.	3.20
7 Certifying payment of tonnage tax for foreign vessels only.	3.20
8 Furnishing copy of official document, including certified outward foreign manifest, and others not elsewhere enumerated.	12.70

This fee schedule is effective February 19, 1980, and shall remain in effect for the remainder of 1980.

The fees are calculated on the basis that the vessel services are provided by a Customs officer in the fifth step of GS–9. The hourly rate utilized is $12.72, thereby reflecting the change in the rate of compensation paid to a Customs officer of that grade performing the services effective October 7, 1979, and

(2) Amend § 4.98, Customs Regulations, as proposed, with the changes set forth in this document.

Inapplicability of Executive Order 12044

This document is not subject to the provisions of the Treasury Department directive (43 FR 52120) implementing E.O. 12044, "Improving Government Regulations", because the subject matter was in process before May 22, 1978, the effective date of the directive.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

Section 4.98, Customs Regulations (19 CFR 4.98), is amended as set forth below.

William T. Archey,

Acting Commissioner of Customs.

Approved: December 31, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Section 4.98(a), Customs Regulations (19 CFR 4.98(a)), is amended to read as follows:

§ 4.98 Navigation fees.

(a)(1) The Customs Service shall publish a General Notice in the **Federal Register** and Customs Bulletin in December of each year, beginning in December 1980, setting forth a revised schedule of navigation fees for the following services:

Fee No. and description of services

1 Entry of vessel, including American, from foreign port:
(a) Less than 100 net tons.
(b) 100 net tons and over.
2 Clearance of vessel, including American, to foreign port:
(a) Less than 100 net tons.
(b) 100 net tons or over.
3 Issuing permit to foreign vessel to proceed from district to district, and receiving manifest.
4 Receiving manifest of foreign vessel on arrival from another district, and granting a permit to unlade.
5 Receiving post entry.
6 Receiving official bond not otherwise provided for.
7 Certifying payment of tonnage tax for foreign vessels only.
8 Furnishing copy of official document, including certified outward foreign manifest, and others not elsewhere enumerated.

The published revised fee schedule shall remain in effect throughout the following year.

(2) The fees shall be calculated in accordance with §§ 19.5(b) and 24.17(d). Customs Regulations (19 CFR 19.5(b), 24.17(d)), and be based upon the amount

of time the average service requires of a Customs officer in the fifth step of GS–9.

(3) The party requesting a vessel service described in paragraph (a)(1) of this section for which reimbursable overtime compensation is payable under 19 U.S.C. 267 or 19 U.S.C. 1451 and § 24.16 of this chapter shall pay only the applicable overtime charge, and not both the overtime charge and the fee specified in the fee schedule.

(4) The revised fee schedule shall be made available to the public in Customs offices.

(5) The respective fees shall be designated in correspondence and reports by the applicable fee number.

(R.S. 251, as amended, sec. 501, 65 Stat. 290; 92 Stat. 888 (19 U.S.C. 66, 31 U.S.C. 483a, Pub. L. 95–410))

[FR Doc. 80–1549 Filed 1–17–80; 8:45 am]

BILLING CODE 4810–22–M

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19 CFR Part 101

[T.D. 80–22]

Changes in the Customs Field Organization

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document changes the field organization of the Customs Service by establishing a Customs port of entry at Owensboro, Kentucky, in the Cleveland, Ohio, Customs district (Region IX). This change is needed to help alleviate the excessive workload in the port of Louisville, Kentucky (the only Customs port of entry in Kentucky), and to meet the expanding needs of the importing community in the Owensboro area. The rule is not considered to be significant.

EFFECTIVE DATE: February 19, 1980.

FOR FURTHER INFORMATION CONTACT: Richard C. Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202–566–8157).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, Customs published a notice in the **Federal Register** on December 14, 1978 (43 FR 58383), proposing, among other changes, to establish a new combined port of entry of Owensboro-Paducah, Kentucky (Region IX).

Interested parties were given until February 12, 1979, to submit comments regarding this proposed change. No comments were received. After review of the proposal, it was determined that to expedite the extensions of the existing Customs ports of entry, it would be advisable to separate the proposal to establish the new combined port of entry of Owensboro-Paducah from the other proposed changes. Accordingly, a separate document implementing the other changes referred to in the December 14, 1978, notice was published as Treasury Decision 79–169 in the **Federal Register** on June 15, 1979 (44 FR 34478).

Following further review, Customs has determined that, because of the distance between Owensboro and Paducah, it would be in the the interest of governmental economy to modify the proposal to establish the combined port of entry to establish only a single Customs port of entry at Owensboro. No further changes relating to Customs services at Paducah are comtemplated at this time. Notice of any subsequent action affecting Paducah will be the subject of another document published in the **Federal Register.**

Change in the Customs Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101–5 (44 FR 31057), Owensboro, Kentucky, is designated as a Customs port of entry in the Cleveland, Ohio, Customs district (Region IX). The geographical boundaries of the Owensboro, Kentucky, port of entry include all of the territory located within the corporate limits of the City of Owensboro, in the State of Kentucky.

Amendment to the Regulations

To reflect this change, the list of Customs regions, districts, and ports of entry in the Cleveland, Ohio, Customs district (Region IX) in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended by inserting "Owensboro, Ky., including the territory described in T.D. 80–22." directly below "Louisville, Ky., * * *" in the column headed "Ports of entry".

Inapplicability of Executive Order 12044

This document is not subject to the Treasury Department directive (43 FR 52120) implementing Executive Order 12044, "Improving Government Regulations", because the regulation was in process before May 22, 1978, the effective date of the directive.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: December 17, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 80–1461 Filed 1–17–80; 8:45 am]

BILLING CODE 4810–22–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Levamisole Resinate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The agency amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Cyanamid Agricultural de Puerto Rico, Inc., for the safe and effective use of levamisole resinate to treat infections of swine kidney worms.

EFFECTIVE DATE: January 18, 1980.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV–138), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION:

Cyanamid Agricultural de Puerto Rico, Inc., Manati, PR 00701, is the sponsor of a supplemental NADA (101–079) filed by American Cyanamid Co. in their behalf. This supplement provides for (1) the safe and effective use of a 10-percent levamisole hydrochloride premix (45.4 grams per pound) for the removal and control of swine kidney worm (*Stephanurus dentatus*) infections and (2) the approved use for removal and control of large roundworm, nodular worm, lungworm, and intestinal threadworm infections in swine. The regulations are amended to include this use and to include reference to the tolerance for residues of levamisole in food derived from treated swine.

Approval of this supplement for use of a 10-percent levamisole premix relies on

data and information in NADA 45–455 for use of a 50-percent premix. Under the Bureau of Veterinary Medicine's supplemental approval policy issued in the **Federal Register** of December 23, 1977 (42 FR 64367), this is a Category II supplemental approval which provides for use of a less concentrated premix to be used as currently approved. The supplement does not change the use of the drug. Thus, approval of this supplement poses no increased human risk from exposure to residues of the new animal drug or adversely affects safety and effectiveness. Therefore, under the supplemental policy this action did not require a reevaluation of the safety and effectiveness data in the parent application.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the freedom of information regulations in § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted supporting approval of this application is available for public examination at the office of the Hearing Clerk (HFA–305), Rm. 4–65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), § 520.1242d is amended by redesignating paragraph (c) as paragraph (d), by adding a new paragraph (c), and by revising newly designated paragraph (d)(2) to read as follows:

§ 520.1242d Levamisole resinate.

* * * * *

(c) *Related tolerances.* See § 556.350 of this chapter.

(d) * * *

(2) *Indications for use.* For the removal of and control of the following nematode infections: large roundworms (*Ascaris suum*), nodular worms (*Oesophagostomum* spp.), lungworms (*Metastrongylus* spp.), intestinal threadworms (*Strongyloides ransomi*), and swine kidney worms (*Stephanurus dentatum*).

* * * * *

Effective date. This regulation is effective January 18, 1980.

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

Dated: January 7, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-1491 Filed 1-17-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Mebendazole Oral Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA) filed by Pitman-Moore, Inc., providing for safe and effective use of mebendazole oral suspension as an anthelmintic in treating horses for intestinal worms.

EFFECTIVE DATE: January 18, 1980.

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

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc., P.O. Box 344, Washington Crossing, NJ 08560, filed an NADA (118–394) providing for use of mebendazole oral suspension for the treatment of horses for large roundworm, large strongyle, small strongyle, and pinworm infections, including many larval stages. Approval of this application relies on safety and effectiveness data contained in NADA's 91–736 and 97–221, which are incorporated herein by reference to support the approval.

In accordance with Part 20 (21 CFR 20), promulgated under the Freedom of Information Act (5 U.S.C. 552), and the freedom of information provisions of the animal drug regulations in § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of the submitted safety and effectiveness data and a summary of material incorporated by reference to support approval of this application are available for public examination at the office of the Hearing Clerk (HFA–305), Rm. 4–65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), § 520.1320 is amended by revising paragraphs (b) and (d)(1)(i) and by adding new paragraph (d)(1)(iii)(*c*) to read as follows:

§ 520.1320 Mebendazole oral.

* * * * *

(b) *Specifications.* As oral powder: Each gram contains either 40 or 166.7 milligrams of mebendazole. As oral paste: Each gram contains 200 milligrams of mebendazole. As oral suspension: Each milliliter contains 33.3 milligrams of mebendazole.

* * * * *

(d) *Conditions of use*—(1) *Horses*—(i) *Amount.* 1 gram of mebendazole per 250 pounds of body weight per dose, as an oral powder, paste, or suspension.

* * * * *

(iii) * * *

(c) Oral suspension. The drug is administered by stomach tube. Not for horses intended for food use. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

* * * * *

Effective date. January 18, 1980.

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

Dated: January 14, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-1609 Filed 1-17-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 701

[Docket No. 76-0284]

Cosmetic Labeling; Recognition of New Sources for Names of Ingredients Adopted for Ingredient Labeling

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the cosmetic ingredient labeling regulation. The Food and Drug Administration (FDA) is recognizing in part the second edition of the Cosmetic Ingredient Dictionary published by the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA) and is fully recognizing supplements and new editions of other compendia currently recognized as sources of ingredient names for cosmetic ingredient labeling. CTFA had petitioned FDA to recognize the second edition of its dictionary.

EFFECTIVE DATE: Recognition of new sources of ingredient names by February 19, 1980. Termination of recognition of affected current sources of ingredient names by July 18, 1980.

FOR FURTHER INFORMATION CONTACT: Heinz J. Eiermann, Bureau of Foods (HFF–440), Food and Drug Administration, Department of Health,

Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–245–1530.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 28, 1977 (42 FR 56757), FDA proposed to amend the cosmetic ingredient labeling regulation (21 CFR 701.3) and recognize supplements and new editions of currently recognized compendia as sources of ingredient names adopted for use in cosmetic ingredient labeling. Termination of recognition of current editions of these compendia was proposed to occur 6 months after recognition of the new editions. These supplements and new editions offer additional and revised listings of names of ingredients suitable for cosmetic ingredient labeling. Interested persons were given until December 27, 1977 to submit written comments about the proposed recognitions.

Six comments responded to the proposal during the comment period. Although none of the comments opposed recognition of the new sources of nomenclature, several objected to the exclusion of specific names, and others objected to related proposed actions. Additionally, three comments were received, under two separate cover letters, after the expiration of the comment period. These comments offered information on ingredients whose disclosure of chemical composition was deficient. No issues affecting this rule were raised in these submissions. A summary of the various comments and FDA's responses follow.

1. *Color ingredients whose composition is not adequately disclosed.* One comment objected to the exclusion of the names and monographs of 34 coal tar dyes from the proposed recognition of the second edition (1976, now 1977) of the CTFA Cosmetic Ingredient Dictionary (new dictionary) because of nondisclosure of their chemical composition. The comment argued that: (1) this was contrary to the purpose of the dictionary, which was developed to recommend uniform nomenclature for ingredients available for use by the cosmetic industry; (2) the nondisclosure of detailed information is insufficient reason for nonrecognition of these names; (3) the Colour Index from which these names were derived is a reference source recognized worldwide; and (4) failure to recognize these names would be an empty and meaningless gesture unless FDA established alternate nomenclature. It was argued that even without recognition, cosmetic manufacturers would undoubtedly use these names because of the wide acceptance of the Colour Index.

FDA recognizes the importance of the CTFA dictionary as a source of uniform nomenclature for cosmetic ingredient labeling. But a dictionary is also intended to serve as "[a] work of reference in which the words * * * are * * * defined." (Webster's New Collegiate Dictionary, 2d ed., G&C Merriam Co., Springfield, MA, 1956.) Restatement of a name of a chemical substance listed in another source, no matter how widely recognized, without appropriate description of that substance's chemical composition, is contrary to the intent of making the dictionary a reference to other, more comprehensive sources of information.

For example, the designation "Acid Black 58" is neither a chemical nor technical name or description because it described neither characteristic of the substance. Essentially any black substance may bear this name because the monograph of neither the CTFA dictionary nor the Colour Index provides any clue to specific characteristics of a black substance with this designation.

The adoption of a nondescriptive name of an ingredient without disclosure of its chemical identity, origin, or composition in a monograph would be meaningless to the consumer and defeat the purpose of cosmetic ingredient labeling. Without knowledge of the chemical composition of a particular coal tar dye, an individual interested in its physical, chemical, or toxicological characteristics would be unable to search for this information. Moreover, it would be impossible to determine whether one or several chemically discrete substances were signified by a particular name. Hence, a consumer would not be able to make value comparisons, nor would a physician be able to advise a patient affected by one of the undisclosed coal tar dyes about avoidance of exposure to substances of related chemical or physiological properties.

Establishing new nondescriptive names for the 34 coal tar dyes in question without also disclosing their chemical nature or origin in monographs would not be an acceptable alternative to their current nomenclature. The new names would continue to offer insufficient information to serve as a reference for a person intending to conduct a search for additional, more detailed data. The existing names should be fully acceptable for cosmetic ingredient labeling provided the chemical composition of each substance is adequately disclosed in the monograph.

In cases where the agency has not established a name for an ingredient or a name has not been adopted in the sources listed in 21 CFR 701.3(c)(2), and where no name is generally recognized for the ingredient by consumers, a cosmetic labeler is required, under 21 CFR 701.3(c)(4), to declare the ingredient's chemical or other technical name or description.

2. *Substances that are drug as well as cosmetic ingredients.* FDA stated in the preamble to the proposed regulation (42 FR 56757) that it concurs with the CTFA that the following six names of substances which are known to be used as drug as well as cosmetic ingredients may be more informative to consumers than their respective drug names:

Aluminum Chlorohydrex
Amyl Dimethyl PABA
Butyl PABA
Octyl Dimethyl PABA
Sulfur
Lime Sulfur

The CTFA urged the United States Adopted Name (USAN) Council to consider adoption of these names for declaration of these substances where they are used as drug ingredients. If these names are not adopted by USAN, the FDA may reconsider its decision to adopt these names for cosmetic ingredient labeling and may propose appropriate name changes. During the period of dual nomenclature, these substances must be declared in labeling in accordance with their respective legal status. The substance sulfur, for example, must be declared as "Sulfur" where it is used as a cosmetic ingredient and as "Sulfur Precipitated" where it is used as a drug.

One comment suggested cross-referencing of the drug and cosmetic names of these six ingredients in the CTFA and USAN dictionaries. FDA agrees that such referencing of alternate names may be useful to interested persons. The CTFA dictionary already lists both the drug and cosmetic names for these ingredients, and both sources disclose the chemical compositions of these substances. These descriptions and representations offer adequate information to determine the identities of the six ingredients.

3. *Substances that may function as vitamins.* One comment objected to FDA's conclusion that the six substances—retinol, retinyl palmitate, ergocalciferol, tocopherol, tocopheryl acetate, and tocopheryl succinate—which may serve as vitamins in food or drugs, should be identified in cosmetic ingredient declarations by their chemical names. The comments argued that vitamin designations were more meaningful to the consumer and that the designations should also identify the source or origin of each vitamin.

This issue was fully discussed in the letter of September 17, 1976 from the Associate Commissioner for Compliance to the President of CTFA (reference 3 of the **Federal Register** notice of October 28, 1977 (42 FR 56757, 56760)). The letter stated that the term "vitamin" is a functional designation identifying substances that are essential to the nutrition of man, animals, and some plants for the purpose of regulating metabolic processes. Because these substances serve totally different purposes in cosmetics, identification of these substances as vitamins may mislead consumers into believing that they perform nutritional or medicinal functions.

Because the CTFA, the petitioner requesting adoption of the new dictionary, subsequently concurred with the agency's view and changed the vitamin designations to the respective chemical names, this comment has no probative value in this rulemaking proceeding. However, the commenter may pursue this matter in accordance with 21 CFR 701.3(c) as a separate action by petitioning the Commissioner of Food and Drugs for their adoption. Of course, any such petition must state the legal grounds on which the petitioner relies and be appended by the factual data and other information supporting the requested action.

4. *Placental extract.* Two comments objected to the agency's recommendation to the CTFA that the name "placental extract" be deleted from the new dictionary. The CTFA omitted the name from the second set of page proofs of the new dictionary (reference 9 of the **Federal Register** notice of October 28, 1977 (42 FR 56757, 56760)). Both comments requested reconsideration of this action.

One comment urged inclusion of the name "placental extract," or some satisfactory variation thereof, in a future supplement to this dictionary. The second comment requested, in correspondence attached to the comment, that the agency "withdraw the prohibition against the listing of placental extract in the second edition of the Cosmetic Dictionary." This comment argued that the agency had expressed contradictory views regarding the legal classification of a product declaring placental extract on the label, that is, whether a product containing placental extract is a drug or a cosmetic. The comment stated, in the **Federal Register** of October 28, 1977, that placental extract was listed among the substances that "are generally recognized as drugs and are not known to be used as cosmetic ingredients," while in a letter to the commenter dated October 7, 1977, the agency appeared to present the opposite view. The commenter identified FDA's position with the following quotation from the October 7, letter: "[W]e are recanting the statement 'the agency has taken the position that the declaration of 'placental extract' on the label is a drug claim.' "

FDA's recommendation of September 7, 1976, to the CTFA for withdrawal from the new dictionary of 16 names and monographs of substances generally recognized as drugs, one of which was placental extract, was justified and not at variance with the agency's subsequent withdrawal of its statement that the declaration of "placental extract" on a label is a drug claim. FDA had no factual information on the use of placental extract as a cosmetic ingredient. In the first set of page proofs of the new dictionary, the substance "placental extract" was described as "a mixture of enzymes, peptides, polypeptides and other biologically active compounds obtained from placental tissue." Further, the commenter himself was shown to have made medicinal claims in promotional labeling of this ingredient, inasmuch as the agency was aware of at least two consumer products featuring placental extract for use as a sex stimulant, bust developer, and wrinkle remover. In accordance with section 201(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)), such claims cause a substance or product containing it to be classified as a drug. The agency has not changed its position in this respect; it has only acknowledged that a mere label declaration of placental extract need not necessarily constitute a drug claim. It appears that some of the misunderstanding surrounding this issue may have been caused by the existence of placental extracts of differing compositions.

Because the CTFA deleted the name "placental extract" from the second set of page proofs of the new dictionary and its petition for amendment of the cosmetic labeling regulation concerns this version of the new dictionary, FDA concludes, as in the case of the vitamin labeling issue, that the request for withdrawal of an alleged prohibition against the listing of the name "placental extract" in the new dictionary is not at issue in this rulemaking proceeding.

FDA advises that the matter of adoption of an appropriate label name for placental extract when used as a cosmetic ingredient should be handled by independent administrative action. Section 701.3(c)(1) and (e) of the cosmetic ingredient labeling regulation (21 CFR 701.3(c)(1) and (e)) provides for establishment of a name by the agency on its own initiative or on petition by interested persons. The agency will consider such a petition provided the proposed name is not misleading or otherwise inappropriate and the petition is adequately supported with factual data.

An interested person may also submit a proposed name to the CTFA Cosmetic Ingredient Nomenclature Committee for inclusion in a supplement to the second edition of the dictionary or in a subsequent edition. Recognition by the FDA of a supplement or new edition containing the proposed name would be equivalent to adoption of that name by individual petition.

The name of an ingredient need not be listed in a dictionary before it may be used for cosmetic ingredient labeling. If no name is listed in recognized compendia, then under 21 CFR 701.3(c), an ingredient must be declared on the label by the name generally recognized by consumers, if an appropriate name exists, or by its chemical or other technical name or description.

5. *Delisting of prohibited ingredients.* One comment recommended that FDA publish a regulation requiring that the names of ingredients whose cosmetic use will be prohibited in the future be deleted from new editions of the dictionary. To accomplish this, it was suggested that the CTFA be ordered to issue, within 1 month from the effective date of a ban, a supplement to the new dictionary that would notify cosmetic labelers of such delisting.

Although the agency agrees that banned ingredients should be deleted from the dictionary as soon as practicable, implementation of this action does not require a special procedural regulation. The CTFA has traditionally cooperated with FDA in deleting banned ingredient names from the dictionary; therefore, future cooperation is anticipated. Furthermore, the suggested notification of deletion of an ingredient name in form of publication of a supplement to a recognized edition of the dictionary would not, by itself, satisfy the regulatory requirements for implementation of such action. The CTFA would still have to petition for recognition of such a supplement, and the petition would be subject to the rulemaking provisions of section 701(e) of the act (21 U.S.C. 371(e)).

Therefore, initiation of appropriate regulatory action on the agency's own initiative would be more expeditious than the comment's suggested

procedure. FDA will initiate regulatory action of this nature should it become necessary in the future.

6. *New nomenclature for ingredients named "Amphoteric" and "Quaternium".* One comment suggested that the period of temporary recognition of the names "Amphoteric" and "Quaternium" be shortened from 12 months to 6 months.

Alternately, the comment suggested that labelers be required during the 12-month interim period to declare these ingredients by the names listed in one of the other sources identified in 21 CFR 701.3(c)(2) or in accordance with 21 CFR 701.3(c) (3) or (4). It was believed that extended recognition of the currently used names may cause harm to consumers.

The agency does not share the comment's view that the period of temporary recognition of the names "Amphoteric" and "Quanternium" should be reduced to 6 months or that the ingredients be temporarily declared by their chemical or technical names or descriptions. The recommendation for renaming of the ingredients now designated as "Amphoteric" and "Quanternium" was prompted primarily by the agency's concern that the similarity in nomenclature of ingredients having nonrelated properties and usages may confuse or deceive consumers. However, sweeping change in nomenclature cannot be accomplished quickly, nor is there cause to do so. On the other hand, a temporary change in ingredient labeling, aside from its complexity and difficulty of implementation, could cause further consumer confusion. Accordingly, the agency elects not to change the proposed 12-month period of recognition of the names "Amphoteric" and "Quanternium" for the purpose of cosmetic ingredient labeling. Should appropriate names not be adopted during the 1-year period or recognition of the current names not be extended by regulation, cosmetic labelers will be required thereafter to declare these ingredients by names listed in one of the other sources identified in 21 CFR 701.3(c)(2) or in accordance with 21 CFR 701.3(c) (3) or (4).

Therefore, under the Fair Packaging and Labeling Act (secs. 5(c), 6(a), 80 Stat. 1298, 1299 (15 U.S.C. 1454, 1455)) and the Federal Food, Drug, and Cosmetic Act (sec. 701(e)), 70 Stat. 919, as amended (21 U.S.C. 371(e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 701 is amended as follows:

1. By revising § 701.3(c)(2) to read as follows:

§ 701.3 Designation of ingredients.

* * * * *

(c) * * *

(2) In the absence of the name specified in § 701.30, the name adopted for that ingredient in the following editions and supplements of the following compendia, listed in order as the source to be utilized:

(i) CTFA (Cosmetic, Toiletry, and Fragrance Association, Inc.) Cosmetic Ingredient Dictionary, Second Ed., 1977,[1] which is incorporated by reference, except for the following deletions and revisions:

(*a*) The following names are not adopted for the purpose of cosmetic ingredient labeling:

Acid Black 58
Acid Black 107
Acid Black 139
Acid Blue168
Acid Blue 170
Acid Blue 188
Acid Blue 209
Acid Brown 19
Acid Brown 30
Acid Brown 44
Acid Brown 45
Acid Brown 46
Acid Brown 48
Acid Brown 224
Acid Orange 80
Acid Orange 85
Acid Orange 86
Acid Orange 88
Acid Orange 89
Acid Orange 116
Acid Red 131
Acid Red 213
Acid Red 252
Acid Red 259
Acid Violet 73
Acid Violet 76
Acid Violet 99
Acid Yellow 114
Acid Yellow 127
Acid Yellow 81
Solvent Black 5
Solvent Brown 43
Solvent Yellow 63
Solvent Yellow 90

(*b*) The following names are adopted for the purpose of cosmetic ingredient labeling, provided the respective monographs are revised to describe their otherwise disclosed chemical compositions, or describe their chemical compositons more precisely, and such revised monographs are published in supplements to this dictionary edition by July 18, 1980.

Acid Black 2
Benzophenone–11
Carbomer 934
Carbomer 934P
Carbomer 940
Carbomer 941
Carbomer 960
Carbomer 961
Chlorofluorocarbon 11S
Dimethicone Copolyol
Disperse Red 17
Pigment Green 7
Polyamino Sugar Condensate
SD Alcohol (all 27 alphanumeric designations)
Sodium Chondroitin Sulfate
Synthetic Beeswax

(*c*) The following names are adopted for the purpose of cosmetic ingredient labeling until January 19, 1981.

Amphoteric (all 20 numeric designations)
Quaternium (all 49 numeric designations)

(ii) United States Pharmacopeia, 19th Ed., 1975, and Second Supplement to the USP XIX and NF XIV, 1976.[2]

(iii) National Formulary, 14th Ed., 1975, and Second Supplement to the USP XIX and NF XIV, 1976.[2]

(iv) Food Chemicals Codex, 2d Ed., 1972; First Supplement, 1974, and Second Supplement, 1975, which are incorporated by reference.[3]

(v) USAN and the USP dictionary of drug names, USAN 1975, 1961–1975 cumulative list.[2]

2. By adding to § 701.30 a new ingredient name, to read as follows:

[1] Copies may be obtained from: The Cosmetic, Toiletry, and Fragrance Association, Inc., 1133 Fifteenth St. NW., Washington, DC 20065, or may be examined at the Federal Register Library.

[2] Copies may be obtained from: United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, MD 20857.

[3] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Federal Register Library.

§ 701.30 Ingredient names established for cosmetic ingredient labeling.

Chemical name or description	Chemical formula	Established label name
Ethyl ester of hydrolyzed animal protein is the ester of ethyl alcohol and the hydrolysate of collagen or other animal protein, derived by acid, enzyme, or other form of hydrolysis.		Ethyl ester of hydrolyzed animal protein.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 19, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective February 19, 1980, as to recognition of new sources of ingredient names. Termination of recognition of affected current sources of ingredient names by July 18, 1980.

(Secs. 5(c), 6(a), 80 Stat. 1298, 1299 (15 U.S.C. 1454, 1455); sec. 701(e), 70 Stat. 919 as amended (21 U.S.C. 371(e)))

Dated: January 11, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

Note.—Incorporations by reference approved by the Director of the Office of the Federal Register on June 20, 1977, June 27, 1977, and December 13, 1979 and are on file in the Federal Register Library.

[FR Doc. 80-1716 Filed 1-17-80; 8:45 am]

BILLING CODE 4110-03-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5766]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

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

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

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

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

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

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

§ 64.6 List of suspended communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Arizona	Maricopa	Gilbert, town of	040044B	June 10, 1975, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Apr. 5, 1974 Oct. 15, 1976	Jan. 16, 1980.
Connecticut	Middlesex	Haddam, town of	090066B	May 23, 1975, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	May 31, 1974 July 16, 1976	Do.
Florida	Putnam	Interlachen, town of	120391A	July 24, 1975, emergency, Dec. 4, 1979, regular, Jan. 16, 1980, suspended.	Dec. 3, 1976	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Idaho	Idaho	Unincorporated areas	160213	Feb. 16, 1979, emergency, Jan. 16, 1980, suspended.		Do.
Illinois	Lake	Libertyville, village of	170377B	Feb. 16, 1973, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Nov. 2, 1973 Oct. 22, 1976	Do.
Iowa	Iowa	Marengo, city of	190157B	Sept. 4, 1974, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Jan. 23, 1974 Jan. 2, 1976	Do.
Do	Black Hawk	Hudson, city of	190022B	Aug. 1, 1975, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Mar. 8, 1974 June 25, 1976	Do.
Minnesota	Anoka	Unincorporated areas	270005A	Mar. 19, 1974, emergency, Jan. 16, 1980, regular, Jan. 16, 1980 suspended.	Jan. 16, 1980	Do.
Do	Lac Qui Parle	Dawson, city of	270241B	May 15, 1974 emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Apr. 12, 1974	Do.
Missouri	Jefferson	Arnold, city of	290188B	Oct. 29, 1973, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	June 28, 1974 Jan. 2, 1976	Do.
Nebraska	Sarpy	Bellevue, city of	310191B	Apr. 13, 1973, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Dec. 7, 1973 Feb. 27, 1976	Do.
Do	do	La Vista, city of	310192B	Apr. 23, 1974, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	June 21, 1974 Dec. 19, 1975	Do.
New York	Chemung	Ashland, town of	360147B	Feb. 9, 1973, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Nov. 9, 1973 Apr. 11, 1975	Do.
Do	Erie	Grand Island, town of	360242B	Sept. 6, 1974, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Aug. 2, 1974 Oct. 3, 1975	Do.
Do	Dutchess	Pleasant Valley, town of	360221B	July 2, 1975, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	July 26, 1974 Nov. 21, 1975	Do.
Pennsylvania	Lackawanna	Archbald, borough of	420524B	Mar. 19, 1974, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	May 17, 1974 Apr. 9, 1976	Do.
Do	Clinton	Avis, borough of	420318A	June 4, 1973, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Jan. 16, 1980	Do.
Do	Lackawanna	Blakely, borough of	420525A	Mar. 2, 1972, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Jan. 16, 1980	Do.
Do	Delaware	Chester Heights, borough of	420406B	Nov. 3, 1972, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Mar. 30, 1973 Aug. 6, 1976	Do.
Do	Lackawanna	Dickson City, borough of	420528B	Mar. 2, 1973, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Feb. 8, 1974 Nov. 7, 1975	Do.
Do	Lancaster	East Donegal, township of	421768B	Aug. 30, 1974, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	May 31, 1974 May 21, 1976	Do.
Do	Dauphin	East Hanover, township of	420377B	May 7, 1973, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Feb. 15, 1974 Jan. 14, 1977	Do.
Do	Westmoreland	Latrobe, borough of	420883B	Dec. 10, 1974, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	July 26, 1974 May 14, 1976	Do.
Do	Lancaster	Martic, township of	421146B	Apr. 11, 1974, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Sept. 6, 1974 May 21, 1976	Do.
Do	Delaware	Morton, borough of	420423B	June 18, 1974, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Feb. 14, 1975 Sept. 26, 1975	Do.
Do	Northampton	Plainfield, township of	421147B	Apr. 4, 1974, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Sept. 13, 1974 June 11, 1976	Do.
Do	do	Wilson, borough of	421927B	July 17, 1974, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Sept. 13, 1974 June 18, 1976	Do.
Do	Clinton	Woodward, township of	420337B	Mar. 16, 1973, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended.	Oct. 26, 1973 May 21, 1976	Do.
Utah	Carbon	Unincorporated areas	490032B	Nov. 27, 1974, emergency, Nov. 15, 1979, regular, Jan. 16, 1980, suspended.	June 14, 1977	Do.

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

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

Issued: January 10, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-1637 Filed 1-17-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA-5767]

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 forseeable 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 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
South Dakota	Brookings	Town of Bruce	Feb. 5, 1980
Wyoming	Big Horn	Town of Greybull	Feb. 19, 1980
Louisiana	Unincorporated area	Avoyelles Parish	Feb. 26, 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: December 20, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-1638 Filed 1-17-80; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1001, 1011, 1100, 1131, and 1131a

[Ex Parte No. MC-67 (Sub-No. 5)]

Temporary Authority Application Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Interstate Commerce Commission is revising its procedures for the filing and processing of temporary authority (including emergency temporary authority) applications under 49 U.S.C. 10928 [formerly sections 210a(a) and 311(a) of the Interstate Commerce Act] through the establishment of six Regional Motor Carrier Boards. This action is being taken because the volume of applications for temporary and permanent operating authorities has risen dramatically, severely straining Commission headquarters resources. It is expected that this action will reduce the amount of time necessary for the Commission to reach a decision on temporary authority applications.

EFFECTIVE DATE: February 4, 1980.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. (202) 275-7292 or Paul Grossman (202) 275-7911.

SUPPLEMENTARY INFORMATION: By a notice of proposed rules published at 44 FR 64846 (November 8, 1979), we proposed to establish six Regional Motor Carrier Boards to which we would delegate authority to decide applications for temporary authority under 49 U.S.C 10928 [formerly sections 210a(a) and 311(a) of the Interstate Commerce Act]. This function is now performed by the Commission's Motor Carrier Board located in Washington, DC. Comments on the proposed rules were due on December 10, 1979. Although we had indicated that late-filed comments would not be accepted, good cause was shown for admitting them in this instance and late pleadings have been considered.

There would be a Regional Motor Carrier Board at each of our six Regional Offices. Each Board would have jurisdiction over temporary authority applications filed by carriers domiciled in its region. All temporary authority applications would be filed in the appropriate Regional Office. The existing practice of allowing telephone or telegraphic filings would be continued, but these would now be made to the Regional Office. The Commission's field offices would continue to be available to provide advice and assistance in preparing applications, although filings would be formerly made at the Regional Offices.

Many parties oppose the concept of filing applications at the Commission's Regional Offices instead of at the local field offices as is the present practice. One argument made against filing at the regional offices is the increased time and cost necessary personally to deliver applications to the Regional Offices, which often are located further away from the offices of carriers and practitioners than the local field offices. Another is the fear of delay in reaching a decision on applications (particularly on emergency temporary authority filings) because of the greater volume of applications to be handled by each Regional Office. We believe that these arguments are of little merit, and the

regulations are adopted substantially as proposed.

The first argument of the opponents is predicated upon the fact that hand delivery of applications is a necessary practice. We do not believe this to be the case. With respect to emergency temporary authority applications, the Commission permits telephonic or telegraphic filings, which can result in substantial time, travel, and monetary savings to applicants and their representatives. Under this procedure, it is possible to obtain a decision on an emergency temporary authority application on the same day it is filed. The necessary paperwork can be mailed later to the appropriate Regional Office.

Regarding regular temporary authority applications, we can foresee few situations where hand delivery of the applicaiton would be advisable or necessary. In most instances, an emergency temporary authority application is pending or emergency temporary authority has already been granted at the time the temporary authority application is filed. Therefore, the day or two saved by hand delivery of the application would be of no effect. Moreover, this short delay is insignificant in the overall context of the regular temporary authority application proceeding, where because of the need to publish a caption in the **Federal Register** and await protests, a lengthier processing time is required than in an emergency temporary authority application proceeding.

We are not persuaded that filing at the Regional Offices will result in any delay by the Commission in disposing of temporary authority applications. To the contrary, the rationale for instituting this rulemaking was to reduce delays in reaching decisions in such proceedings. Because the Regional Motor Carrier Boards will have an immediate and complete record on all pending applications, they will be able to reach a swift decision in all proceedings. If the filing were made at the field offices, the record would have to be transmitted to the Regional Office, which would, of course, contribute to delay in disposing of applications.

The Motor Carrier Lawyers Association agrees with this view and strongly supports the proposal. The Association estimates that its members handle 80 percent of all applications for motor carrier operating authority. It regards the present delays in the handling of temporary authority applications as intolerable. MCLA argues that the proposed rules represent a reasonable prospect of alleviating these delays.

Some carriers view this proceeding as being essentially a consolidation effort. They believe that this consolidation will result in a breakdown in efficiency (insofar as providing information to the public) and further, that this will work to the detriment of small, protesting carriers because the Regional Motor Carrier Boards will not be familiar with the services of small, locally-based carriers. This is not the case. Actually, the procedural changes being made here decentralize, rather than consolidate, the temporary authority application procedure. Decisions will be made by six local Regional Motor Carrier Boards rather than by a single Motor Carrier Board in Washington, DC.

The public will now be able to obtain information from two sources: Washington headquarters and the Regional office. Until now only the Washington headquarters office could provide up-to-date status information (which constitutes the bulk of public inquiries). Status information will now be available on a Regional basis, and Washington headquarters will have access to minimal status information. The Regional office in which the carrier filed the application will have complete status information. Under both the current rules and those promulgated here, field offices do not provide case status information on regular temporary authority applications.

Several Washington, DC, based practitioners and the MCLA suggest that some provision be made for forwarding a copy of temporary authority applications to Washington, to be available for public inspection. It is argued that, because of the large number of practitioners in the Washington area, such an arrangement would be desirable. The issue of the relative advantages or disadvantages to out-of-town practitioners viz-a-viz their Washington based counterparts has arisen before in considering other procedural changes. The basic position of the Commission in this regard must be that procedural innovations will not be avoided merely because they may reverse an advantage formerly enjoyed by people in Washington.

We have considered the possibility of making copies of temporary authority applications available in Washington headquarters, but conclude that the benefits to the public of such a service would be outweighed by the costs to the Commission of providing it. The intent of this proceeding has been to reduce unnecessary paperflow and achieve efficiencies by eliminating the duplication of functions between Washington headquarters and the field. If applications were transmitted to headquarters for public inspection, it would be necessary to establish a filing and recordation system which would duplicate information available in the field, and which would serve no purpose other than making copies of applications available to the public at a second location.

Several parties fear that the changes contemplated will result in further closings of field offices. The objective of these procedural changes is to achieve in the face of an increasing number of filings a more efficient method of processing and adjudicating applications and is not related to the staffing or closing of field offices. Accordingly, such concerns are unwarranted.

The MCLA also offers another suggestion regarding the duration of emergency temporary authority. It urges that, if a carrier files a corresponding temporary authority application within 15 days of a grant of emergency temporary authority, the latter should continue in effect (unless otherwise revoked) until the former is decided. This matter is beyond the scope of the notice of proposed rules and its adoption would be improper under 5 U.S.C. 553. The Association may petition for rulemaking on this matter if it wishes to do so.

As stated above, the rules originally proposed have generally been adopted without substantive modification. However, certain potentially ambiguous sections and clerical errors have been modified or corrected, and other changes have simplified the actual wording of the regulations. Amended 49 CFR 1011.5(c) was inadvertently omitted from the proposed rules and is included here (notification that such a change was contemplated had been given on page 4 of the Notice of Proposed Rules,

but the amended section had been omitted from the appendix). 49 CFR 1131.2(b) and 49 CFR 1131a.2(b) have been modified to require an original and two copies of a caption summary, rather than an original and one copy, as originally proposed. This will conform to the general requirement of the cited sections that an original and two copies of the application and all supporting documents be provided. Part 2(B) of the note immediately following 49 CFR 1131.2(e)(2) has been modified to allow applicants to file a request for extension of emergency temporary authority not later than the second day preceding the expiration date of the emergency temporary authority sought to be extended. 49 CFR 1131.3(c)(2) has been corrected to extend the period for reinstatement requests where applicant has not timely complied with the conditions of a decision granting authority.

We have modified the rules in one other respect. Originally we had proposed deleting 49 CFR 1011.6(b)(1), which confers jurisdiction over temporary authority applications on the Motor Carrier Board. Inasmuch as the Motor Carrier Board will continue to function until such time as it may be abolished (after transfer of its remaining functions to other decisional bodies), we shall retain present § 1011.6(b)(1) in the new rules. This will serve several functions. It will permit the Board to act on applications filed prior to February 4, 1980, but still pending. It is not anticipated that the Motor Carrier Board will decide temporary authority applications filed on or after February 4, 1980 in the absence of extraordinary circumstances.

Many of the comments received reflect a misunderstanding of the proposed procedures. Accordingly, we shall reiterate some of the salient features. As proposed in the Notice of Proposed Rules, the application procedure has been modified to require all applicants for temporary authority (but not *emergency* temporary authority) to prepare a caption summary for publication in the **Federal Register**. This will have the effect of significantly reducing the amount of time between the filing of an application and the publication of a notice in the **Federal Register**. Several parties view the present time lag as a problem. Captions will be published in the **Federal Register** as at present. Protests will be filed with the Regional Office handling the application.

The Commission's Regional Offices will have the initial responsibility for processing applications and maintaining dockets and files in pending proceedings for both emergency and regular temporary authority application. The actual decision on such applications will be made by a Regional Motor Carrier Board.

Petitions for reconsideration from decisions of these Boards will be disposed of in the same way as petitions from decisions of the present Motor Carrier Board, with the Office of Proceedings making a recommendation prior to action's being taken by a single Commissioner [see revised 49 CFR 1011.5(c)]. The only change made with respect to these petitions is that they will be *filed* (not decided) at the Regional Offices rather than in Washington. Replies to petitions will also be filed with the Regional Offices. The Regional Motor Carrier Boards normally will not handle petitions for reconsideration. Accordingly, all pending proceedings will remain with the Regional Offices until the time for filing replies to petitions has expired, when files will be forwarded to Washington for a decision.

These changes will not only streamline the temporary authority application procedure, but also improve the availability of case status information for parties and their representatives. Each temporary authority docket number will include an identifying digit in the sub-number corresponding to the region having jurisdiction over the recordkeeping responsibility for maintaining case status information, and the Regional Motor Carrier Board designated in that region will decide the case. The designated Regional Office will be able to provide case status information to callers. The Commission will retain a Temporary Authority Specialist in its Washington, D.C. headquarters for the convenience of the public to respond to general questions or the filing of ETA's and TA's.

We are persuaded, after consideration of the comments received, that the procedural revisions adopted in this proceeding will be of substantial benefit to carriers, the Commission, and the public and will promote effective administration of the national transportation policy. Any problems which implementation of these rules may present in the future will be dealt with pragmatically. In any event, we intend to monitor closely the efficacy of these rules to ensure that the stated goals of this proceeding are met.

These rules will become effective on February 4, 1980, and apply to all applications filed on or after that date. Proceedings pending on February 3, 1980, will continue to be governed by existing rules. However, concurrent jurisdiction over temporary authority applications will reside with both the Motor Carrier Board and the Regional Motor Carrier Boards, at least until such time as all applications which stand submitted in Washington on February 3, 1980, have been decided. Regional Motor Carrier Board jurisidiction will commence with any application filed on or after February 4, 1980, and any filed prior to that time in which the field staff has not yet completed the record. Because this rulemaking must be handled on an expedited basis, the rules adopted will go into effect on February 4, 1980, even if this results in less than 30 days' notice.

This decision does not affect significantly either the quality of the human environment or the conservation of energy resources.

It is ordered:

We adopt the revisions in 49 CFR Parts 1001, 1011, 1100, 1131, and 1131a set forth in the appendix to this notice.

Issued under the authority contained in 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: December 31, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Commissioner Clapp, joined by Vice Chairman Stafford, concurring in part and dissenting in part. Commissioner Christian absent and not participating.

Agatha L. Mergenovich,

Secretary.

Commissioner Clapp, Joined by Vice Chairman Stafford, (concurring in part, dissenting in part)

I agree that, all things considered, the delegation of the TA and ETA decision making process to the field seems necessary. We must reduce the delays too often associated with our disposition of these applications. We must free some headquarters staff to handle the regular casework. The real question is whether the Commission has found the best way to provide for that transfer, in terms of the needs of carriers and shippers and in light of the Commission's regional staff resources available to handle these matters. I think we have not.

Three of the seven Commissioners voting on this matter—Commissioners Stafford, Alexis, and I—would have preferred to provide more flexibility to the regions in dealing with the workload arising from the transfer. In my opinion the bare majority endorsing it is insufficiently attentive to, or possibly indifferent to, the problems the regions face in that regard and the results are unlikely to be in the best interests of the Commission or of those we are supposed to serve.

We must recognize that in shifting the TA/ETA function primarily to the field, we were told that between 35–40 headquarters positions would be diverted from that activity

to be used on other more pressing projects, yet a total of only 4 additional positions have been allocated to our entire field operation. I have confidence that our regional managing directors are resourceful and that much of the added workload can be absorbed. But I believe, too, that the action taken by the majority needlessly hampers the ability of the regional managing directors to integrate the activity with existing responsibilities with minimum adverse effect on the regional and field operations. I fear we will see reduced effectiveness in this and other areas of activity. I am concerned too that one result may be a further decrease in the number of field offices and/or in their ability to perform useful functions, since it is likely that some field office staff will have to be reassigned to the regional headquarters if those offices are to carry this additional burden.

At a time when we pay lip service to the need to develop closer ties to State regulatory agencies, to improve our service to communities and our constituencies, and to respond quickly, we are, I think, complicating severely the prospects for their success. We are reducing the likelihood that small carriers and shippers can get the assistance they require from us. I do not think that the admonitions of some of our regional managers and of experienced field personnel have been heeded sufficiently or, in some quarters, even considered carefully.

I do not agree with the language of the decision which dismisses the arguments of parties opposing "the concept of filing applications at the Commission Regional Offices instead of at the local field offices as is the present practice" as "of little merit." With reference to Region 6, for example, some of those arguments are especially persuasive. Nor do I agree with the view that filings at the Regional Offices will not result in any delay in disposing of temporary authority applications. It is too sweeping. There may well be a net gain, but there could be a substantial number of exceptions.

I recognize the problem is a difficult one to which there may well be no ideal solution. We have to keep in mind, too, that we are continuing our search for better ways to handle our work and this may lead to time savings in this as well as other activities. For the moment, however, I can only view this decision as disappointing and as insufficiently responsive. I wish I had more confidence that it would contribute significantly to the solution of the problem we face rather than complicate it and other phases of regional work.

Appendix

1. Amend 49 CFR 1001.1(d) to read as follows:

§ 1001.1 Records available at the Commission's Washington office.

* * * * *

(d) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and decisions of the Commission in any proceeding and carrier operating authorities granted in such proceedings. This does not apply to matters arising under 49 U.S.C. 10928 which are filed in a Regional Office until a petition for reconsideration is ripe for decision.

* * * * *

2. Amend 49 CFR 1001.2 to read as follows:

§ 1001.2 Records available at the Commission's regional and detached offices.

Copies of certain rate schedules, tariffs, reports and operating authorities filed by and applicable to motor and water carriers and freight forwarders, and docket files in matters arising under 49 U.S.C. 10928 are available for inspection at field offices whose locations are set forth in the appendix in this part. These records are available upon reasonable request during its regular business hours, Monday through Friday. Records not available at the field offices may be obtained and inspected in accordance with the provisions of § 1001.1.

3. Amend 49 CFR 1011.5(c) to read as follows:

§ 1011.5 Delegations to individual Commissioners.

* * * * *

(c) Appeals from decisions of the Motor Carrier Board and the Regional Motor Carrier Boards are assigned for action, in rotation, to individual Commissioners, except the Chairman of the Commission.

* * * * *

4. Amend 49 CFR 1011.6 by adding a new section paragraph (l) immediately after paragraph (k) as follows:

§ 1011.6 Employee Boards.

(l) *Regional Motor Carrier Boards.* Matters arising under 49 U.S.C. 10928, relating to applications for temporary authority by common or contract carriers by motor vehicle or water, except matters involving broad questions of policy, matters in which the decision of the Boards would be inconsistent with a decision of the Commission or a division, and matters in which substantially the same question is already before the Commission or a division.

* * * * *

5. Amend the title of 49 CFR 1100.225 and 1100.225(a), (b), and (f) to read as follows:

§ 1100.225 Rules of practice governing the procedures of the Motor Carrier Board, the Finance Board, the Operations Boards, the Special Permission Board, the Released Rates Board, the Tariff Rules Board, the Special Docket Board, the Tariff Integrity Board, and the Regional Motor Carrier Boards. (Rule 225).

(a) The proceedings of the Motor Carrier Board, the Finance Board, the Operations Board, the Special Permission Board, the Released Rates Board, the Tariff Rules Board, the Special Docket Board, the Tariff Integrity Board, and the Regional Motor Carrier Boards shall be informal. No transcript of these proceedings will be made. Subpoenas will not be issued, and, except when applications, petitions, or statements are required to be attested, oaths will not be administered.

(b) A petition for reconsideration of a decision of the Motor Carrier Board, the Operations Boards, the Special Permission Board, the Released Rates Board, the Tariff Rules Board, the Tariff Integrity Board, the Special Docket Board, and/or the Regional Motor Carrier Boards may be filed by any person.

* * * * *

(f) A petition seeking reconsideration of a decision of the Motor Carrier Board or the Regional Motor Carrier Boards entered under 49 U.S.C. 10928 shall be filed within 20 days after the date of service of the decision. Within 20 days after the filing of the petition, any person may file and serve a reply to the petition.

* * * * *

6. Amend 49 CFR 1131.2 (a) and (b) to read as follows:

§ 1131.2 Filing of applications.

(a) *General.* (1) All applications for temporary authority are to be filed at the Regional Office which has jurisdiction over the area in which applicant's headquarters are located. The Regional Office will review each application filed, after consultation with the affected field office or offices as appropriate, and then transmit the applications, with recommendations as to their disposition, to the Regional Motor Carrier Board.

(2) The Regional Offices will maintain records of authorized carriers with headquarters in their region and their operating authorities, and their staff members, as well as those of the field offices within their jurisdiction, will be available for: Consultation; giving assistance in obtaining motor carrier service; providing guidance in the preparation of temporary authority applications and related supporting

material; and making rate, insurance, and other required filings. Regional and field Offices will furnish copies of necessary forms upon request.

(b) *How and where filed.* A separate application for each temporary authority sought shall be filed on Form OP–MCB–95 (§ 1003.1 of this chapter). The signed original and two copies of each application and all supporting documents shall be filed with the Regional Office which has jurisdiction over the point at which applicant is domiciled, or such other location as the Commission may designate in special circumstances. An applicant seeking temporary authority (but not *emergency* temporary authority) shall tender an original and two copies of a caption summary. Caption summaries shall be double spaced and shall follow the format used for permanent authority notices, as described in *Revision of Application Forms*, 125 M.C.C. 790 (1976). Summaries shall incorporate the style changes noticed in the **Federal Register** issue of January 18, 1978 (43 FR 2632).

* * * * *

7. Amend 49 CFR 1131.2(d) to read as follows:

* * * * *

(d) *Special procedures for filing applications for emergency temporary authority.* (1) Emergency temporary authority shall be applied for only where emergency conditions exist which do not permit sufficient time to afford the notice specified in § 1131.3(a). Applications for emergency temporary authority shall be filed on Form OP–MCB–95 (§ 1003.1 of this chapter).

(2) Where the emergency is found to continue beyond the period of the initial grant, the emergency temporary authority may be extended only upon written request until disposition is made of the longer temporary authority application.

(3) In the cases where the urgency of the situation warrants, the supporting statements of those having the immediate and urgent need for carrier service may be furnished by telegram. However, the telegram shall contain substantially the factual information which is more fully described in paragraph (c) of this section. The telegram shall be sent to the Regional Office that is handling the application.

(4) In processing emergency temporary authority applications, it may become necessary to use telephone service to verify rate levels. Government funds are not available to pay for these communication expenses. The applicant shall have or make arrangements with the telephone company so that costs can be charged to its account.

* * * * *

8. Amend as follows the general policy statement which appears immediately after 49 CFR 1131.2(e)(2):

Note.—General policy statement concerning motor carrier temporary authority procedures.

1. Applications for Emergency Temporary Authority

Applications for emergency temporary authority shall continue to be filed on form OP–MCB–95. Telegraphic or telephone filing shall also be acceptable in the manner now permitted, and the subsequent confirmation filing of such application shall be made by filing on form OP–MCB–95 with a shipper's supporting statement.

2. Applications for Extension of Emergency Temporary Authority

Applications seeking extension of emergency temporary authorities may be filed in two ways:

A. *If corresponding 180-day temporary authority application is filed within 15 days of the date of filing the initial emergency temporary authority application.* If an applicant for emergency temporary authority, using form OP–MCB–95 shall, within 15 days of the date of filing with the Regional Office for emergency temporary authority, file with the Regional Office a corresponding application seeking temporary authority for a period of 180 days, applicant may state on the emergency application form OP–MCB–95: "Applicant hereby certifies that within 15 days of the date of filing this application a corresponding application shall be filed seeking temporary authority for a period of 180 days, and requests that two successive extensions of any emergency temporary authority granted each for a period of 30 days be issued." An application for emergency temporary authority which contains this certification shall be accompanied by the fee applicable for two extensions, which presently is $20 and is not refundable. In the event emergency temporary authority is issued in the first instance it is not necessary to seek extensions pending determination of a 180-day temporary authority application, unless processing of the 180-day application exceeds 90 days. The filing of the 180-day application, within the 15-day period, will automatically serve to extend the former for two successive 30-day periods. The Commission reserves the authority to revoke any emergency temporary authority (or extension).

Should 180-day temporary authority be granted to an applicant, it will be effective upon the expiration of the emergency temporary authority, as extended. Should 180-day temporary authority be denied, the Commission's decision to that effect will revoke the outstanding emergency temporary authority as of a date certain, and require applicant to cancel its emergency temporary authority rate publication.

B. *If corresponding 180-day temporary authority application is not filed within 15 days of the date of filing the initial emergency temporary authority application.* Any request for extension of emergency temporary authority, not conforming to the rules in paragraph (A) above, shall be filed using form OP–TA–19. These requests shall be filed prior to the second day before the expiration date of the emergency temporary authority sought to be extended. The Regional Office shall require that any request for continuation of service authorized by the issuance of emergency temporary authority not filed prior to the second day be filed on form OP–MCB–95 as a separate application.

3. With Whom Filed

All applications for emergency temporary authority, requests for extension of emergency temporary authority, and applications for 180-day temporary authority shall be filed with the Regional Office which has jurisdiction over the point at which the applicant is domiciled, or such other location as the Commission may designate in special circumstances.

9. Amend 49 CFR § 1131.3(a) to read as follows:

§ 1131.3 Processing of applications.

(a) *Notice to interested persons*—(1) *Service.* Notice of the filing of temporary authority applications shall be given by the publication of a summary of the authority sought in the **Federal Register.** Summaries shall be prepared by applicant in accordance with § 1131.2(b). These will be reviewed by the Commission's Regional Office and forwarded to the Office of the Secretary, Washington, DC. If an incorrect caption is filed, it shall be returned with the application to the applicant for correction. No summary will be published or need be submitted in the case of emergency temporary authority applications.

(2) *Filing of protests.* Any person who can and will provide all or any part of the proposed service may file a protest against the application. Protests shall be specific as to the service which protestant can and will offer and shall consist of a signed original and two (2) copies. They shall be filed with Regional Office named in the **Federal Register** publication within 15 calendar days after publication. One copy of a protest shall be served on the applicant (or its authorized representative, if any) by U.S. mail or in person.

10. Amend 49 CFR § 1131.3(c)(2) to read as follows:

* * * * *

(c) * * *

(2) If compliance is not made within the 30-day period, or within the time allowed in any extension, the temporary authority decision will be void. When this occurs, applicant may make written request to the Regional Office of domicile for reinstatement of the granting decision if it so desires, provided (i) that the request is made

within 50 days from the date of service of the decision, (ii) that good cause can be shown as to why compliance was not made within the time allowed, and (iii) that the request for reinstatement contains positive assurance that applicant is now able to and will comply immediately with all applicable requirements, if the decision is reinstated.

11. Amend 49 CFR 1131.4(a)(1) to read as follows:

§ 1131.4 Determination of applications.

(a) *General.* (1) Initial determination of temporary authority applications will be made by the Commission's Motor Carrier Board, a Regional Motor Carrier Board (of domicile), or a Division of the Commission. For purposes of administration, distinctions in the applicable grounds of approval and rate filings will be maintained as between temporary authority of not more than 30 days (ETA), and temporary authority of up to 180 days (TA). Successive grants of temporary authority shall not exceed a total of 180 days; and, if a grant of an emergency authority results in total aggregate temporary authority grants of more than 180 consecutive days, the total, to the extent that it exceeds 180 days, will be reduced accordingly.

* * * * *

12. Amend the portion of 49 CFR 1131.4(b) immediately preceding § 1131.4(b)(1) to read as follows:

* * * * *

(b) *Standards for determination.* The following standards shall be used, in the absence of special or unusual circumstances, in the determination under 49 U.S.C. 10928 of applications by motor carriers for temporary authority:

* * *

* * * * *

13. Amend 49 CFR 1131.4(c) to read as follows:

* * * * *

(c) *Determination of fitness issues.* The following standards shall be used in the determination of fitness issues in applications by motor carriers for temporary authority under 49 U.S.C. 10928.

(1) *General.* (i) With regard to the urgency of the transportation need, an application for temporary authority will normally be denied where the applicant has been found unfit or in substantial noncompliance with the safety regulations of the Department of Transportation, unless the carrier has reestablished compliance or the application contains sufficient evidence to establish that the carrier has taken significant steps to remedy its deficiencies and is now in substantial compliance.

(ii) Where a fitness proceeding has been instituted against a carrier applicant, or where the Bureau of Investigations and Enforcement has been ordered to intervene in a pending proceeding because the applicant's fitness is in issue, and no final decision has been entered, temporary authority shall normally not be denied, unless a fitness flag has been raised against applicant in accordance with the Commission's Fitness Flagging Procedures, 49 CFR 1067. Notwithstanding the existence of the fitness flag, an applicant may attempt to show that there is no nexus between the issues raised in the flagged proceeding and in the involved application for temporary authority or that other good cause exists for granting temporary authority.

(iii) Alleged violations of law or regulations or a pending fitness investigation where no formal proceeding has been instituted shall not be used as grounds for denial unless the decision maker has evidence that the carrier applicant has a history of willful or flagrant violation of the Commission's rules and regulations. If temporary authority is denied for lack of fitness on this basis, the decision shall state the basis for denial. The applicant, by means of a petition for reconsideration, shall be afforded an opportunity to appeal the denial.

(iv) Any denial of temporary authority under these guidelines shall be without prejudice to the applicant's seeking reconsideration in accordance with the Commission's Rules of Practice (49 CFR Part 1100), and, with its request for reconsideration, submitting evidence concerning its fitness or safety compliance, as appropriate.

(2) *No presumption of fitness.* The granting of any temporary authority shall not give rise to any presumption regarding the applicant's fitness.

(3) *Revocation for unfitness.* Any grant of authority may be revoked by the Commission should it be determined that the applicant is unfit in accordance with the guidelines.

(4) *Urgency considerations.* Allegations of unfitness in temporary authority proceedings shall be considered in light of the urgency of the shipper's needs.

14. Amend 49 CFR 1131.6 to read as follows:

§ 1131.6 Petitions.

(a) *Petitions for reconsideration.* Petitions for reconsideration of decisions initially acting on temporary authority applications may be filed by any person. All petitions from decisions of the Regional Motor Carrier Board shall be filed with the Regional Office in which the application was filed. All other petitions shall be filed in Washington, DC.

(b) *Replies.* Replies may be filed by any person to these petitions. If the facts stated in any petition disclose a need for accelerated action, this action, in the discretion of the Commission, may be taken before expiration of the time allowed for reply. Replies received after accelerated action on petition will be treated as petitions for reconsideration of the accelerated action and given corresponding accelerated treatment. All replies to petitions from decisions of a Regional Motor Carrier Board shall be filed with the Regional Office in which the application was filed. All other replies shall be filed in Washington, DC.

(c) *Effect of petitions for reconsideration.* The filing of a petition for reconsideration does not have the effect of automatically staying the decision. The grantee carrier may conduct the operations authorized upon compliance with its tariff, insurance, and other requirements for the duration of the termporary authority, or until otherwise ordered.

15. Amend 49 CFR 1131a.2 (a) and (b) to read as follows:

§ 1131a.2 Filing of applications.

(a) *General.* All temporary authority applications are filed at and processed by the Commission's Regional Offices. The field staff of the Commission's Bureau of Operations conducts preliminary reviews of applications for temporary authority and transmits recommendations as to their disposition to the decision maker. The Bureau's Regional Offices maintain records of authorized carriers with headquarters in their region and of their operating authorities. Staff members are available for consultation and to give assistance on the obtaining of water carrier service, and guidance in the preparation of temporary authority applications and related supporting material, and in making rate and other required filings. Regional and field offices will furnish copies of necessary forms upon request.

(b) *How and where filed.* A separate application for each temporary authority sought shall be filed on Form OP–WC–25 (§ 1003.2 of this chapter). The signed original and two copies of each application and all supporting documents shall be filed with the Regional Office which has jurisdiction over the point at which applicant is domiciled, or other location as the Commission may designate in special circumstances. An applicant seeking

temporary authority shall tender an original and two copies of a caption summary. Caption summaries must be double spaced and shall follow the format used for permanent authority notices, as described in *Revision of Application Forms*, 125 M.C.C. 790 (1976). Summaries shall incorporate the style changes noticed in the **Federal Register** issue of January 18, 1978 (43 Fed. Reg. 2632).

* * * * *

16. Amend 49 CFR 1131a.3(a) and (b) to read as follows:

§ 1131a.3 Processing of applications.

(a) *Notice to interested persons.* Notice of the filing of temporary authority applications shall be given by the publication of a summary of the authority sought in the **Federal Register**, except as provided in (c) below. Summaries shall be prepared by applicant in accordance with § 1131a.2(b). These will be reviewed by the Commission's Regional Office and forwarded to the Office of the Secretary, Washington, DC.

(b) *Filing of protests.* Any person who can and will provide all or any part of the proposed service may file a protest against the application. Protests shall be specific as to the service which protestant can and will offer and shall consist of a signed original and two (2) copies. They shall be filed with the Regional Office named in the **Federal Register** publication within 15 calendar days after publication. One copy of a protest must be served on the applicant (or its authorized representative, if any) by U.S. mail or in person.

* * * * *

17. Amend 49 CFR 1131a.4(a)(1) to read as follows:

§ 1131a.4 Determination of applications.

(a) *General.* (1) Initial determination of temporary authority applications will be made by the Commission's Motor Carrier Board, a Regional Motor Carrier Board (of domicile), or a Division of the Commission. No successive grants of temporary authority shall exceed a total of 180 days.

18. Amend the portion of 49 CFR 1131a.4(b) immediately preceding § 1131a.4(b)(1) to read as follows:

* * * * *

(4) * * *

(b) *Standards for determination.* The following standards shall be used, in the absence of special or unusual circumstances, in the determination under 49 U.S.C. § 10928 of applications by water carriers for temporary authority: * * *

* * * * *

19. Amend 49 CFR 1131a.5(a) and (b) to read as follows:

§ 1131a.5 Petitions.

(a) *Petitions for reconsideration.* Petitions for reconsideration of decisions initially acting on temporary authority applications may be filed by any person. The filing of a petition for reconsideration does not have the effect of automatically staying the decision. The grantee carrier may conduct the operations authorized by the decision upon compliance with its tariff and other requirements for the duration of the temporary authority, or until otherwise ordered. All petitions from decisions of a Regional Motor Carrier Board shall be filed with the Regional Office in which the application was filed. All other petitions shall be filed in Washington, DC.

(b) *Replies.* Replies may be filed by any person to the petitions; but, if the facts stated in any petition disclose a need for accelerated action, this action, in the discretion of the Commission may be taken before expiration of the time allowed for reply. Replies received after accelerated action on petition shall be treated as petitions for reconsideration of the accelerated action and given corresponding accelerated action. All replies to petitions from decisions of a Regional Motor Carrier Board shall be filed with the Regional Office in which the application was filed. All other replies shall be filed in Washington, DC.

[FR Doc. 80-1566 Filed 1-17-80; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1062

[Ex Parte No. MC-107]

Regulations Governing Special Application Proceeding for For-Hire Motor Carriers; Transportation of Government Traffic

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The rules noticed in this document establish a simplified certification procedure for all motor common carriers of property who wish to provide motor carrier service in transporting traffic handled for the United States Government or on behalf of the United States Government when the Government contractor (consignor or consignee) is directly reimbursed by the Government for transportation costs. These rules should assure wide availability of motor carrier service for the Government. In addition, the rules are designed to provide simplified and expedited licensing procedures for the transportation of the involved traffic, with opposition by existing carriers opposing an individual request for authority limited to the sole remaining issue of an applicant's fitness. Copies of the Commission's decision, 131 M.C.C. 845, are available from the Secretary.

EFFECTIVE DATE: March 18, 1980.

ADDRESS: Copies of the Commission's decision may be obtained by written request to: Secretary, Interstate Commerce Commission, Washington, DC 20423, or by calling the toll-free number (800) 424-9312.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., Phone: 202-275-7292.

SUPPLEMENTARY INFORMATION: This proceeding was initiated on May 26, 1977, by petition filed by the Minority Trucking-Transportation Development Corporation (MTTDC), seeking institution by this Commission of a rulemaking proceeding for the purpose of remedying the problems occasioned by the lack of proportional representation by disadvantaged persons, including minorities, in the transportation field, particularly with respect to the difficulties in obtaining contracts to transport government traffic. In its petition MTTDC requested the Commission (1) to make a general finding that the public convenience and necessity require operation by fit and capable economically disadvantaged persons to transport shipments of government freight, and (2) to establish simplified and expedited application procedures for such requests for operating authority. In sum, the petition sought to ease Commission entry requirements for economically disadvantaged persons seeking to compete effectively for the government sector of the transportation market. The notice of petition for proposed rulemaking which was published in the **Federal Register** on 42 FR 28560, June 3, 1977, stated that basically the proposal seeks to ease Commission entry requirements for economically disadvantaged persons seeking to participate in the transportation of United States government freight only. In that notice, persons desiring to participate in the proceeding were invited to file views and evidence, either in support of, or in opposition to the relief sought.

After comments had been received, this Commission determined that it would be more worthwhile to expand the scope of the simplified and expedited procedures proposed so as to include all persons desiring to transport the involved government freight, rather than limiting the procedures solely to

those fitting into an undetermined definition of "disadvantaged persons".

We tentatively concluded in the interim decision in this proceeding that a comprehensive plan of motor carrier licensing of all qualified applicants for the transportation of government traffic would be in accord with the public convenience and necessity and the national transportation policy. Notice of the proposed rulemaking was published in the **Federal Register** [43 FR 32314, July 26, 1978] and we solicited written comments from interested persons. We received a number of further statements, views, and arguments in response to the interim decision.

In the interim decision we noted that we intended to focus more fully on the economic impact of the proposal prior to reaching a final decision. Accordingly, we directed the Office of Policy and Analysis to prepare a study of the economic impact of the proposal. After the study was completed, it was released to the public and notice was published in the **Federal Register** [44 FR 21167, April 9, 1979] requesting written comments on the study. A number of interested persons submitted their statements, views, and arguments in response to the study. Based upon a review of the representations filed and the record in these proceedings, the Commission has promulgated the rules and regulations set forth below.

These rules eliminate the fee for filing an application under the special rules, and make a general finding that the public convenience and necessity require operation, in interstate or foreign commerce, by any qualified motor carrier, in the transportation of general commodities (with certain exceptions), between points in the United States, restricted to the transportation of traffic handled for the United States Government or on behalf of the United States Government where the total benefit inures to the Government. These procedures, because of the general finding, limit any opposition to the requested authority to the sole remaining issue of an applicant's fitness. This will permit the expedited handling of these applications and offer greater ease of entry into the field of Federal Government traffic for qualified applicants.

The following regulations are adopted, and Subchapter A of Chapter X of Title 49 of the code of Federal Regulations is amended by adding Section 1062.4.

§ 1062.4 Special licensing procedures for for-hire motor common carriers seeking participation in contracting procedures for the transportation of traffic of the U.S. Government.

(a) *Scope of special rules.* These special rules govern the filing and handling of applications seeking the right to operate in interstate or foreign commerce as common carriers by motor vehicle, over irregular routes, of general commodities, (except classes A and B explosives, radioactive materials, etiologic agents, shipments of secret materials, and weapons and ammunition which are designated sensitive by the United States Government), between points in the United States (including Alaska and Hawaii), restricted to the transportation of traffic handled for the United States Government or on behalf of the United States Government where the Government contractor (consignee or consignor) is directly reimbursed by the Government for the transportation costs, pursuant to a general finding made in Ex Parte No. MC–107, *Transportation of Government Traffic, 131* M.C.C. 845 (1979), and the master certificate issued as a result of that decision.

(b) *Requests for authority.* Motor carriers desiring to perform motor carrier operations pursuant to the master certificate set forth in paragraph (f) of this section must file with this Commission, at its offices in Washington, DC, a sworn and notarized request (which may be in letter form); the face of the request shall contain in bold type the words GOVERNMENT TRAFFIC SPECIAL LICENSING PROCEDURES and such shall contain the following information:

(1) The name and address of the carrier and its representative (which may include the individual in a self-representing role) to whom inquiries may be made.

(2) The designation of the carrier's statutory agent for service of process within each of the States in or through which operations are proposed to be conducted (form BOC–3).

(3) Evidence of the carrier's insurance coverage (forms BMC–90 and BMC–91) or a statement that such evidence is currently on file at this Commission.

(4) A statement describing the operations to be initiated under the master certificate. The statement will include the identity of the Government shipper involved.

(5) A statement demonstrating applicant's fitness to operate under the master certificate. This statement should include evidence of operational and financial ability and of a willingness to comply with the necessary regulatory requirements. Applicant should also divulge information of any affiliation between it and any carrier subject to this Commission's regulations.

(c) *Incomplete applications.* Incomplete applications will be rejected, and returned to the applicant's representative, with a designation as to the reason for the rejection. Applicant may refile a complete application at any time.

(d) *Waiver of certain filing requirements.* 49 U.S.C. 11145 respecting the filing of annual reports is suspended as to the operations authorized in the special certificates set forth in paragraph (f) of this section.

(e) *Procedures.* Once a complete and properly submitted request for authority has been filed, this Commission will publish a notice in the **Federal Register** identifying the applicant and the government agency involved. Any interested person may file a verified statement in opposition within 20 days from the date of publication at the offices of this Commission in Washington, DC. Inasmuch as a prospective finding has been made that the operation is or will be required by the public convenience and necessity, opposition will be limited to the only relevant outstanding matter—applicant's fitness. A copy of the opposing verified statement must be served upon the applicant's representative. If an applicant is not otherwise informed by this Commission, it may commence operations under the master certificate within 30 days of the original publication in the **Federal Register.** In the event a protest is submitted in behalf of an interested person, the application will be processed for a determination of applicant's fitness on the basis of the then current record.

(f) *Certification.* No individual certificates will be issued. Appropriate acknowledgment letters will be issued to notify motor carriers that they have been found eligible to operate under the master certificate. Operations under the master certificate may commence only after an eligible applicant has submitted to the Commission a copy of its tariff and/or tender pursuant to 49 U.S.C. 10721. The tariff or section 10721 tender must specify the rates to be charged for the transportation service. A carrier has the option of filing its tariff or section 10721 tender concurrently with the application or after it has been found eligible to operate. The master certificate reads as follows:

INTERSTATE COMMERCE COMMISSION

Ex Parte No. MC-107

Qualified Motor Carrier Applicants Participating in the Government Traffic Special Licensing Procedure

The described carriers have complied with all applicable provisions of the Interstate Commerce Act, and the Commission's regulations, and, having complied with the requirements established by the Commission in its decision in Ex Parte No. MC-107 entered, January 11, 1980 are, therefore, entitled to receive authority from this Commission to the extent specified below.

This Master Certificate of Public Convenience and Necessity is evidence of the described carriers' authority to engage in transportation in interstate or foreign commerce, to the extent specified below, as common carriers by motor vehicle.

This authority is subject to any terms, conditions, and limitations as are now, or will be, attached to this privilege.

The described carriers agree, as an underlying condition of this authority, to provide reasonably continuous and adequate service to the public. Failure to do so will constitute sufficient grounds for the suspension, change, or revocation of this authority.

The transportation service to be performed is as follows:

Between all points sought to be served by qualified applicants, in interstate or foreign commerce, as common carriers by motor vehicle, over irregular routes, of general commodities (except classes A and B explosives, radioactive materials, etiologic agents, shipments of SECRET materials, and weapons and ammunition which are designated sensitive by the United States Government), restricted to the transportation of traffic handled for the United States Government or on behalf of the United States Government where the Government contractor (consignee or consignor) is directly reimbursed by the Government for the transportation costs.

Terms, Conditions, and Limitations

If the authority granted duplicates any present authority of a participating carrier, then to the extent of the duplication, this authority shall not be construed as conferring more than one operating right.

Any dual operations resulting from the holding of authority granted under the terms of this master certificate and of presently authorized permits will be consistent with the public interest and the national transportation policy. However, we expressly reserve the right to impose any terms, conditions, or limitations in the future as may be necessary to ensure that any participating carrier's operations conform to the provisions of 49 U.S.C. 10930(a).

The authority granted shall not be transferable by sale or otherwise.

The rule is issued under the authority of 49 U.S.C. 10922 and 10930(a), and 5 U.S.C. 553 and 559 and was adopted formally at a general session of the Interstate Commerce Commission held at its offices in Washington, DC on November 26, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Vice Chairman Stafford and Commissioner Gresham dissenting.

Agatha L. Mergenovich,

Secretary.

Vice Chairman Stafford, dissenting:

I have stated previously my opposition to this proposal. I remain convinced that the Commission is ignoring the potential negative implications. Even the Department of Defense states that it cannot express a need for additional carrier service, given the general decline in DOD traffic over the past 10 years. Furthermore, there is at least a realistic possibility that today's action will result in excess motor carrier capacity, with wasteful empty mileage and unnecessary fuel consumption. World events today should not lead us to gloss over these concerns.

I am most troubled, however, that the Commission would implement this policy at a time when it is about to engage in an intensive study of the master certificate approach. After the long delay in this proceeding, it would seem only sensible to await the comment period in Ex Parte No. MC-135, et al. I am particularly concerned that the public will construe our action here as prejudging the Ex Parte No. MC-135 cases. Moreover, Congress has underway a study of motor carrier regulation and intends new legislation by June 1980.

Finally, I hope that this decision is no indication of how we will treat the issues in the subsequent "master certificate" cases. We have lumped the contentions of the parties in an appendix, with no attempt to analyze the arguments raised. Likewise, we have ignored the findings of our own Policy Office, which concluded that there is uncertainty as to whether the objectives established by the Commission will, in fact, be attained. This makes a mockery of the rulemaking procedure.

Commissioner Gresham, dissenting:

Regardless of the merits of these rules, I cannot at this time vote for their institution. The Congress is at present involved in a reexamination of economic regulation of the motor carrier industry. Until that legislative process is completed, I believe we should withhold our judgment on the need for these rules. We have received assurances that legislation will be on the President's desk by June 1, 1980, and this issue is not so pressing that it cannot wait that long. Furthermore, these final rules may prove "irreversible," and Senator Cannon has cautioned against making such changes until Congress has addressed the matter. Lastly, we have received a statement of compromise reached in conference on our appropriation: "The conferees agree that the Interstate Commerce Commission should not implement any action by rulemaking or effect adoption of a rule or general policy which would permanently change existing standards pursuant to 49 U.S.C. 10922." [Section 10922 specifically pertains to motor carrier certification]. These things considered. I believe this action to be ill-advised at this time.

[FR Doc. 80-1709 Filed 1-17-80; 8:45 am]

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49 CFR Part 1249

[No. 37211]

Revision to Annual Report Form M-3

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission has decided to revise the annual report filed by Class III motor carriers of property (Form M-3). The revision will implement the changes recommended by the Data Task Force in the report on financial and statistical information used by the Commission. The revision will significantly reduce the reporting burden of Class III carriers.

DATES: Effective for the reporting year beginning January 1, 1979.[1]

ADDRESSES: For copies of the revised reporting requirements call: (800) 424-5403.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission recently adopted a new reporting policy aimed at reducing or eliminating the reporting burden on carriers subject to its regulations. Under the new policy all annual, special and periodic reports will require disclosure of only that data which is used internally on a regular basis to fulfill regulatory responsibilities.

To implement this new reporting policy, the Commision's Data Task Force (DTF) reviewed all financial and statistical reports and assessed the usefulness of the data included in these reports. The DTF reviewed Form M-3

[1] As required by 44 U.S.C. 3512, the forms upon which respondents must report the information to this Commission will be submitted to the General Accounting Office prior to their issuance. The regulations shall be effective for the year ended December 31, 1979, upon advice from the Comptroller General of the United States that they comply with the Federal Reports Act.

and concluded that it could be significantly reduced and redesigned.

The revised Form M–3 will be a single-page report. It will require disclosure of (1) the type of operation, (2) the total assets, liabilities, revenues and expenses, (3) a short analysis of revenue equipment owned and leased (categorized ty trucks, tractors, semi-trailers and full trailers) and (4) certification.

We find that a rulemaking proceeding is not necessary to adopt this revision because it involves a reduction in reporting burden for Class III motor carriers. However, in keeping with our belief that any rule can benefit from public scrutiny, we are requesting that the public study the rule and report, within 45 days, any changes which need to be made. Persons who desire to study the affected reporting forms may obtain copies by writing the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, or by calling, toll free (800) 424–5403.

If the Commission concludes after reviewing the comments, that it is necessary to change the revised rule, a further notice will be published in the Federal Register before the effective date of the rule, identifying the changes made. Otherwise, the revision proposed in this Final Rule will take effect on that date.

This decision does not significantly affect the quality of the human environment.

These rules are issued under the authority of 49 U.S.C. 11145 and U.S.C. 553.

Decided: December 31, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis. Commissioner Gresham dissenting.

Agatha L. Mergenovich,

Secretary.

Commissioner Gresham, dissenting: Before adopting the revisions, I would provide an opportunity for interested parties to comment. Compare No. 37002, *Revision to Quarterly Report Form QFR and Elimination of Filing Requirement for Certain Carriers* (served December 3, 1979) and *Brown Express, Inc.* v. *United States*,—— F. 2d ———, No. 79–1457 et al., 5th Cir., decided November 30, 1979.

[FR Doc. 80–1576 Filed 1–17–80; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Sport Fishing; Oklahoma and Texas

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

ACTION: Special regulations.

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

DATES: January 1, 1980 through December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Area Manager, Joseph Higham, Federal Bldg., Rm. G–121, 300 E. 8th St., Austin, TX 78701 (512–397–5434), or the Refuge Manager at the address and/or telephone number listed below in the body of these Special Regulations.

General Conditions

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

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

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

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

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

Sport fishing is permitted on the following areas:

Oklahoma

Salt Plains National Wildlife Refuge, Route 1, Box 76, Jet, Oklahoma 73749, telephone 405–626–4794. Special conditions: (1) The open season for sport fishing on the refuge extends from April 15 through October 15, 1980, in Great Salt Plains Lake, as posted; in Sand Creek; the three main channels of Salt Fork River; and north of the right-of-way of Oklahoma State Highway 11, as posted. (2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

Sequoyah National Wildlife Refuge, P.O. Box 695, Vian, Oklahoma 74962, telephone 918–773–5251. Special conditions: (1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1980, except for an area of approximately 2,200 acres south of Vian Creek and east of the refuge tour road, as posted, to be closed during the periods January 1 through March 15, 1980, and from October 1 through December 31, 1980. (2) Some refuge roads leading to waters open to fishing may be closed, as posted from January 1 through March 15, 1980, and from October 1 through December 31, 1980.

Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma 73460, telephone 405–371–2402. Special conditions: (1) Sport fishing is permitted in all waters of the Tishomingo National Wildlife Refuge during the period of March 1, 1980, through September 30, 1980. (2) Trotlines, juglines, throwlines, and similar fishing equipment may be used only in Lake Texoma and the Washita River and must be removed from these waters for the periods January 1, 1980, through February 29, 1980, and October 1, 1980, through December 31, 1980. (3) In waters other than Lake Texoma and the Washita River, fishing is limited to the use of not more than a total of three rods, poles, or combination thereof. (4) No pole or rod

shall have attached to it more than two hooks (single, double, or treble) or more than one artificial lure equipped with double or treble hooks. (5) For the periods of January 1, 1980, through February 29, 1980, and October 1, 1980 through December 31, 1980, bank fishing limited to the use of not more than a total of three rods, poles, or combination thereof is permitted in the immediate area of the Refuge headquarters boat launching ramp and in Big Sandy, Bell, and Rock Creeks, except that all Refuge waters are closed to fishing during the special fall deer hunt as posted. (6) All fishing must be in accordance with Oklahoma Department of Wildlife Conservation sport fishing regulations.

Washita National Wildlife Refuge, Route 2, Box 100, Butler, Oklahoma 73625, telephone 405–473–2205. Special conditions: (1) The open season for sport fishing on the refuge extends from April 1 through October 14, 1980, except that the eastern shoreline of Foss Reservoir from the Lakeview Recreation Area to the Pitts Creek Recreation Area and the eastern bank of Pitts Creek itself shall be open to year-round bank fishing. (2) Access is permitted only from designated recreation areas, namely: McClure, Riverside, Owl Cove, Pitts Creek and Lakeview and by boat from Foss Reservoir. (3) Seining is prohibited in all refuge waters. (4) Trotlines must be removed from all refuge waters on or before October 14, 1980. (5) Boats and other flotation devices are prohibited in all refuge waters from October 15, through March 31, 1980.

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

TEXAS

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

Aransas National Wildlife Refuge, P.O. Box 100, Austwell, Texas 77950, telephone 512–286–3559. Special conditions: (1) Access on foot to the bays is permitted only at entry points designated by the Refuge Manager or referenced in leaflets available at refuge headquarters near Austwell, Texas, and from the Area Manager, U. S. Fish and Wildlife Service, 300 East 8th Street, Austin, Texas 78701. (2) Fishing access is permitted from April 15, 1980, through October 14, 1980, during daylight hours. (3) Upon entering the refuge fishermen are required to register for fishing at refuge headquarters. (4) Boat launching from refuge land is not permitted. (5) Any designated fishing access area or portion thereof may be immediately closed to fishing by the refuge manager if it is determined that fishing activities are significantly disturbing any species of wildlife.

Brazoria National Wildlife Refuge, P.O. Box 1088, Angleton, Texas 77515, telephone 713–849–6062. Special condition: (1) Fishing is not permitted on interior waters except Nicks Lake, Salt Lake and Lost Lake.

Buffalo Lake National Wildlife Refuge, P.O. Box 228, Unbarger, Texas 79091, telephone 806–449–3382. Due to lack of water in Buffalo Lake, the refuge is closed to fishing for Calendar Year 1980.

Hagerman National Wildlife Refuge, P.O. Box 123, Sherman, Texas 75090, telephone 214–786–2826. Special conditions: (1) Fishing and frogging is permitted from April 1 through September 30, 1980. Frogs may be taken by dip net, hands, and gigging only. (2) Trotlines are permitted but must be removed when fishing is completed. (3) Boating is permitted during fishing season. Fishermen are cautioned to be alert for submerged logs, pipelines, stumps and abandoned trotlines. (4) Fishing from bridges is prohibited. (5) Overnight camping and firearms are prohibited. (6) Swimming and waterskiing are prohibited.

Laguna Atascosa National Wildlife Refuge, P.O. Box 2683, Harlingen, Texas 78550, telephone 512–748–2426. Special conditions: (1) Fishing with trotlines is not permitted. (2) The refuge officer-in-charge may at his discretion close the fishing area for public safety, to protect wildlife, or to protect government property.

Muleshoe National Wildlife Refuge, P.O. Box 549, Muleshoe, Texas 79347, telephone 806–946–3341. Due to lack of water in the lakes, the refuge is closed to fishing for Calendar Year 1980.

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

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Joseph R. Higham,

Area Manager, Austin, Texas.

[FR Doc. 80-1707 Filed 1-17-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 603

Confidentiality of Statistics; Interim Final Regulations

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice of extension of comment period.

SUMMARY: On December 7, 1979, Interim Final Regulations, prescribing procedures authorized by the Fishery Conservation and Management Act of 1976 to protect the confidentiality of statistics submitted to the Secretary of Commerce, were published in the **Federal Register** (44 FR 70480). The regulations specify persons having access to confidential statistics submitted in compliance with requirements of a preliminary fishery management plan or a fishery management plan. The regulations also specify systems required to protect confidential data, and circumstances under which the data may or may not be released. Regional Fishery Management Council access to confidential data is affected; additional time for public comment has been requested so as to provide opportunity for discussion of the regulations at regularly scheduled Council meetings. Consequently, the

comment period on the regulations is extended until February 25, 1980.

DATE: Comments are invited until February 25, 1980.

FOR FURTHER INFORMATION CONTACT:
B.G. Thompson, Assistant Chief, Resource Statistics Division, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634–7366.

Signed at Washington, D.C., this 15th day of January, 1980.

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

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-1742 Filed 1-17-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 13
Friday, January 18, 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

Food and Nutrition Service

7 CFR Part 210

Request for Comments on a Feasible System To Monitor Meal Pattern Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of Intent to Propose Rulemaking.

SUMMARY: The Department plans to formalize a system for monitoring the meal patterns of the National School Lunch Program (§ 210.10). The Department is issuing this Notice of Intent to invite public participation. Interested individuals and groups are invited to submit comments describing possible systems or outlining specific concerns that any feasible system should deal with. Following the close of the 45 day comment period, the Department plans to issue a proposed rule. The Department plans to act by mid-1980.

DATES: To be assured of consideration, comments must be received on or before March 3, 1980. It would be especially helpful if comments were received on or before February 18, 1980.

ADDRESS: Comments should be sent to Margaret O'K. Glavin, Director, School Programs Division, USDA-FNS, Auditors Building, 201 14th Street, SW., Room 4122, Washington, D.C. 20250 [telephone: (202) 447–8130].

FOR FURTHER INFORMATION CONTACT: Barbara Hallman [telephone: 447–9069], School Programs Division, USDA-FNS, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION:

Background

The goal of the National School Lunch Program is to help schools provide nutritious lunches to children. In the National School Lunch Act, Congress required the Secretary of Agriculture to establish "minimum nutritional requirements" based on "tested nutritional research" for lunches served in the Program. Therefore, relying on the Recommended Dietary Allowances (RDAs) published by the Food and Nutrition Board of the National Research Council, National Academy of Science (NRC-NAS), the Department established minimum requirements for lunches (§ 210.10). The basic minimum requirements are:

1. ½ pint of unflavored, fluid lowfat, skim, or buttermilk;
2. 2 oz. meat or meat alternate;
3. ¾ cup of 2 or more vegetables or fruits or both; and
4. a serving of bread or bread alternate.

Unless the State has a formal policy of decreasing portions for younger children, any lunch which does not contain these minimum quantities and components when served to a child cannot earn any Federal reimbursement. (The only exception applies to schools utilizing the "offer versus serve" provision. In these schools, each lunch must contain at least three components in the amount specified.)

Reports indicate that many schools currently are not serving lunches that meet these minimum requirements. In a study of the Program, independent laboratories tested randomly selected lunches.

Preliminary results of this study indicate that in the five school districts sampled, 35 to 99.1 percent of lunches served did not meet minimum requirements. The General Accounting Office, in a report dated June 15, 1977, also developed statistics demonstrating the severity of meal pattern noncompliance. The GAO report on a major city school lunch program indicated that in the reviewed schools 40 percent of all lunches served failed to meet Federal requirements for meal composition and portion size.

There are many reasons why lunches may fail to meet requirements. One reason may be that school foodservice is by nature somewhat imprecise: portion control is difficult, the number of lunches that will be served on a given day cannot be exactly predicted in advance, the time that an item is held on the line varies, and commercially-prepared products are difficult to handle properly. Another reason may be that regulations and guidance are unclear or incomplete. Still another reason may be that the laboratory testing procedures are too precise; that is, the calibration of measurements is more refined than is practicable for quantity foodservice.

Since the goal of the Program is to provide nutritious lunches, the Department feels compelled to investigate the reasons for inadequate lunches and to devise a system or systems to guarantee that children receive the amounts and types of food which tested nutritional research indicates are necessary for good health.

Nature of Action

The Department plans to develop a standardized meal pattern monitoring system to enable reviewers and/or auditors to determine if meals are meeting requirements. The system will provide a national procedure for schools to follow to keep accurate records of food used and to insure that they serve the required amounts and food components to each child.

The Department plans to issue this system in proposed regulations.

Comment Dates

The Department is forming a committee of FNS personnal, school foodservice personnel, and others which will meet in late February, 1980, to discuss the issue of meal pattern monitoring and to devise a feasible system. Public comments would be most helpful if received on or before February 18. However, all comments received on or before March 3, 1980 will be considered.

Instruction to Commentors

Please be specific and detailed in your comments. Indicate with what level (elementary, high school) you are experienced and what, if any, special service methods you use. If you have a monitoring system which you feel works, please describe it. It may be helpful to send copies of production records or other recordkeeping forms that you use in your foodservice.

Some questions that you may want to consider and discuss in your comments are:

(1) *What* should be monitored? For example, should we monitor 1) each meal as served, or 2) the production records of all meals served or 3) both?

(2) What *standards* should be applied? For example, should we 1) require that an *average* of tested meals meet the minimum requirements, 2) require that

the *majority* meet the minimums, but allow a percentage of meals served to be a limited degree below the minimums, or 3) apply a percentage *tolerance* to each meal, allowing a meal to be a limited degree below minimums for each component or for some components?

(3) What *method* should be used? For example, if we require monitoring of meals as served, should we require visual estimation by reviewer, laboratory tests, or something in between?

(4) What *period* should be monitored? For example, should we monitor just the day of visit or, using records, a longer period, perhaps the year's operation to date?

(5) *How often* should we require or recommend that schools be monitored? For example, should we require or recommend outside monitoring 1) only when a new manager is hired, 2) once every 2 years, 3) one a year, or 4) two or three times a year?

(6) How should *offer versus serve* be monitored? For example, should we require schools yearly to project food usage based on a test period (perhaps 10 days of operation) or should we select test schools to determine food usage and apply this data to all schools?

(7) Should commercial frozen pre-plates and convenience items be monitored in the same way as products produced on site?

(8) Should foodservice management companies be monitored in the same way as school-run programs?

(9) Should a dual monitoring system be adopted, i.e., one monitoring system for assessing overclaims and another monitoring system for providing technical assistance?

(10) Should the relation of food waste to amount of food served be considered to determine if too much food is served?

(11) Would the production record system of tracking food usage require an increase in local record keeping?

(12) What, if any, place should the *Food Buying Guide* have in a monitoring system?

Comments on these and any other issues of concern will be of particular assistance to us in developing an effective monitoring method.

Dated: December 31, 1979.

Robert Greenstein,

Administrator

[FR Doc. 80-1733 Filed 1-17-80; 8:45 am]

BILLING CODE 3410-30-M

7 CFR Part 273

Food Stamp Act of 1977; SSI/Food Stamp Joint Application Processing; Intent To Hold a Public Meeting

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of Intent to Hold a Public Meeting.

SUMMARY: In the December 7, 1979 **Federal Register** (44 FR 70684), the Department proposed regulations implementing section 11(i)(2) of the Food Stamp Act of 1977. The proposed rules would enable households applying for or receiving Supplemental Security Income (SSI) to apply for food stamp benefits in Social Security Administration (SSA) offices and to be certified on the basis of information contained in SSA files. The Action Alliance of Senior Citizens, Inc., has brought suit against the Secretaries of Agriculture, and Health Education and Welfare seeking prompt implementation of section 11(i)(2). As a result of this and subsequent negotiations, the Department published a notice reducing the comment period to forty-six days and reducing the proposed implementation period by thirty days. This notice was issued in the December 21, 1979 **Federal Register** (44 FR 76548).

In conjunction with this rulemaking process, the Department will hold a public meeting to discuss comments on the proposed rules.

DATE: The meeting will be held on January 24, 1980 at 2:00 p.m.

ADDRESS: Group Health Insurance Building, 500 12th Street S.W., Rm 645, Washington, D.C. Individuals and groups who wish to make short presentations should contact: Ms. Joyce Wallace, Office of the Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, Washington, D.C. 20250. 202-447-8982. Time may be limited for each presentation, depending on the number of attendees.

FOR FURTHER INFORMATION CONTACT: Larry R. Carnes, Chief, Policy and Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250; 202-447-9075.

Dated: January 15, 1980.

Robert Greenstein,

Administrator.

[FR Doc. 80-1760 Filed 1-17-80; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Parts 1001, 1002, 1004, 1006, 1007, 1011-1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1062, 1064, 1065, 1068, 1071, 1073, 1075, 1076, 1079, 1094, 1096-1099, 1102, 1104, 1106, 1108, 1120, 1124-1126, and 1131-1139

Handling of Milk in Federal Milk Marketing Areas; Extension of time for Filing Comments and Additional Proposals—Pre-Notice of Request for Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts	*Marketing areas*
1001	New England
1002	New York-New Jersey
1004	Middle Atlantic
1006	Upper Florida
1007	Georgia
1011	Tennessee Valley
1012	Tampa Bay
1013	Southeastern Florida
1030	Chicago Regional
1032	Southern Illinois
1033	Ohio Valley
1036	Eastern Ohio-Western Pennsylvania
1040	Southern Michigan
1044	Michigan Upper Peninsula
1046	Louisville-Lexington-Evansville
1049	Indiana
1050	Central Illinois
1062	St. Louis-Ozarks
1064	Greater Kansas City
1065	Nebraska-Western Iowa
1068	Upper Midwest
1071	Neosho Valley
1073	Wichita, Kansas
1075	Black Hills, S. Dakota
1076	Eastern South Dakota
1079	Iowa
1094	New Orleans-Mississippi
1096	Greater Louisiana
1097	Memphis, Tenn.
1098	Nashville, Tenn.
1099	Paducah, Kentucky
1102	Fort Smith, Ark.
1104	Red River valley
1106	Oklahoma Metropolitan
1108	Central Arkansas
1120	Lubbock-Plainview, Texas
1124	Oregon-Washington
1125	Puget Sound, Washington
1126	Texas
1131	Central Arizona
1132	Texas Panhandle
1133	Inland Empire
1134	Western Colorado
1135	Southwestern Idaho-Eastern Oregon[1]
1136	Great Basin
1137	Eastern Colorado
1138	Rio Grande Valley
1139	Lake Mead

[1] A final decision on whether or not to adopt a proposed new order for this marketing area is pending before the Department.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time to submit additional proposals or comments.

SUMMARY: As indicated in an earlier notice, the Department has been asked to hold a public hearing to consider changes in the regulatory treatment of reconstituted milk under all Federal milk orders. Interested parties were invited to

submit additional proposals relating to this issue as well as comments on whether or not such a hearing should be held. This notice extends the initial 60-day filing period, which would have expired on January 15, 1980.

DATE: Proposals and comments should be submitted by February 29, 1980, to assure their consideration in this matter.

ADDRESS: Proposals and comments (four copies) should be mailed to: Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (telephone: 202-447-4824).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Pre-Notice of hearing: Issued November 13, 1979; published November 16, 1979 (44 FR 65989).

A pre-notice of a request for a public hearing on proposed amendments to all Federal milk orders was issued on November 13, 1979. The hearing, which was requested by the Community Nutrition Institute, a fluid milk processor, and three consumers, would consider changes in the regulatory treatment of reconstituted milk under the orders. The pre-notice invited interested parties to submit additional proposals relating to this issue as well as comments on whether or not such a hearing should be held. A filing period of 60 days was initially provided, with the period expiring January 15, 1980.

In response to requests from the dairy industry, the filing period is being extended an additional 45 days. This extension will provide the industry with more time to study the issues and devlop comments and additional proposals for submission to the Department.

Notice is hereby given that the time for filing proposals and comments is extended from January 15, 1980, to February 29, 1980.

Signed at Washington, D.C., on January 15, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-1755 Filed 1-17-80; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Changes in Rules of Practice Governing Discipline in Adjudicatory Proceedings

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has reexamined its current rules (10 CFR 2.718 and 2.713) regarding representation and conduct of attorneys in adjudicatory proceedings. The proposed rules set forth below are the result of this reexamination and would: (1) Remove any implication that an attorney may be generally suspended from practice before NRC; (2) clarify and bolster the authority of the presiding officer, Appeal Board, and Commission to suspend any party or any representative of a party from participation in a particular proceeding where, as a result of the party's or representative's conduct in that proceeding, this is necessary for the orderly conduct of the proceeding; (3) specify special interlocutory appeal procedures governing suspensions from participation; and (4) clarify who may appear before NRC in a representative capacity.

The rules which follow should be self-explanatory. The Commission gave careful consideration to whether it should not only assert authority to suspend a party or representative from participation in a particular proceeding, but should also assert authority to suspend or bar an attorney at law from appearing in all Commission proceedings. It concluded that this severe sanction of general suspension or disbarment was not necessary. The Commission has no interest in general matters of attorney discipline and chooses to focus instead on the means necessary to keep its adjudicatory proceedings orderly and to avoid unnecessary delays. The Commission expects that the more limited remedy of suspension in the particular proceeding should be entirely sufficient for this purpose.

All representatives—attorneys at law, as well as those who appear on their own behalf or on behalf of a partnership, corporation, or unincorporated association of which they are a member—are expected to conduct themselves with honor, dignity and decorum as they would before a court of law. *See* generally, ABA Code of Professional Responsibility and Ethical Consideration, EC 7-34 through and including 7-39 and 8-5.

DATES: Comments are due on or before March 3, 1980.

ADDRESSES: Written comments concerning the proposed amendments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Mr. Marc R. Staenberg, Office of the Executive Legal Director, U.S. NRC, Washington, D.C. 20555, Telephone (301) 492-7437.

Pursuant to section 161 of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 553 and 555(b) of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment is contemplated.

1. 10 CFR 2.713 is proposed to be amended in its entirety to read as follows:

§ 2.713 Appearance and practice before the Commission in adjudicatory proceedings.

(a) *Standards of Practice.* In the exercise of their functions under this subpart, the Commission, the Atomic Safety and Licensing Appeal Boards, the Atomic Safety and Licensing Boards, and Administrative Law Judges function in a quasi-judicial capacity. Accordingly, parties and their representatives in proceedings subject to this subpart are expected to conduct themselves with honor, dignity and decorum as they would before a court of law.

(b) *Representation.* A person may appear in an adjudication on his or her own behalf or by an attorney-at-law. A partnership, corporation or unincorporated association may be represented by a duly authorized member or by an attorney-at-law. A party may be represented by an attorney-at-law provided the attorney is in good standing and has been admitted to practice before any court of the United States, the District of Columbia, or the highest court of any State, territory or possession of the United States. Any person appearing in a representative capacity shall file with the Commission a written notice of appearance which shall state his or her name, address and telephone number; and the name and address of the person on whose behalf he or she appears; and, in the case of an attorney-at-law, the basis of his or her eligibility as a representative or, in the case of another representative, the basis of his or her authority to act on behalf of the party.

(c) *Suspension from the Proceeding.* (1) A presiding officer, an Atomic Safety

and Licensing Appeal Board, or the Commission may, if necessary for the orderly conduct of a proceeding, reprimand, censure or suspend from participation in the particular proceeding pending before it any party or representative of a party who shall refuse to comply with its directions, or who shall be guilty of disorderly, disruptive, or contemptuous conduct.

(2) A suspension which is ordered to run for one day or less shall be ordered with grounds stated on the record of the proceeding. A suspension which is ordered for a longer period shall be in writing, shall state the grounds on which it is based, and shall advise the person suspended of the right to appeal pursuant to paragraph (3) of this subsection. A proceeding may be stayed for a reasonable time in order for an affected party to obtain other representation if this would be necessary to prevent injustice.

(3) Anyone suspended from participation in a particular proceeding for longer than one day may within ten (10) days after issuance of the order file an appeal with the Atomic Safety and Licensing Appeal Board or the Commission, as appropriate. The appeal shall be in writing and state concisely, with supporting argument, why the order was erroneous either as a matter of fact or law. The Appeal Board or Commission, as appropriate, shall within ten (10) days after the filing of the appeal, either lift the suspension or consider the matter on its merits. If necessary for a full and fair consideration of the facts, the Appeal Board or Commission, as appropriate, may conduct further evidentiary hearings or may refer the matter to another presiding officer for development of a record. In such event, the officer before whom the matter is to be heard shall determine the procedure to be followed and who shall present evidence. Such hearing shall commence as soon as possible after expiration of the ten day period. In the case of an attorney, if the suspension is upheld at the conclusion of the appeal, the Appeal Board or the Commission, as appropriate, shall notify the State bar(s) to which the attorney is admitted. Such notification shall include copies of the order of suspension, briefs of parties, and the decision of the Appeal Board or Commission.

* * * * *

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

Dated at Washington, DC this 14th day of January, 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-1706 Filed 1-17-80; 8:45 am]

BILLING CODE 7590-01-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 399

[Docket 37444]

Statements of General Policy

Dated: January 14, 1980.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB is proposing to adopt a policy of allowing international air cargo rate changes within a specified ceiling without review, except in extraordinary circumstances. The ceiling would be adjusted periodically to take account of actual operating cost changes. The action is taken on the Board's own initiative, to allow carriers to respond more quickly to fluctuating costs and competitive opportunities.

DATES: Comments by: February 19, 1980. Reply comments by: February 29, 1980.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: January 28, 1980. Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 37444, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Mark Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: The Civil Aeronautics Board proposes to adopt a policy that would permit carriers to make limited upward rate increases and unlimited downward rate decreases for international air cargo transportation without substantive review of the economic reasonableness of the change. This policy would establish a standard foreign rate level for cargo transportation in each international market, based on the general commodity rates in effect on October 1, 1979. Carriers could increase rates up to five percent above the standard level, or could decrease them without limit, without submitting evidence of economic justification. Proposed rate changes within these limits would not be reviewed by the Board according to traditional "reasonableness" criteria, except in extraordinary circumstances. The proposal would not affect the Board's ability to disapprove or suspend any changes on the basis of unjust discrimination, undue prejudice, or undue preference. The standard rate levels would be adjusted at least semiannually, and more often if necessary, to take into account changes in operating cost factors, cost adjustments would be based on an average for the geographical region in which a market lies.

The rate flexibility suggested in this proposal would allow carriers to react quickly to changes in operating costs, such as fuel price increases, and to take advantage of varying marginal costs and demand elasticities in different markets without justifying the actions to the Board. This rate flexibility would mitigate some of the delays inherent in the regulatory process and avoid hardship such as has been caused in the past by sudden sharp increases in fuel costs.

Congress has recently considered the need for international rate flexibility in S. 1300 and H.R. 5481, affecting passenger fares, and in H.R. 5882, affecting cargo rates. Those bills would set "zones of reasonableness" similar to the zones applicable to domestic passenger fares. Carriers could vary their rates within these zones without fear of having them suspended as unreasonable. This proposal generally reflects the concept in these bills.

The proposal represents no fundamental change, however, in Board attitudes toward international cargo ratemaking. There is already a fair degree of competition in most international cargo markets, due to abundant cargo capacity on combination aircraft, competition from charters arranged by air freight forwarders, and the strong bargaining power of large commercial shippers. Cargo rates are not now excessive in most markets, and carriers seldom have had difficulty obtaining Board approval for either general commodity rate increases as operating costs have risen, or approval of new and reduced rates for specific commodities that are especially price-elastic. The principal effect of the proposed rule would be to reduce the regulatory lag inherent in any system of government review, to relieve

carriers of the burden of submitting economic justification for rate changes within the specified zone, and to provide a regular procedure for taking account of operating cost changes.

The Cargo Rate Structure

The cargo rate structure is very complex. In each market, there are many different cargo rates, depending on the type and quantity of the shipment and the nature of the service offered. The basic category of rates is the general commodity rates (GCR's), which apply to any cargo not subject to a special rate. Different GCR's apply depending on whether the shipment is delivered by the shipper in bulk or in containers. Bulk GCR's are graduated in "weightbreaks" according to the size of the shipment, so that a small shipment will be charged more per weight unit than a large one. The weightbreaks (weight ranges within which a given rate applies) tend to be uniform for all carriers in a market. Container GCR's are based on a fixed minimum chargeable weight per container, often with a uniform additonal charge per weight unit above the minimum. In addition to bulk and container GCR's, carriers may offer so-called "contract" GCR's setting reduced rated for such special arrangements as blocked-space and low-priority shipping.

Less than half the aggregate volume of international cargo travels under GCR's. The majority travels under a multitude of specific commodity rates (SCR's), which are special reduced rates for particular commodities in particular markets. In virtually all cases the SCR's are less than the GCR that would otherwise be applicable.

A third category of cargo rate is the exception rate, which is stated as a fixed percentage of the GCR for all markets. Ordinarily, exception rates apply to particular types of cargo that require special handling or facilities, such as hazardous materials and human remains. Exeption rates are usually, but not always, higher than the otherwise applicable GCR's. unlike SCR's, exception rates are not usually limited to particular markets, but are uniformly applied in all markets as a percentage of the GCR.

A fourth category of cargo rate is the priority rate, designed for shipments requiring special expedited service. Like exception rates, priority rates are usually fixed at a certain percentage of the otherwise applicable GCR.

Rate Flexibility

A rate flexibility system that prescribed a separate ceiling of presumed reasonableness for each rate in each market would be unwieldy and confusing, because of the many different rates. We have tentatively decided that adequate rate flexibility would be achieved by setting ceilings for bulk and container GCR's.

The proposed rule would set a standard foreign rate level for each general commodity weightbreak and container type in a market. Recent legislation introduced in Congress to promote international cargo rate flexibility (H.R. 5882) uses the October 1, 1979 rate levels as a base for the standard foreign rate levels. We would follow that example and adopt the October 1 GCR's as the most convenient and workable starting point for the standard rate levels.

GCR's could be increased as much as five percent above the standard levels, or decreased without limit, without Board review as to the economic reasonableness of the change. Thus, the rate ceiling for most shipments would be five percent above the October 1, 1979 rate levels. Those exception and priority rates that were higher than the ceiling could not be increased without reasonableness review, except to the extent that an increase was attributable to an increase in the GCR on which they were based. In other words, if a GCR on which an exception rate was based were increased, but the percentage factor stayed the same, no Board review would be required. For example if an exception rate were set at 150 percent of the GCR, and GCR and 40 cents per pound, the exception rate in monetary terms would be 60 cents per pound. If the standard rate level in that market was 40 cents per pound, the GCR could be raised to 42 cents per pound without reasonableness review. If the GCR were raised by that amount, the exception rate in monetary terms would be 63 cents per pound, and it would not be subject to reasonableness review, since it would still be fixed at 150 percent of the GCR. However, if the GCR stayed constant, the exception rate could not be increased by raising the 150 percent factor without Board review. The percentage factor could, however, be decreased at any time.

We specifically request comments, supported by data, on whether the five percent upward range would be adequate for all markets. Depending on conditions in different markets, a higher ceiling might be appropriate in some cases.

We are proposing to establish separate ceilings for bulk and container shipments, since the charges are computed in different ways. However, we will consider whether separate ceilings for container shipments are necessary. Container rates are usually lower per weight unit than bulk rates, in order to give shippers an incentive to deliver their cargo in containers. Since nothing requires shippers to use containers, shippers could simply take advantage of bulk rates whenever it cost less to do so. Thus, it appears that bulk GCR ceilings would effectively limit container rate flexibility. We specifically request comment on whether separate ceilings for container rates need be maintained.

Under our proposal, contract GCR's would not be subject to a separate ceiling, since shippers could opt for the applicable bulk or container rate if that were less costly. We would expect market forces to keep contract GCR's below the ceiling for bulk GCR's.

SCR increases would be limited by the ceiling established for GCR's. This is because specific commodities should be eligible for treatment as general commodities if their rates ever reach general commodity levels. Since SCR's are already substantially below GCR levels, the range for upward movement of SCR's without Board review as to reasonableness would be larger than the range of upward movement for most other rates. However, we believe that the same pressures that have led to low SCR's would tend to maintain them at ralatively low levels. SCR's are essentially promotional rates designed to attract a segment of the market that is considered important or potentially profitable by the carrier offering the rate. The concentrated pressures from powerful shippers and other carriers to offer those discounts, which have led to the current SCR's, should not be diminished by this proposal, and we would not expect SCR's to rise to their theoretical ceiling. In addition, it would be administratively impractical to maintain a separate standard rate level for each of the hundreds of different SCR's. Therefore, we tentatively conclude that SCR increases need not be separately limited.

Any new GCR weightbreak or container type introduced in a market after October 1, 1979 would be subject to initial reasonableness review by the Board. If it were not suspended within the applicable period of time, it would become part of the standard foreign rate level for that market.

Adjustments for Cost Increases

Over time the standard foreign rate level suggested in this proposal, and the ceiling of presumed resonableness that is keyed to it, may become outdated because of changes in operating costs. The rapid increases in fuel prices experienced in recent months could, if

continued, alone consume the five percent range of upward flexibility over the standard rate level. We have always recognized that, under deregulation, rate increases in response to rising costs are just as valid as rate decreases in response to competition. Congress has recognized the need for periodic cost adjustments in S. 1300, recent legislation creating a zone of fare flexibility for international passenger transportation. We are therefore proposing to institutionalize a periodic adjustment to the standard foreign rate levels to provide for changes in actual operating costs over time.

Operating cost changes would be computed on the basis of an average for each of six geographical regions: Transatlantic, North/Central Pacific, South Pacific, Caribbean, Mexico and Central America, and South America. These six regions are similar to those used by IATA for ratemaking calculations, and we believe that actual cost differences among markets in these regions will be fairly small. It would be impractical to measure cost differences for each individual market, of which there are hundreds, but we specifically request suggestions for feasible alternatives.

Tentatively, we plan to base the operating cost calculations only on the all-cargo (freighter) service operated in each geographical area. Freighter service is offered in almost all of the top 50 U.S.-international cargo markets, and thus is available for most of the international cargo carried. In our judgment, changes in freighter costs are fairly representative of changes in costs for the whole air cargo industry, composed of both freighter and combination service, and the difficulty of separately accounting for combination costs outweighs the marginally greater precision that might be derived from such methods.

Operating costs would be adjusted at least semiannually, based on cost data reported by carriers and any other relevant information. During periods of rapidly escalating fuel prices, we would contemplate more frequent adjustments. For the present, and until fuel prices level off, we would anticipate bimonthly adjustments for fuel costs only. We propose to adopt reporting requirements to supply the Board with figures for all components of operating costs for freighter service.

Actual operating costs are divided into eight categories: aircraft operating expenses, maintenance, aircraft servicing, traffic servicing, reservations and sales, advertising and publicity, general and administrative expenses, and depreciation and amortization. We specifically request comments on how best to separate all-cargo (freighter) costs from combination costs, especially for traffic servicing, reservations and sales, advertising and publicity, and general and administrative expenses. We would make no ratemaking adjustments to costs actually incurred, such as imposing load factor or utilization standards, as the Board once did for passenger service to correct for what it then considered less than optimal use of the aircraft.

Extraordinary Circumstances

Notwithstanding the ceiling of presumed reasonableness proposed here, the Board would retain the power to suspend a rate as unreasonable in certain extraordinary circumstances. This exception would be invoked only in circumstances where a showing had been made of immediate and irreparable harm of such magnitude that the public interest clearly required suspension. In that event, the Board could depart from its general policy in favor of rate flexibility and suspend the proposed change. Since this proposal represents an interim experiment in granting a wide range of flexibility for some cargo rates, it seems prudent to reserve some power to step in should it appear that our predictions of the impact of competitive forces on cargo rates are grossly in error. Persons objecting to a proposed change would have the burden of producing convincing evidence that the extraordinary circumstances really existed. This exception to the general policy of rate flexibility is similar to part of our domestic passenger fare flexibility policy (14 CFR 399.33), which was substantially adopted by Congress in the Airline Deregulation Act, and the exception has seldom been invoked. It is intended only to protect against abuse of rate flexibility in highly unusual situations.

In other cases, a rate change might be unwarranted because a foreign carrier's home country has unreasonably restricted rate proposals by U.S. carriers. In those cases, the Board could also suspend as unreasonable rate changes within the ceiling suggested here.

Tariff Procedure

The ceiling of presumed reasonableness proposed by this notice would not relieve carriers from filing their international cargo rates in tariffs with the Board and adhering to the published rates. The Federal Aviation Act requires proposed tariff changes to be filed at least 60 days before they become effective, and nothing in this proposal would change that requirements. However, we expect that few changes within the ceiling would raise questions of discrimination, preference, prejudice, extraordinary circumstances, or other remaining grounds for suspension. Where those issues were not raised, the Board would usually be prepared to grant special tariff permission under 14 CFR Part 221, Subpart P, for advancing the effectiveness date. In most cases, the Board should be able to decide whether questions of lawfulness exist within 30 days after filing. If no complaints are filed within the 10 days provided by the regulations,[2] permission for expedited effectiveness may be granted even sooner.

Comment Period

The matter of rate flexibility is viewed as especially important by the industry and, we believe, by Congress, because of the repeated steep increases in the cost of fuel during the past year. The trend appears likely to continue. In order to deal with the problem expeditiously, we are allowing 30 days for initial public comments, and 10 days for reply comments. Under the circumstances, we find that a period shorter than the usual 60 days is advisable, and that the public benefits from expedited consideration outweigh any adverse effects.

We intend to issue an advance notice of proposed rulemaking shortly that would request comments on broader or alternative proposals for international cargo rate regulatory policy. That proceeding will serve as a forum for discussion of policies outside the scope of the instant rulemaking, and it may lead to additional rulemaking or proposals for legislation. Because cargo rate flexibility demands urgent attention, we are dealing with it on an interim basis in this proceeding.

Accordingly, the Civil Aeronautics Board proposes to add a new § 399.34 to 14 CFR Part 399, *Statements of General Policy*, to read:

§ 399.34 Policy on international cargo rate changes.

(a) *Applicability.* This section states the Board's policy for determining the lawfulness of rate changes for the transportation of property in foreign air transportation. It applies to rate changes by all direct air carriers and direct foreign air carriers.

(b) *Standard foreign cargo rate levels.* For each market in foreign air transportation, the standard foreign rate levels for the carriage of property shall

[2] 14 CFR Part 221.250, incorporating 14 CFR 302.505 by reference.

be the general commodity rate for each bulk weightbreak or container type in effect in that market on October 1, 1979, or the initial rate subsequently introduced for any new weightbreak or container type and not suspended after Board review, as adjusted in accordance with paragraph (f) of this section.

(c) *Ceiling of presumed reasonableness.* (1) Except as provided in paragraph (d) of this section, the Board will not—

(i) Disapprove or suspend as unreasonable any proposed rate for foreign air transportation of property if it would not be more than five percent higher than the standard foreign cargo rate level for the general commodity weightbreak or container type that would be applicable to the shipment in the absence of any special rate, such as an exception rate, specific commodity rate, contract rate, or priority rate.

(ii) Disapprove or suspend as unreasonable any rate stated as a fixed percentage of the general commodity rate when a new general commodity rate within the ceiling described in paragraph (c)(1)(i) of this section is proposed.

(iii) Disapprove or suspend as unreasonable any proposed decrease in the percentage factor for any rate stated as a fixed percentage of the general commodity rate.

(2) This section does not affect the Board's authority to disapprove or suspend any rate as unjustly discriminatory, unduly preferential, or unduly prejudicial.

(d) *Extraordinary circumstances.* The Board may suspend any tariff if it finds that—

(1) The suspension is in the public interest because of unreasonable regulatory action by a foreign government with respect to rate proposals of an air carrier; or

(2) All of the following extraordinary circumstances are present:

(i) It is highly probable that the fare would be found unjust or unreasonable after investigation;

(ii) There is a substantial likelihood of immediate and irreparable harm to the public if the rate is allowed to go into effect; and

(iii) The suspension is required by the public interest.

(e) *Burden of proof.* Persons requesting tariff suspension or disapproval under paragraph (d)(2) of this section (extraordinary circumstances) shall have the burden of producing convincing evidence that all the extraordinary circumstances are present.

(f) *Standard foreign rate level adjustment.*

(1) On April 1 and October 1 of each year, and at such other times as the Board finds necessary, the Board will adjust the standard foreign cargo rate levels to reflect the percentage change from the preceding period in the average actual operating costs for all-cargo (freighter) service by all air carriers per available ton-mile in each of the following geographical areas:

(i) Transatlantic;
(ii) North and Central Pacific;
(iii) South Pacific;
(iv) Mexico and Central America;
(v) Carribbean; and
(vi) South America.

(2) The Board will make no adjustments under paragraph (f)(1) of this section to costs actually incurred.

(Secs. 204, 1002 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 1741, 49 U.S.C. 1324, 1482)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-1741 Filed 1-17-80; 8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Parts 182, 184, and 186

[Docket No. 79N-0071]

Bentonite and Clay (Kaolin); Proposed Affirmation of GRAS Status as Direct and Indirect Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm the generally recognized as safe (GRAS) status of bentonite as a direct human food ingredient, and of clay (kaolin) as an indirect human food ingredient. The safety of these ingredients has been evaluated under the agency's comprehensive safety review. This proposal would list bentonite as a direct food substance and clay (kaolin) as an indirect food substance affirmed as GRAS.

DATES: Written comments by March 18, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 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 St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive safety review of direct and indirect human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposed regulations, published in the **Federal Register** of July 26, 1973 (38 FR 20040), initiating this review. Under the review, the safety of bentonite and clay (kaolin) has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), FDA proposes to affirm the GRAS status of these ingredients.

Bentonite and clay (kaolin) are naturally occurring minerals and consist of hydrated aluminum silicates. Bentonite and clay (kaolin) are chemically similar, but differ mainly in their crystalline structures. The unit cell structure of bentonite is composed of three layers: two layers of SiO_2 molecules with one layer of Al_2O_3 molecules lying between them. The unit cell structure of clay (kaolin) has two layers: one layer of SiO_2 molecules and one layer of Al_2O_3 molecules stacked one over the other. The dissimilar arrangement of the atoms permits distinct identification of bentonite and clay (kaolin) by means of X-ray diffraction analysis. Although bentonite and clay (kaolin) are chemically similar, bentonite's finer particles provide greater total surface area and, hence, more pronounced adsorptive capability.

Bentonite and clay (kaolin) are secondary mineral formations containing varying quantities of iron, alkalies, and alkaline earths in the commercial products. Depending on the cations present, natural deposits of bentonite range in color from white to gray, yellow, green, or blue. A relatively small but variable proportion of the cations of bentonite can undergo exchange with certain other ions. A predominance of sodium in the exchangeable cation fraction imparts capability for a high degree of hydration, a property that is lowered by a predominance of calcium. Bentonite is insoluble but, when mixed with 8 to 14 parts of water, swells to produce a slippery paste resembling petroleum jelly.

Clay is a general term for a variety of aluminum silicate-bearing rocks of various compositions and degrees of purity. They are plastic when wet and harden when fired. Kaolin is a white to yellowish or grayish fine powder. At least three different minerals, kaolinite, dickite, and nacrite, are classified as kaolin. Compared with the amorphous form of other clays, kaolinite or China clay is whiter, less contaminated with extraneous minerals, and less plastic in

water as a result of its microcrystalline structure.

Bentonite is listed in § 182.1155 (21 CFR 182.1155) as a multiple purpose GRAS food substance, under a regulation published in the **Federal Register** of January 31, 1961 (26 FR 938). Clay (kaolin) is listed in § 182.90 (21 CFR 182.90) as GRAS as a substance migrating to food from paper and paperboard products used in food packaging, under a regulation published in the **Federal Register** of June 17, 1961 (26 FR 5421).

Bentonite is regulated as an indirect food additive under § 175.105 (21 CFR 175.105) as a component of adhesives used in food packaging materials. Bentonite (Wyoming clay), bentonite compound (bentonite, activated carbon, copper sulfate), and bentonite slurry are regulated under § 240.1051 (27 CFR 240.1051) as materials authorized for treatment of wine. Bentonite, bentonite modified with dimethyl dioctadecyl ammonium ion, and alimunim silicate (China clay) are regulated under § 175.300 (21 CFR 175.300) as pigments and colorants in resinous and polymeric coatings; under § 175.380 (21 CFR 175.380) as components of xylene-formaldehyde resins condensed with 4,4'-isopropylidenediphenol-epichlorohydrin epoxy resins; under § 175.390 (21 CFR 175.390) as components of zinc-silicon dioxide matrix coatings; under § 176.170 (21 CFR 176.170) as components of paper and paperboard in contact with aqueous and fatty foods; under § 177.1210 (21 CFR 177.1210) as components of closures with sealing gaskets for food containers; under § 177.1350 (21 CFR 177.1350) as components of ethylene-vinyl acetate copolymers; and under § 177.1460 (21 CFR 177.1460) as components of melamineformaldehyde resins in molded articles. Natural clay and aluminum silicate are regulated under § 177.1200 (21 CFR 177.1200) as components of cellophane, and under § 177.1400 (21 CFR 177.1400) as components of water-insoluble hydroxyethyl cellulose film. Aluminum silicate is regulated under § 177.2600 (21 CFR 176.2600) as a component of rubber articles intended for repeated use. Kaolin is regulated under § 178.3550 (21 CFR 178.3550) as a component of kaolin-modified.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which bentonite and clay (kaolin) were used and the levels of usage. Information obtained from this survey was combined with the comments submitted to FDA in response to a proposal published in the **Federal Register** of April 13, 1973 (38 FR 9310) to delete bentonite from the GRAS list because of a lack of available information on its use in food. The proposal was withdrawn by FDA in a notice published in the **Federal Register** on July 26, 1973 (38 FR 20041) after the agency received numerous comments providing use data. Several million pounds or more of bentonite are used annually in clarification of wines, clarification of beer, and manufacture of plastics. Information from the surveys indicates that clarification of alcoholic beverages with bentonite left a bentonite level of zero percent in such products. Information from the comments shows that bentonite was also used in the clarification of vegetable oils, fruit juices, vinegar, and pectin solutions. There is no information on the annual poundage of clay (kaolin) used in food-packaging materials and no data concerning the amount of clay (kaolin) that might migrate from food packaging materials to food.

Bentonite and clay (kaolin) have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 550 abstracts were reviewed and 32 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (the Select Committee) chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

While no studies performed specifically to examine the absorption of either bentonite or clay (kaolin) have come to the attention of the Select Committee, the following reports are relevant.

Reicken et al. fed rats as much as four parts kaolin to one part of diet for as long as 12 weeks and concluded from histological studies that very little if any kaolin was absorbed. Boyd et al. compared the acute oral toxicity of powdered iron with that of kaolin in rats and concluded that the amount of kaolin absorbed and the reaction to its absorption bore little or no relation to the dose of kaolin administered intragastrically. They believed kaolin to be inert except for danger of bowel obstruction resulting in perforation. The clinical signs such as listlessness, anorexia, oliguria, hypthermia, and dyspnea, were apparently due to pathological reaction from overdistension of the alimentary canal by an inert solid substance. This reaction to distension was as marked following a kaolin dose of 100 g per kg as it was following 210 g per kg. The number of fatalities and the incidence and advance of bowel obstruction along the small intestine were dose-related.

Consideration has been given to the effect of different kinds of clay on the absorption of iron in normal and iron-deficient human subjects. Using $^{59}FeSO_4$ and ^{59}Fe hemoglobin, Minnich et al. found that clays differ their effects by exchange with iron occurred in all except in a sample of clay obtained from New Mexico. The New Mexico clay was described as "stony-hard", as compared with the other clays studies which were described as fine and soft with a greater surface area for cation exchange. The subjects ingested 5 g of clay (about 80 mg per kg). In general, the average radioactive iron absorbed when administered with clay was about 8 percent and without it, about 13 percent.

Mixtures of kaolin and pectin have been given orally as water adsorbents in the symptomatic treatment of diarrhea; controlled clinical studies that demonstrate the efficacy of this mixture are lacking, but there is not evidence of acute adverse effects. Kaolin in this form of medication is contra-indicated in patients with obstruction of the bowel. The usual dose of kaolin is 15 to 60 g.

No information has come to the attention of the Select Committee on the acute toxicity of bentonite. However, some data on clay (kaolin), based on experiments performed by Boyd, et al. on 120 to 140 young male albino rats weighing 90 to 100 g, were obtained in a study of death from bowel obstruction. Range of doses was determined by a review of the literature which indicated that a dose of 50 g per kg would have no effect. A thin suspension of kaolin in distilled water was administered intragastrically in doses of 100, 110, 120, 140, 145, 150, 155, 160, 175, and 210 g per kg, while 14 control animals were given 150 ml per kg distilled water. The dose which killed 50 percent of the rats by bowel obstruction, the ED_{50}, was 149 g per kg, the ED_1, was 110 g per kg, and the ED_{100}, was 188 kg per kg.

Bentonite, kaolin and other clays have been used in animal feeds chiefly as pellet binders for many years. Suitability of these substances for such use has been supported by several studies on chicks and rats.

When either sodium bentonite or calcium bentonite was added at a level of 2 to 3 percent (about 4.5 g per kg intial body weight per day) or higher, in a purified diet containing adequate amounts of vitamin A in unstabilized form, chicks developed signs of vitamin A deficiency. All signs of deficiency were prevented by the use of stabilized vitamin A, by higher levels of unstabilized vitamin A or carotene, or by injection of vitamin A. Chemical analysis of the purified diet at intervals after preparation showed that there was appreciable disappearance of vitamin A (37 percent in 2 hours, 58 percent in 5 days) in the presence of sodium bentonite. When the bentonite was 90 mesh or coarser no evidence of vitamin A deficiency was noted unless the level of bentonite was

increased to approximately 20 percent. This level depressed growth and feed efficiency. No evidence was obtained to indicate that bentonite was not acceptable at the level commonly used in pelleted feeds (2.5 percent). Chicks fed 5 percent kaolin in the diet showed no signs of vitamin A deficiency or growth depression. In experiments on broilers fed a basal ration including yellow corn, soybean meal, fish meal, and vitiman and mineral supplement, the inclusion of two different sources of kaolin or one source of calcium bentonite at levels of 1 percent (about 1.5 g per kg initial body weight per day) or 2 percent in the ration improved the growth rate, but at the 3 pecent level there was no improvement in growth rate. At levels of 5 percent and 10 percent both kaolins and bentonite tended to depress the growth rate, but with no apparent effect on caloric efficiency. The slight adverse effect on growth apparently was attributed to the appreciable dilution of the total diet with these non-nutrient substances.

Sibbald et al. fed a chick starter diet plus 0, 6, 12, 18, 24, 30, 36, and 42 percent (about 7 to 50 g per kg final body weight per day) kaolin to young chicks. A three day adjustment period was followed by a seven day test period during which weight gain and feed consumption were reported. The weight gains were equivalent to controls at the 6 and 12 percent levels, but decreased sharply at the 18 percent level and above. Feed consumption was high for all the birds cofnsuming kaolin. There was no evidence of adverse effects other than a depressed weight gain for the animals on kaolin at the higher levels.

Commercial feed admixed with 2 percent or 3 percent bentonite was fed for one year to beef and dairy cattle. Overall health of the animals remained unchanged. The biochemical indices measured were as good or better in the test groups than in the controls, and the average annual weight gain or milk production was greater in the bentonite-fed animals. Similarly, daily dose of 15 g in sheep had no adverse effects on their health, appetite or rumination.

Very high levels of kaolin in the diet depressed growth rate in rats. Groups of 20 inbred, hooded rats weighing 90 g were fed a standard laboratory ration containing 0, 66, or 80 percent by weight of powdered kaolin for 9 to 12 months. After 39 weeks, the animals receiving the 66 percent kaolin diet averaged a body weight gain of 164 g, those receiving the 80 percent kaolin diet gained an average of 139 g, and the controls 182 g. Animals at the 66 percent level consumed about three times as much feed as the controls; animals at the 80 percent level consumed nearly five times as much feed as the controls. There was no dilatation or hypertrophy of the small intestine, but the jejunum showed a marked increase in absorptive capacity of glucose and water as measured by an everted sac technique. There was dilatation of the cecum and the large intestine was significantly heavier than that of the control animals; this was attributed to an increased thickness of the muscle coat. No pathological changes were observed.

Kennedy studying 150 to 450 g rats with electrolytically induced hypothalamic lesions, fed diets containing 50 percent kaolin (average of about 30 g per kg per day) for up to 100 days. The rats had voracious appetites induced by the surgical procedure and became obese. Control (unoperated) rats maintained normal growth rate on the same diet.

Riecken et al. fed adult rats a standard laboratory ration containing powdered kaolin at levels of 0, 66, or 80 percent (about 33 to 40 g per kg body weight). Animals examined after 2.5, 4, and 12 weeks exhibited no apparent hypertrophy of the small intestine. There was an increase in the activity of intestinal leucine amino-peptidase and several dehydrogenases, but no pathological changes were noted.

Sodium bentonite, fed for 1 to 4 weeks (to animals previously on a vitamin A deficient diet) at levels of 0.5 to 3.5 percent (about 0.4 to 2.8 g per kg body weight) in purified diets, caused a lowering of the level of vitamin A in the livers of rats presumably due in part to the physical adsorption of vitamin A by sodium bentonite in the small intestine. This occurred whether or not a stabilized form of vitamin A was used.

Mice fed bentonite at levels of 0, 10, 25, or 50 percent in the diet for 60 days, showed slight growth impairment at the 10 and 25 percent levels (about 15 g and 40 g per kg body weight per day) and extreme growth impairment at the 50 percent level. At the highest bentonite level, but not at the two lower levels, animals developed signs of choline deficiency and fatty livers. Retarded growth rate and fatty livers were also found in mice fed diets containing 30 percent bentonite.

Many instances of human craving for clay have been recorded. Edwards et al, for example, studied 38 pregnant and 4 non-pregnant women who practiced clay-eating in Alabama. The quantity of clay consumed per day ranged from about 6 to 130 g (about 0.1 to 2.2 g per kg body weight). Many of the women obtained the clay from a river or stream banks near their homes. In some cases, the clay was baked in the oven prior to consumption. In their experience and in their review of the literature on human clay eating, Edwards et. al. found no indications of any unfavorable consequences of the practice, except some impairment of iron utilization when large amounts of clay were ingested.

Reports of long-term animal feeding studies on bentonite or clay (kaolin) have not come to the attention of the Select Committee.

Wilson noted that hepatomas developed in 11 of 12 mice fed for about eight months on a semi-purified low-protein diet containing 50 percent bentonite (about 50 g per kg). He concluded that this might have been caused, at least partially, by choline deficiency induced by the removal of choline through a cationic exchange on the bentonite, but did not exclude the possibility that there may have been other factors. These results were consistent with the earlier studies of Engel et al., who reported hepatomas in rats fed diets low in choline and other sources of available methyl groups.

Cohn et al. studied one man who had used various medications (including colloidal kaolin) for several years apparently for treatment of duodenal ulcer. Microscopic examination of tissue from the prepyloric region revealed a few small granulomatous lesions. This led to a limited study of four rabbits fed a daily diet containing powdered colloidal kaolin (dose not stated). The rabbits were prepared, before feeding, by lightly curetting a small area of the stomach mucosa. After periods of time up to four months, the tissues were examined microscopically and compared with tissues obtained from other rabbits prepared by the injection of the colloidal kaolin into the gastric mucosa. The tissues of both groups were essentially alike. In all the tissues the characteristic giant cells had multiple nuclei, and they "occurred singly or in groups and were encapsulated by a fine loose connective tissue surrounded by lymphocytes, plasma cells and eosinophilic neutrophils." Colorless refractile crystals, characteristic of silica, were present in many of the giant cells. These crystals resembled those observed in the kaolin preparation used by the patient and administered to the rabbits.

In a study of 16 macaques, Reed et al. found subcutaneous cervical or mediastinal granulomas in tissues damaged by faulty esophageal intubations of kaolin preparations. With one exception, the lesions were relatively benign. Elongated and irregularly outlined, highly birefringent crystals observed in all the affected tissues were identified as kaolinite.

No experimental studies concerning mutagenicity or teratogenicity of bentonite or clay (kaolin) have come to the attention of the Select Committee.

Other compounds of aluminum and silicon have been or will be evaluated in other reports of the Select Committee.

Qualified scientists of the Select Committee have carefully evaluated all of the available safety information on bentonite and clay (kaolin). In the Select Committee's opinion:

Bentonite and clay (kaolin) are readily hydratable aluminum silicates. Bentonite is used to assist in the clarification of juices, beverages, and other food products, as a binding agent for the preparation of pelleted animal feeds, and as an ingredient of coatings and adhesives for food packaging materials. The Select Committee is not aware of any instance in current practice where use of bentonite in the processing or packaging of foods for human consumption results in the retention of more than minute amounts in the final product and assumes the current practice will continue. Nevertheless, food grade standards for bentonite should be established, particularly with respect to soluble constituents and heavy metal cations that may be present in commercial products.

Clay (kaolin) is GRAS only as an ingredient of paper and paperboard products used in food packaging. There are no data available concerning the amounts of clay (kaolin) that might migrate to foods from this source but the Select Committee believes the amounts can only be very small.

Apparently, very little, if any, entonite is absorbed after oral administration and as much as 3 percent in the diet has no observable adverse effects on experimental animals. Diets containing 10 to 25 percent can

cause growth retardation both because of dilution of the diet and the tendency of some bentonites to absorb vitamin A in mixed diets and otherwise interfere with the absorption of this vitamin in the intestinal tract.

Very little, if any, kaolin is absorbed after oral administration. Bowel obstruction occurs at very high doses, about 100 g per kg body weight in rats being fatal to 1 percent, about 150 g per kg being fatal to 50 percent.

No adverse effects have been observed at dietary levels as high as 12 percent in experimental animals. The human therapeutic dose for diarrhea is about 250 to 1,000 mg per kg.

It is noted that clay (kaolin) administered under conditions that damage mucosal tissues, tends to produce granulomatous lesions. However, the generally high tolerance for kaolin under normal conditions makes it improbable that such effects could result as it is currently used.

The Select Committee concludes that there is no evidence in the available information on bentonite that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used in the manner now practiced or that might reasonably be expected in the future. There is no evidence in the available information on clay (kaolin) that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used as an ingredient of food-packaging materials in the manner now practiced or that might reasonably be expected in the future. Based upon its own evaluation of the available information on bentonite and clay (kaolin), the agency concurs with this conclusion. Therefore, the agency concludes that no change in the current GRAS status of bentonite and clay (kaolin) is justified, and proposes that they be affirmed as GRAS. On the other hand, the uses of bentonite and clay (kaolin) permitted by other regulations are not affected by this GRAS affirmation action.

In the past, FDA routinely adopted food-grade specifications for indirect substances that it affirmed as GRAS in Part 186. Recently, however, the agency has reconsidered the necessity of imposing food-grade specifications on indirect GRAS substances. The agency has concluded that, as a general rule, food-grade specifications are not necessary to ensure the safety of an indirect GRAS substance, provided the substance is of a purity suitable for its intended use in accordance with § 170.30(h)(1) (21 CFR 170.30(h)(1)). This conclusion is based on the fact that indirect uses generally result in extremely low levels of consumer exposure to the additive and correspondingly low levels of exposure to any impurities that may be present. If food-grade specifications are found necessary in a particular case to ensure the safety of an indirect GRAS ingredient, the agency will include them in the regulation. The agency intends to publish a proposal in the near future to amend its procedural regulations in Part 186 to reflect this new policy regarding specifications for indirect GRAS substances.

In the case of clay (kaolin), FDA concludes that specifications are not necessary. Therefore, the proposed regulation governing the use of clay (kaolin) as an indirect GRAS ingredient does not include food-grade specifications.

Copies of the scientific literature review on bentonite and clay (kaolin), and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857 and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 as follows:

Title	Order No.	Price code	Price [1]
Bentonite and clay (kaolin) (Scientific literature review)	PB–234–893–AS	A04	$5.25
Bentonite and clay (kaolin) (Select Committee report)	PB–276–416–AS	A02	4.00

[1] Price subject ot change.

This proposed action does not affect the current use of bentonite and clay (kaolin) for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Parts 182, 184, and 186 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.90 [Amended]

1. In § 182.90 *Substances migrating to food from paper and paperboard products* by deleting "Clay (kaolin)" from the list of substances.

§ 182.1155 [Deleted]

2. By deleting § 182.1155 *Bentonite.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. In Part 184 by adding new § 184.1155 to read as follows:

§ 184.1155 Bentonite.

(a) Bentonite ($Al_2O_3.4SiO_2.nH_2O$, CAS Reg. No. 1302–78–9) is principally a colloidal hydrated aluminum silicate. Bentonite contains varying quantities of iron, alkalies, and alkaline earths in the commercial products. Depending on the cations present, natural deposits of bentonite range in color from white to gray, yellow, green, or blue. Bentonite's fine particles provide large total surface area and, hence, pronounced adsorptive capability of its food use.

(b) Bentonite meets the following specifications:

(1) Loss on drying at 105° C for 2 hours, not more than 12 percent.

(2) Limits of impurities (based on the specified tests in "Food Chemicals Codex" (FCC), 2d Ed. 1972),[1] which is incorporated by reference):

Acid soluble substances, not more than 8 percent (FCC test, p. 422).
Arsenic (as AS), not more than 3 parts per million (FCC test, p. 865).
Heavy metals (as Pb), not more than 40 parts per million (FCC test, p. 920).
Lead, not more than 10 parts per million (FCC test, p. 929).

(c) The ingredient is used as a processing aid as defined in § 170.3(o)(24) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in no significant residue in foods.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

4. In Part 186 by adding a new § 186.1256 to read as follows:

§ 186.1256 Clay (kaolin).

(a) Clay (kaolin) ($Al_2O_3.2SiO_2.nH_2O$, CAS Reg. No. 1332–58–7) consists of hydrated aluminum silicate. The commercial products of clay (kaolin) contain varying quantities of alkalies and alkaline earths. Clay (kaolin) is a white to yellowish or grayish fine powder. There are at least three different minerals, kaolinite, dickite, and nacrite, classified as kaolin. Kaolinite or

[1] Copies may be obtained from the National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

China clay is whiter, less contaminated with extraneous minerals, and less plastic in water.

(b) The ingredient is used as a constituent of paper and paperboard food-packaging materials.

(c) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 186.1(b)(1).

The agency hereby gives notice that it is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those proposed in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. This notice also constitutes a proposal to establish a regulation under Part 181, incorporating the same provisions, if such a regulation is determined to be appropriate as a result of submission of proof of an applicable prior sanction in response to this proposal.

Interested persons may, on or before March 18, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order.

Note.—Incorporation by reference was approved by the Director of the Office of the Federal Register on July 10, 1973 and is on file at the Federal Register Library.

Dated: January 9, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–1492 Filed 1–17–80; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 881

[Docket No. R–80–761]

Congressional Waiver Request

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Congressional waiver request under section 7(o)(4) of the Department of Housing and Urban Development Act.

SUMMARY: Recently enacted legislation enables the Congress to review certain HUD rules. The legislation, however, permits the Secretary to request waiver of the review procedure in appropriate instances. This Notice lists and briefly summarizes for public information an interim rule with respect to which the Secretary is presently requesting waiver.

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

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairman and Ranking Minority Members of both Congressional Banking Committees the interim rule listed below. The purpose of the transmittal is to request waiver of the deferral of effective date for the interim rule under section 7(o)(4) of the Department of HUD Act. A summary of the rulemaking document for which waiver has been requested is set forth below:

Interim Rule—24 CFR Part 881—Section 8 Housing Assistance Payments Programs—Substantial Rehabilitation.

This interim rule establishes revised procedures for the Section 8 Substantial Rehabilitation program to achieve three major objectives. They are: (1) simplification of the regulation format and language; (2) implementation of rent, cost, and amenity limitations to control and reduce program costs; and (3) coordination of Section 8 and HUD mortgage insurance programs to reduce developer submissions and field office workloads. In addition, the regulation implements new relocation procedures to provide more equitable treatment to tenants temporarily and permanently displaced as a result of activities under the program.

(Sec. 7(0) of the Department of HUD Act, 42 U.S.C. 3535(0), sec. 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., January 11, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80–1715 Filed 1–17–80; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–93–79]

Continuity of Business Enterprise Requirement for Corporate Reorganizations; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations clarifying the continuity of business enterprise requirement for corporate reorganizations.

DATES: The public hearing will be held on March 18, 1980, beginning at 11:00 a.m. Outlines of oral comments must be delivered or mailed by March 4, 1980.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–93–79), Washington, D.C. 20224.

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

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 368 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Friday, December 28, 1979, at page 76813 (44 FR 76813).

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

they wish to devote each subject by March 4, 1980. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 10:45 a.m.

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

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

By direction of the Commissioner of Internal Revenue

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 80-1704 Filed 1-17-80; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1394-2]

Alabama; Proposed 1979 Plan Revisions for SO_2 Nonattainment Areas in Alabama

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA today proposes approval of the implementation plan revisions for sulfur dioxide nonattainment areas that Alabama submitted pursuant to requirements of Part D of Title I of the Clean Air Act Amendments of 1977. These SIP revisions were submitted September 6, 1979. The public is invited to submit written comments on this proposed action.

DATES: To be considered, comments must be submitted on or before February 19, 1980.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following EPA offices:

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

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

In addition, the Alabama revisions may be examined at the offices of the Alabama Division of Air Pollution Control, Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36104. Comments should be addressed to Mr. Roger Pfaff, EPA Region IV Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30308.

FOR FURTHER INFORMATION CONTACT: Roger Pfaff of EPA's Region IV Air Programs Branch. Mr. Pfaff may be reached by telephone at 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: Section 172 of the Clean Air Act, as amended 1977, requires that States submit revisions in their implementation plans by January 1, 1979, to provide for the attainment of the national ambient air quality standards in areas designated nonattainment. On March 3, 1978, the Administrator designated a number of areas in Alabama as nonattainment for sulfur dioxide (43 FR 8962). The State has responded by preparing implementation plan revisions as required by the Clean Air Act. The purpose of this notice is to propose approval of the submitted revisions and invite public comments.

A 30-day comment period is being used to enable publication of final action on the SIP revision thereby removing the 110(A)(2)(I) restrictions as soon as possible after July 1, 1979. In addition, the sources and the issues involved are not so complex as to warrant a longer comment period.

The areas designated nonattainment for the sulfur dioxide primary (P) and secondary (S) standards are:

A. That portion of Colbert County surrounding TVA's Colbert Plant(S).

B. That portion of Jackson County surrounding TVA's Widows Creek Plant (P).

C. That portion of Lauderdale County adjacent to TVA's Colbert Plant (S).

Implementation plan revisions under Part D of Title I of the Clean Air Act were officially submitted to EPA by the State on September 6, 1979. The State has also requested an eighteen-month extension of the January 1, 1979, statutory deadline for submittal of the plan for attainment of the secondary standard in the Jackson County nonattainment area.

The Alabama revisions have been reviewed by EPA in light of the Clean Air Act Amendments of 1977, EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the Federal Register on April 4, July 2, August 28, September 17, and November 23, 1979, (44 FR 20372, 44 FR 38583, 44 FR 50371, 44 FR 53761, and 44 FR 67162) and need not be repeated in detail here.

The control strategy demonstration for the Widows Creek Plant uses air quality diffusion modelling to show attainment of the 24-hour primary standard for sulfur dioxide. These results are based on an emission rate equal to the SIP limit of 1.2 lbs. of sulfur dioxide per million BTU of heat input (plant wide average). The same modelling demonstration indicates that the 3-hour secondary standard would not be attained at the above emission rate. The State has requested an eighteen-month extension in order to develop a plan for attainment of the secondary standard. EPA proposes to grant that extension.

For the Colbert plant, the control strategy demonstration considered a reconfiguration of the plant layout and the existing emission limit of 4 lbs. of sulfur dioxide per million BTU heat input as input to the air quality diffusion model. The reconfiguration consisted of replacement of four individual stacks with a single more efficient stack with stack height credit allowed only up to Good Engineering Practice (GEP) stack height. In addition, the new single stack parameters are representative of GEP stack parameters for units of similar size.

The SIP revision submitted by the State contains information identifying the specific stack parameters including the stack height which reflects the good engineering practice calculations. These calculations are also incuded in the EPA records for proposed approval. Modelling showed the reconfiguration and existing limit to be sufficient to attain the secondary standard in both Colbert and Lauderdale Counties. EPA will require completion of the new single stack by April 1, 1983. This time frame also allows for construction or installation of a new electrostatic precipitator. The proposed compliance schedule for achieving attainment of the secondary sulfur dioxide standard at the TVA Colbert Steam Plant is considered to be as expeditious as possible. The compliance schedule also represents Reasonable Further Progress towards attainment of the ambient standard by April, 1983, as specified in the compliance schedule.

PROPOSED ACTION: Based on the foregoing, EPA is proposing to approve the Alabama revision for the attainment of the secondary sulfur dioxide standard in Colbert and Lauderdale Counties, and

of the primary sulfur dioxide standard in Jackson County. In addition, EPA is proposing to grant the State an eighteen-month extension (until July 1, 1980), for submittal of a plan for attainment of the secondary fulfur dioxide standard in Jackson County.

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 lables these other regulations "specialized". EPA has reviewed these regulations and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Sections 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: November 21, 1979.

John C. White,

Regional Administrator.

[FR Doc. 80-1800 Filed 1-17-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 454

[FRL 1393-4]

Gum and Wood Chemicals Manufacturing Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: The following corrections should be made in EPA's November 29, 1979, proposed regulation implementing Sections 301, 304, 306, and 307 of the Clean Water Act (44 FR 68710).

FOR FURTHER INFORMATION CONTACT: William Thomson II, P.E. Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Telephone (202) 426-2554.

Corrections

In FR Document 79-46443, make the following changes:

1. On page 68710, column 2, line 63, change "Tomson" to "Thomson".

2. On page 68710, column 2, line 66, change "Ms. L. Jean Noroian" to "Mr. Lee W. Brillhart"

3. On page 68710, column 2, line 70, change "(202) 426-2617" to "(202) 755-2484".

4. On page 68710, column 3, line 41, change "(PMP's)" to "(BMP's)"

5. On page 68712, column 2, line 47, change "plants" to "plans"

6. On page 68712, column 2, line 64, change "invirtually" to "in virtually"

7. On page 68712, column 3, line 15, change "chloide" to "chloride"

8. On page 68712, column 3, line 31, change "performances a" to "performances"

9. On page 68716, column 3, line 6, change "eight" to "seven"

10. On page 68717, column 2, lines 64-76, change "turpentine plants and 38.7 pounds per day of copper (72.5 percent) and no nickel from two sulfate turpentine plants and 38.7 pounds per day of zinc (94.5" to "turpentine plants and 38.7 pounds per day of zinc (94.5"

11. On page 68718, column 1, line 60, change "becasue" to "because"

12. On page 68718, column 1, line 62, change "bilogical" to "biological"

13. On page 68719, column 1, line 56, change "November" to "December"

14. On page 68723, column 2, line 41, change "requlations" to "regulations"

15. On page 68727, column 1, in the heading for Subpart D, change "Tall Soil Rosin" to "Tall Oil Rosin"

16. On page 68729, column 1, in the first line in the table in § 454.76, change "PSMS effluent limitations" to "PSNS effluent limitations".

17. On page 68729, column 2, in the first line in the table in § 454.77, change "PSMS effluent limitations" to "PSES effluent limitations".

Dated: January 9, 1980.

James N. Smith,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-1730 Filed 1-17-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 5765]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. 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 5148, 451 7th Street S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 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 elevations together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Burbank (City), Los Angeles County.	Shallow Flooding Areas	Intersection of Lake Street and Chestnut Street	*573
			Area between Riverside Drive and Alameda Avenue and west of Main Street.	#1
			Area north of Alameda Avenue and West of Main Street	#2
			Area along Country Club Drive 650 feet north of Via Montana	#3
Maps available at City Hall, 275 East Olive Street, Burbank, California.				
Send comments to Honorable Dan Remy, Mayor, City of Burbank, City Hall, P.O. Box 6459, Burbank, California 91510.				
California	Hayward (City), Alameda County	Alameda Creek—Line A (Zone 3A).	Crossing of Southern Pacific Railroad and channel	*9
		Line A-2 (Zone 3A)	Crossing of Industrial Boulevard over channel	*9
			Intersection of Baumberg Avenue and Julia Street	*10
			Approximately 150 feet west of Capetown Avenue	*10
		Sulphur Creek—Line K (Zone 2)	Southern Pacific Railroad crossing over channel	*8
			Eastern side of Skywest Drive and Sulphur Creek crossing	*32
			Eastern side of Hesperian Boulevard and Sulphur Creek crossing	*39
			150 feet east of the intersection of Barker Avenue and Thelma Street.	*47
			Western side of the intersection of Fuller Avenue and Elmwood Lane.	*57
			Intersection of Santa Clara Street and Elmwood Lane	#2
		Line D (Zone 3A)	West Industrial Parkway Bridge over channel	*10
			Northeast side of Taylor Avenue Bridge over channel	*12
			Intersection of Pacific Street and West Industrial Parkway	*14
			Southern side of end of Valle Vista Avenue	*17
		Ward Creek—Line B (Zone 3A)	Intersection of Industrial Parkway West and Stratford Road	*10
			Intersection of Windmere Road and Buckingham Way	*10
			Industrial Parkway West at channel crossing	*10
			Southern side of Folsom Street over the channel	*13
			Northern side of Shepherd Avenue crossing over the channel	*28
			Southern side of Schafer Road crossing over the channel	*34
			Western side of Huntwood Avenue crossing over the channel	*43
			Eastern side of Whitman Street crossing over the channel	*56
			Approximately 50 feet south of Orchard Avenue crossing over channel.	*82
		Line E (Zone 3A)	North side of Harder Road crossing the channel	*53
			Southern side of Orchard Avenue crossing over channel	*69
			Approximately 180 feet south of Soto Road and Traynor Street intersection.	*73
		Line C (Zone 3A)	Northern end of Rider Court	*53
			Eastern side of Jane Avenue crossing over the channel	*63
			Western side of Whitman Street over channel	*72
			Approximately 850 feet east along channel from the crossing of Bay Area Rapid Transit over channel.	*85
		Line A (Zone 4)	Western side of a Private Road west of Cabot Boulevard as it crosses the channel.	*9
			Crossing of Southern Pacific Railroad over channel, eastern side of tracks.	*21
			Approximately 100 feet west of crossing of Clawiter Road and channel.	*26
		San Francisco Bay	Intersection of Eden Landing Road and Arden Road	*7
			Intersection of Arden Road and Danti Court	*7
			Eastern end of Baumberg Court at Railroad tracks and area to the south.	*7
Maps available from the Department of Public Works, 22300 Foothill Boulevard, Hayward, California.				
Send comments to the Honorable Ilene Weinreb, Mayor, City of Hayward, City Hall, 22300 Foothill Boulevard, Hayward, California 94541.				
California	Sausalito (City); Marin County	San Francisco Bay	400 feet east from intersection of Main Street and Second Street	*6
		Richardson Bay	300 feet east from intersection of Locust Street and Bridgeway	*6
Maps available at the Department of Public Works, City Hall, 420 Litho Street, Sausalito, California.				
Send comments to the Honorable Rene DeBruyn, Mayor, City of Sausalito, City Hall, P.O. Box 127, Sausalito, California 94965.				
California	Whittier (City), Los Angeles County.	Turnbull Canyon	Intersection of Camilla Street and Painter Avenue	#1
		Savage Creek	200 feet east of the intersection of Mar Vista Street and Forest Avenue.	*380
		San Gabriel River	Area between Siphon Road and Durfee Avenue at the Whittier Narrows Flood Control Basin.	*220
Maps available at City Hall, 13230 Penn Street, Whittier, California.				
Send comments to Honorable Delta Murphy, Mayor, City of Whittier, City Hall, 13230 Penn Street, Whittier, California 90602.				
Illinois	Bolingbrook (V) Du Page County	East Branch Du Page River	At downstream corporate limits	*642
			Just downstream of Royce Road	*647
		Lilly Cache Creek	At downstream corporate limit (about 1720 feet downstream of Naperville Road).	*653
			Just upstream of Schmidt Road	*672
			Just downstream of Briarcliff Road	*685
			Just upstream of Falcon Ridge Way	*701
			Just downstream of Kildeer Drive	*721
			Just upstream of Preston Drive	*722

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Naperville Road Tributary	About 300 feet downstream of Lily Cache Lane	*660
			About 1400 feet upstream of Lily Cache	*664
		Lilly Cache Tributary	Mouth at Lily Cache Creek	*673
			Just upstream of Lily Cache Lane	*673
			Just upstream of Woodcreek Road	*679
			Just downstream of Illinois Route 53	*694
Maps available at Village Hall, 131 East Boughton Road, Lemont, Illinois 60439.				
Send comments to: Mr. Robert Bailey, Village President, Village Hall, 131 East Boughton Road, Lemont, Illinois 60439.				
Michigan	(T) Ada, Kent County	Grand River	Downstream corporate limits	626
			Just upstream State Highway M21	631
			Upstream corporate limits	633
		Thornapple River	Mouth at Grand River	631
			Just downstream of covered bridge	632
			Just downstream Ada Dam	633
			Just upstream Ada Dam	639
			Upstream corporate limits	639
Maps available at Township Clerk's Office, Township Hall, 555 Ada Drive, Ada, Michigan.				
Send comments to Mr. Paul F. Nelson, Township Supervisor, Township of Ada, Township Hall, 555 Ada Drive, Ada, Michigan 49301.				
Michigan	(C) Whitehall, Muskegon County	White Lake	Shoreline of community	*584
Maps available at City Hall, 405 East Colby Street, Whitehall, Michigan.				
Send comments to Mr. William E. Beauvais, City Manager, City of Whitehall, City Hall, 405 East Colby Street, Whitehall, Michigan 49461.				
Minnesota	Andover (City), Anoka County	Rum River	Approximately 2000 feet west from intersection of County Highway 7 and 148th Lane NW.	*854
			Approximately 400 feet south from the intersection of Mary Street and Marystone Lane.	*856
			Western end of 159th Avenue NW	*858
			Intersection of County Highway 7 (Roanoke Street Northwest) and 175th Avenue NW.	*863
			Approximately 150 feet south from the intersection of the northern corporate limits and the Rum River.	*865
		Cedar Creek	At confluence with Rum River	*864
		Coon Creek	Intersection of southern corporate limits and Coon Creek	*862
			Approximately 100 feet downstream from intersection of South Coon Creek Drive and the channel.	*866
			Approximately 200 feet upstream from intersection of Crosstown Boulevard and channel.	*872
			Approximately 100 feet upstream from intersection of Prairie Road and channel.	*878
Maps available from City Hall, 1685 Crosstown Boulevard, NW, Anoka, Minnesota.				
Send comments to the Honorable Gerald G. Windschitl, Mayor, City of Andover, City Hall, 1685 Crosstown Boulevard, NW, Anoka, Minnesota 55303, Attn: Ms. Patricia Lindquist, City Clerk.				
Minnesota	LeSueur County, Unincorporated Areas.	Minnesota River	250 feet upstream from center of Minnesota Highway 19	*741
			At center of Minnesota Highway 22	*761
		White Water Creek	At City of Waterville southern corporate limits	*1,017
		Lake Tetonka	At City of Waterville western corporate limits	*1,005
		Lake Sakatah	At City of Waterville eastern corporate limits	*1,004
Maps available at LeSueur Planning and Zoning Office, County Highway Building, RFD 1, LeCenter, Minnesota 56057.				
Send comments to Mr. Clarence Miller, Chairman, County Board of Commissioners, LeSueur County, LeSueur County Courthouse, P.O. Box 127, LeCenter, Minnesota 56057.				
Montana	Troy (Town), Lincoln County	Callahan Creek	Area approximately 1200 feet south-southeast of intersection of Riverside Drive and Third Street.	
			25 feet upstream from center of U.S. Highway 2	*1,905
Maps available at Town Hall, 3rd and Kootenai Streets, Troy, Montana.				
Send comments to Honorable A. E. Brown, Mayor, Town of Troy, Town Hall, Drawer S, Troy, Montana 59935.				
New Jersey	Emerson (Borough), Bergen County.	Pascack Brook	From Old Hook Road, 200 feet north along eastern corporate limit	*25
		Musquapsink Brook	150 feet northwest from the intersection of Dorchester Drive and Vivian Avenue.	*51
		Haunsmans Ditch	30 feet upstream from center of Main Street crossing of Haunsmans Ditch.	*30
		Oradell Reservoir	Within corporate limits	*25
Maps available at Borough Hall, Municipal Building, Linwood Avenue, Emerson, New Jersey.				
Send comments to the Honorable Joseph A. Castiglia, Mayor, Borough of Emerson, Borough Hall, Municipal Building, Emerson, New Jersey 07630.				
Ohio	(C) Kettering, Montgomery County.	Little Beaver Creek	At confluence of North Branch Little Beaver Creek	*869
			Just upstream of Patterson Road	*875
			Just upstream of Vale Drive	*898
			Just upstream of East Dorothy Lane	*908
			Just upstream of Danube Court	*918
			Just upstream of East Stroop Road	*930

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Wilmington Pike	*945
			Just downstream of Conrail	*956
			Just upstream of Conrail	*965
			Just downstream of Flowerdale Avenue	*974
		North Branch Little Beaver Creek	At the western corporate limits	*870
		Penn Creek	About 800 feet upstream of confluence with North Branch Little Beaver Creek.	*870
			Just downstream of Woodman Drive	*878
			Just upstream of Conrail	*883
			Just upstream of Baur Avenue	*889
			Just upstream of Patterson Road	*892
		Middle Branch, Little Beaver Creek.	At confluence with Little Beaver Creek	
			Just upstream of Woodman Drive	*895
				905
			About 150 feet upstream of Conrail (downstream crossing)	*910
			About 250 feet upstream of Conrail	*914
			Just upstream Wilmington Pike	*931
			About 350 feet upstream of Conrail (upstream crossing)	*937
		South Boulevard Creek	Just upstream of Eldorado Avenue	*933
			Just upstream of Gaylord Avenue	*940
				Just upstream of Conrail
				*946
		North Branch, Little Sugar Creek	At eastern corporate limits	*926
			Just downstream of Burchdale Street	*958
			Just upstrteam of Burchdale Street	*963
			About 100 feet downstream of Parklawn Drive	*965
			Just upstream of Parklawn Drive	*968
			Just downstream of Bigger Road	*979
			Just upstream of Conrail	*985

Maps available at Kettering Government Center, 3600 Shrover Road, Kettering, Ohio.

Send comments to the Honorable Charles F. Horn, Mayor, City of Kettering, Kettering Government Center, 3600 Shrover Road, Kettering, Ohio 45429.

Oregon	Depoe Bay (City); Lincoln County	Pacific Ocean	Pirate Cove, west of Harney Street and Spencer Avenue	*45
			Depoe Bay State Park, West of the intersection of Oregon Coast Highway 101 and Bay Drive.	*54
			Area 300 feet north of the intersection of Cliff Street and Point Avenue.	*58
			Shallow flooding area 75 feet northwest of Point Avenue	#1
		Depoe Bay	Intersection of Elsie Street and Coast Guard Place	*11

Maps available at City Hall, School House Street, Depoe Bay, Oregon.

Send comments to William W. Wahl, Mayor, City of Depoe Bay, City Hall, P.O. Box 363, Depoe Bay, Oregon 97341.

Oregon	La Grande (City); Union County	Grande Ronde River	Intersection of river and center of Interstate Highway 80	*2,793
			30 feet downstream from center of Harrison Avenue	*2,814
		Taylor Creek	30 feet upstream from center of Linda Lane	*2,819
			Intersection of creek and center of Highland Drive	*2,880
		Little Taylor Creek	Intersection of creek and center of Gemini Drive	*2,803
			30 feet upstream from center of Linda Lane	*2,818
			30 feet upstream from center of Jupiter Lane	*2,828
		Old Taylor Creek Channel	25 feet downstream from center of Pisces Place	*2,805
		Gekeler Slough	90 feet upstream from center of Forest Service Bridge	*2,746
			60 feet downstream from center of 20th Street	*2,753
			Intersection of I Avenue and 15th Street	*2,761
		Mill Creek	Intersection of creek and center of 20th Street	*2,753
			Intersection of B Avenue and 2nd Street	#1
		East West Diversion Channel	Confluence with Little Taylor Creek	*2,894
		Deal Creek	Intersection of N Avenue and Alder Street	#1

Maps available from City Hall, 104 Elm Street, La Grande, Oregon.

Send comments to the Honorable Robert Davidson, Mayor, City of La Grande, City Hall, P.O. Box 670, La Grande, Oregon 97850.

South Carolina	Lexington County, Unincorporated Areas.	Congaree River	At center of Gervais Street	*157
		Congaree Creek	100 feet upstream from center of Interstate Highway 26	*143
		Six Mile Creek	At center of U.S. Highway 1 (Augusta Road)	*245
			30 feet upstream from center of Woodberry Road	*269
		Tributary SM-3	200 feet upstream from center of Interstate Highway 26	*171
		First Creek	At center of Dogwood Road	*174
		Saluda River	At center of Interstate Highway 26	*180
			At center of Interstate Highway 20	*188
		Senn Branch	30 feet upstream from center of McSwain Drive	*185
			At center of Ephrata Drive	*232
		Stoop Creek	At center of State Highway 273 (Bush River Road)	*185
			At center of Tree Top Lane	*199
		Kinley Creek	At center of Shareditch Road	*192
			100 feet east along Lockner Road from its intersection with Challedon Drive.	*212

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tributary K-2			200 feet north along Pittsdowne Road from its intersection with Nottingham Road.	*202
		Twelve Mile Creek	50 feet upstream from center of East Main Street (U.S. Highway 1)	*275
		Rawls Creek	200 feet south along Goldstone Drive from its intersection with its intersection with Bishopgate Road.	*206
			At center of Ripley Station Road	*218
		Koon Branch	At center of Woodvalley Drive	*216
			200 feet east along Water Hill Drive from its intersection with South Woodside Road.	*262
Maps available at County Administrator Building, 212 South Lake Drive, Lexington, South Carolina.				
Send comments to Mr. Lowell C. Spires, Jr., Chairman, Lexington County Council, County Administrator Building, 212 South Lake Drive, Lexington, South Carolina.				
Commonwealth of the Virgin Islands.	Island of St. Thomas	Atlantic Ocean	Areas adjacent to shoreline surrounding Sunsi Bay	*5
			Areas adjacent to shoreline surrounding St. John Bay	*5
			Areas adjacent to shoreline surrounding Magens Bay	*6
			Areas adjacent to shoreline surrounding Santa Maria Bay	*6
		Caribbean Sea	Areas adjacent to shoreline surrounding Perseverance Bay	*6
			Areas adjacent to shoreline surrounding Mangrove Lagoon	*6
			Intersection of Harry S. Truman Airport Road and Harwood Highway	#2
			850 feet northeast of intersection of Veterans Drive and Harwood Highway.	#3
Maps available from the Director of Banks and Insurance, Office of the Lieutenant Governor, St. Thomas, Virgin Islands.				
Send comments to the Honorable Juan F. Luis, Governor, Commonwealth of Virgin Islands, Government House, Charlotte Amalie, St. Thomas, Virgin Islands 00801.				
Commonwealth of the Virgin Islands.	Island of St. Thomas	Atlantic Ocean	Areas adjacent to shoreline surrounding Hawksnest Bay	*5
			Areas adjacent to shoreline surrounding Mennebeck Bay	*5
		Caribbean Sea	Areas adjacent to shoreline surrounding Genti Bay	*6
			Areas adjacent to shoreline surrounding Round Bay	*6
Maps available from the Director of Banks and Insurance, Office of the Lieutenant Governor, St. Thomas, Virgin Islands.				
Send comments to the Honorable Juan F. Luis, Governor, Commonwealth of Virgin Islands, Government House, Charlotte Amalie, St. Thomas, Virgin Islands 00801.				

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 19867; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: December 19, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-1640 Filed 1-17-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 5768]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 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 Part 67.4 (a).

These elevations, together with the flood plain management measures required by section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings, and their contents.

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

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maryland	Baltimore County	Beaverdam Run	Confluence with Loch Raven Reservoir	*257
			Beaver Run Lane (Upstream)	*258
			York Road (Upstream)	*259
			Beaver Dam Road (Upstream)	*269
		Roland Run	L'Hirondelle Club Road (Upstream)	*235
			Circle Road (Upstream)	*238
			Ruxton Road (Upstream)	*241
			Roland Run Avenue (Upstream)	*247
			Joppa Road (Upstream)	*257
			Thornton Ridge Road (Upstream)	*265
			Essex Farm Road (110' Downstream)	*267
			Essex Farm Road (80' Upstream)	*273
			Conrail (Downstream)	*283
			Conrail (Upstream)	*289
			Interstate Route 695 (Downstream)	*292
			Interstate Route 695 (Upstream)	*296
			Conrail (Upstream)	*301
		Tributary of Roland Run	Confluence with Roland Run	*303
			Seminary Drive (Upstream)	*309
			Morris Avenue (Upstream)	*316
			Conrail (Upstream)	*362
			Conrail Spur (Upstream)	*378
		Dead Run	County Boundary	*287
			Old Ingleside Avenue (Upstream)	*299
			Colonial Road (Upstream)	*318
			Little Creek Drive (125' Upstream)	*331
			Gwynn Oak Avenue (175' Upstream)	*337
			Woodlawn Drive (Upstream)	*348
			Whitestone Road (175' Upstream)	*361
			Interstate Route 695 (Downstream)	*362
			Belmont Avenue (Upstream)	*370
			Gordon Avenue (Upstream)	*374
			Lord Baltimore Road (Upstream)	*388
		Tributary of Dead Run	Confluence with Dead Run	*377
			1,975' upstream of confluence with Dead Run	*417
		Gwynns Falls	County Boundary	*286
			Gwynn Oak Avenue (Upstream)	*306
			Gwynn Oak Park Bridge Ruins (Upstream)	*309
			Liberty Road (Downstream)	*360
			Liberty Road (Upstream)	*368
			Essex Road (Upstream)	*378
			Buckingham Road (Upstream)	*381
			Burley Lane (Upstream)	*383
			Milford Mill Road (Upstream)	*392
			Old Court Road (Upstream)	*404
			Interstate Route 695 (Upstream)	*408
			Mt. Wilson Road (Upstream)	*416
			McDonogh Road (Upstream)	*428
			Painters Mill Road (150' Upstream)	*455
			South Dolfield Road (Upstream)	*463
			U.S. Highwasy 140 (Upstream)	*477
			Bonita Avenue (Upstream)	*516
			Gwynnbrook Avenue (Upstream)	*543
			Kendigs Mill Road (Upstream)	*563
			Timber Grove Road (Upstream)	*584
		Herbert Run	Harbor Tunnel Thruway (Upstream)	*18
			Chessie System (Downstream)	*27
			Chessie System (Upstream)	*44
			Washington Boulevard (Upstream)	*46
		East Branch Herbert Run	Confluence with Herbert Run	*46
			Tomday Boulevard (Upstream)	*50
			Interstate Route 95 (Upstream)	*53
			Sulphur Spring Road (Upstream)	*69
			Stephens Avenue Footbridge (Upstream)	*75
			Linden Avenue (Upstream)	*78
			Circle Drive (Upstream)	*90
			Leads Avenue (Upstream)	*92
			Ten Oaks Road (Upstream)	*100
			Leeds Terrace (Upstream)	*101
			Maiden Choice Lane (Upstream)	*104
			Elm Ridge Avenue (Upstream)	*105
			Hooper Avenue (Upstream)	*127
			Ridge Avenue (Upstream)	*132
			Wilkens Avenue	*156
		West Branch Herbert Run	Confluence with Hebert Run	*46
			Francis Avenue (Upstream)	*51
			Interstate Route 95 (200' Upstream)	*64
			Elm Road (Upstream)	*64
			June Road Footbridge (Upstream)	*71
			Sulphur Spring Road (Upstream)	*82
			Shelbourne Road (75' Upstream)	*111
			Poplar Avenue (Upstream)	*119
		Red-house Creek	Confluence with Back River	*9
			Chessie System (Downstream)	*14

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Chessie System (Upstream)	*37
			Weyburn Road (100' Upstream)	*44
			Interstate Route 95 (150' Upstream)	*55
			Hazelwood Avenue (Upstream)	*60
		Stemmers Run	Confluence with Back River	*9
			Interstate Route 695—Interchange 36 Ramps (Upstream)	*17
			Conrail (Upstream)	*20
			Chessie System (Upstream)	*26
			Golden Ring Mall Road (Upstream)	*31
			State Route 7 (175' Upstream)	*34
			Interstate Route 695—Interchange 33 Ramps (Downstream)	*49
			Interstate Route 695—Interchange 33 Ramps (Upstream)	*74
		Tributary of Stemmers Run	Confluence with Stemmers Run	*68
			Interstate Route 695—Interchange 33 Ramps (Upstream)	*69
			Rossville Boulevard (Upstream)	*100
			1,600' upstream of Rossville Boulevard	*178
		White-marsh Run	Confluence with Bird River	*10
			Cowenton Avenue (Upstream)	*14
			U.S. Highway 40 (Upstream)	*38
			Conrail (Downstream)	*40
			Conrail (Upstream)	*52
			State Route 7 (Upstream)	*54
			Interstate Route 95 (Upstream)	*63
			Private Road 4,000' downstream of U.S. Highway 1 (Upsteam)	*116
			U.S. Highway 1 (100' Downstream)	*143
			U.S. Highway 1 (Upstream)	*156
			Grove Road (bridge destroyed)	*224
			Avondale Road (Upstream)	*258
			Interstate Route 695 (Downstream)	*278
		Honeygo Run	Confluence with Whitemarsh Road	*14
			U.S. Highway 40 (Upstream)	*16
			Conrail (Downstream)	*18
			Conrail (Upstream)	*28
			State Route 7 (Upstream)	*32
			Interstate Route 95 (Downstream)	*46
			Interstate Route 95 (Upstream)	*51
			Joppa Road (Downstream)	*151
			Joppa Road (Upstream)	*159
			Cross Road (Upstream)	*173
			Chapel Road (Upstream)	*188

Maps available at the Baltimore County Office Building in the Planning Department.

Send comments to Mr. John Seyfert, Director of Planning for Baltimore County, Baltimore County Office of Planning and Zoning, Towson, Maryland 21204.

Massachusetts	Harwich, Town, Barnstable County.	Nantucket Sound	Entire Coastline	*10
		Chatham Harbor	Pleasant Bay	*8
			Muddy Creek	*8
		Herring River	Confluence with Nantucket Sound	*10
			Lower County Road	*9
			State Route 28	*8
			East Reservoir	*6

Maps available at the office of the Town Engineer, Town Offices, Harwich, Massachusetts.

Send comments to Mr. Donn B. Griffin, Chairman of the Board of Selectmen of Harwich, Town Office Building, Main Street, Harwich, Massachusetts.

New York	East Hampton, Village, Suffolk County.	Atlantic Ocean	Entire Coastline and shoreline of Georgica Pond, Georgica Cove and Hook Pond within community.	*9

Map available at the Village Hall, East Hampton, New York.

Send comments to Honorable Douglas Dayton, Mayor of East Hampton, Village Hall, 27 Main Street, East Hampton, New York 11937.

Pennsylvania	Alsace, Township, Berks County...	Antietam Creek	Downstream Corporate Limits	*571
			Approximately 1,700 feet downstream from Seidel Road	*580
			Approximately 1,100 feet downstream from Seidel Road	*595
			Approximately 700 feet downstream from Seidel Road	*602
			Approximately 150 feet downstream from Seidel Road	*610
			Seidel Road (Downstream Side)	*616

Maps available at the Alsace Township Offices.

Send comments to Mr. Terry Shore, Chairman of the Board of Supervisors of Alsace, Price Town Road, R. D. 1, Temple, Pennsylvania 19560.

Pennsylvania	Ashley, Borough, Luzerne County.	Solomon Creek	Upstream Conrail (Adjacent to St. Mary Road)	*590
			Upstream Carey Street	*598
			Downstream Richard Street (Extended)	*609
			Upstream Conrail	*615
			Upstream Access Road (Extended)	*639
			Downstream Main Street	*643
			Upstream Main Street	*649
			Downstream Wyoming Street (Extended)	*677
			Upstream Corporate Limits	*709
		Sugarnotch Run	Downstream Sively Street	*605
			Upstream Sively Street	*606
			Upstream Frederick Street	*607

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Corporate Limits	*610
Maps available at the Town Hall Building, Ashley, Pennsylvania.				
Send comments to Mr. William L. Fields, Council President of Ashley, Town Hall Building, North Main Street, Ashley, Pennsylvania 18706.				
Pennsylvania	Bern, Township, Berks County	Schuylkill River	Downstream Corporate Limits	*225
			2,700 feet downstream of Felix Dam	*238
			Upstream side of Felix Dam	*253
			Upstream side of Cross Keys Road	*263
			Upstream Corporate Limits	*281
		Tulpehocken Creek	Downstream Limits	*216
			Upstream side of Red Bridge Road	*224
			Downstream side of Rebers Bridge Road	*236
		Plum Creek	Confluence with Tulpehocken Creek	*236
			Upstream side of County Welfare Road	*262
			Upstream side of Plum Creek Road	*306
			Upstream Corporate Limits	*311
Maps available at the Bern Township Building.				
Send comments to Mrs. Delores N. Gauley, Chairperson of the Township of Bern, Municipal Building, Box 738, R. D. 2, Reading, Pennsylvania 19605.				
Pennsylvania	Delaware, Township, Northumberland County.	West Branch, Susquehanna River	Downstream Corporate Limits	*473
			Pennsylvania Route 44	*483
			Conrail	*491
		Warrior Run	Pennsylvania Route 406	*478
			Pennsylvania Route 147	*480
			Upstream Corporate Limits	*492
		Spring Run	Pennsylvania Route 405	*479
			Conrail	*487
			Township Route 604	*525
		Dry Run	Downstream Corporate Limits	*479
			Conrail	*485
			Township Route 627	*493
			Legislative Route 49119	*507
		Delaware Run	Pennsylvania Route 44	*483
			Pennsylvania Route 405	*483
			Township Route 634	*496
Maps available at the Delaware Township Building, Warrior Run Road, R. D. 1, Watsontown, Pennsylvania.				
Send comments to Mr. F. Dale Oakes, Chairman of the Board of Supervisors of Delaware, R. D. 2, Watsontown, Pennsylvania 17777.				
Pennsylvania	East Caln, Township, Chester County.	East Branch, Brandywine Creek	Downstream Corporate Limits	*225
			U.S. Route 322 (Upstream)	*227
			State Route 282 (Upstream)	*246
			Upstream Dam (Upstream)	*256
			Upstream Corporate Limits	*262
Maps available at the East Caln Township Building, 103 Garris Road, Downingtown, Pennsylvania.				
Send comments to Mr. William L. Vanroden, Chairman of the Board of Supervisors of East Caln, P.O. Box 232, Downingtown, Pennsylvania 19335.				
Pennsylvania	Emsworth, Borough, Allegheny County.	Ohio River, Main Channel	Downstream Corporate Limits	*719
			Upstream of Emsworth Locks and Dam	*722
		Lowries Run	Upstream of confluence with Ohio River Main Channel	*721
			Upstream of Ohio River Boulevard	*724
			Upstream of Private Bridge that is upstream of Center Avenue	*739
			Upstream Corporate Limits	*752
Maps available at the Municipal Building, Emsworth, Pennsylvania.				
Send comments to Honorable William Moul, Mayor of Emsworth, 171 Center Avenue, Emsworth, Pennsylvania 15202.				
Pennsylvania	Gamble, Township, Lycoming County.	Loyalsock Creek	Downstream Corporate Limits	*623
			3,700 feet upstream of Corporate Limits	*634
			Confluence of Wallis Run	*638
			Confluence of Buternut Grove Run	*648
			Confluence of Dry Run	*667
			At Corporate Limits 30,090 feet upstream of Corporate Limits and 4,830 feet downstream of confluence of Cove Hollow Road.	*693
			At most upstream Corporate Limits	*720
		Wallis Run	Confluence of Loyalsock Creek	*638
			2,300 feet upstream of confluence of Loyalsock Creek	*650
			3,500 feet upstream of confluence of Loyalsock Creek	*660
			6,250 feet upstream of confluence with Loyalsock Creek	*680
			10,550 feet upstream of confluence with Loyalsock Creek	*700
			Confluence of Murray Run	*722
			Upstream of Legislative Route 41050	*743
			800 feet downstream of confluence of Roaring Run	*769
			At confluence of Roaring Run	*777
			2,950 feet upstream or Roaring Run	*800
			850 feet downstream of Joe Gray Run	*826
			At confluence of Joe Gray Run	*830
			At confluence of Salt Run	*849
			1,920 feet upstream of Salt Run	*865
			3,025 feet upstream of Salt Run	*880

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			4,975 feet upstream of Salt Run	*910

Maps available at the residence of Ms. Patricia Hipple, Secretary of the Township of Gamble, Winters Lane, Calvert, Pennsylvania.

Send comments to Mr. Eugene Sellers, Chairman of the Board of Supervisors of Gamble, Star Route, Trout Run, Pennsylvania 17771.

Pennsylvania	Great Bend, Borough, Susquehanna County.	Susquehanna River	Downstream Corporate Limits	*874
			Upstream Corporate Limits	*874

Maps available at the Borough Hall, Great Bend, Pennsylvania.

Send comments to Mayor Michael Freeman, 319 Main Street, Great Bend, Pennsylvania 18821.

Pennsylvania	Hallstead, Borough, Susquehanna County.	Susquehanna River	Downstream Corporate Limits	*874
			Upstream Corporate Limits	*875
		DuBois Creek	At Conrail Bridge	*874
			At State Route 70	*874
		Salt Lick Creek	At State Route 289	*875
			About 920 feet upstream of Township Route 842	*875

Maps available at the Hallstead Borough Hall.

Send comments to Honorable Peter Testa, Mayor of Hallstead, 406 Main Street, Hallstead, Pennsylvania 18822.

Pennsylvania	Huston, Township, Blair County	Clover Creek	Downstream Corporate Limits	*1,075
			Private Road Downstream	*1,078
			Private Road Upstream	*1,079
			L. R. 07051 Upstream	*1,085
			Private Road approximately 5,250 feet above Corporate Limits	*1,097
			Private Road approximately 6,685 feet above Corporate Limits	*1,105
			Private Road approximately 10,400 feet above Corporate Limits	*1,117
			T-369 Upstream Ye Olde Mill Dam Downstream Limit of Detailed Study approximately 6,810 feet above Private Road located approximately 10,400 feet above Corporate Limits.	*1,148

Maps available at the residence of Mr. Robert Fisher, Secretary of the Township of Huston, R. D. 2, Martinsburg, Pennsylvania.

Send comments to Mr. Byron Daughenbaugh, Council President of Huston, R. D. 2, Martinsburg, Pennsylvania 16662.

Pennsylvania	Lanesboro, Borough, Susquehanna County.	Susquehanna River	Downstream Corporate Limits	*907
			Extension of State Route 242	*910
			Upstream Corporate Limits	*911
		Starrucca Creek	Double Track Conrail crossing (Upstream side)	*916
			Single Track Conrail crossing (Upstream side)	*920
			Approximately 1,040 feet upstream of Single Track Conrail crossing	*926
			Upstream Starrucca Road crossing	*934
			Upstream Corporate Limits	*942

Maps available at the Lanesboro Borough Hall.

Send comments to Honorable J. Taylor Soop, Mayor of Lanesboro, Box 215, Lanesboro, Pennsylvania 18827.

Pennsylvania	Lititz, Borough, Lancaster County	Lititz Run	Corporate Limits Downstream	*360
			Oak Street Upstream	*363
			Elm Street Upstream	*364
			South Locust Street Upstream	*366
			North Water Street Downstream	*371
			South Cedar Street Culvert Outlet	*371
			South Cedar Street Culvert Inlet	*373
			Limit of Detailed Study approximately 1,280' upstream of South Broad Street.	*376
		Santo Domingo Creek	Confluence with Lititz Run	*364
			Elm Street Upstream	*364
			Front Street Upstream	*368
			North Water Street Upstream	*372
			Corporate Limits Upstream	*379

Maps available at the Lititz Borough Hall.

Send comments to Honorable Raymond S. Reeder, Mayor of Lititz, 7 South Broad Street, Lititz, Pennsylvania 17543.

Pennsylvania	Marion, Township, Berks County	Tulpehocken Creek	Approximately 1,100' upstream of Route 422	*361
			Extension of Private Road that intersects and is north of Main Street	*370
			Main Street (Upstream)	*375
			Extension of Private Road that intersects and is south of Main Street	*382
			Richland Road (Downstream)	*389

Maps available at the Marion Township Offices.

Send comments to Mr. Richard Webber, Chairman of the Township of Marion, 143 Main Street, Stouchberg, Pennsylvania 19567.

Pennsylvania	Muncy Creek, Township, Lycoming County.	West Branch, Susquehanna River	State Routes 54 and 405	*493
			Conrail Downstream	*501
			Confluence of Muncy Creek	*504
			Upstream Corporate Limits	*506
		Glade Run	Confluence with West Branch Susquehanna River	*504
			Legislative Route 41063 downstream	*517
			Downstream crossing Legislative Route 41064 upstream	*547

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream crossing Legislative Route 41064 downstream	*583
			Approximately 2,000 feet upstream of Legislative Route 41064	*620
		Muncy Creek	Confluence of Wolf Run	*504
			State Route 405 (upstream)	*511
			Confluence of Little Muncy Creek	*514
			Upstream Corporate Limits	*525
		Little Muncy Creek	Confluence with Muncy Creek	*514
			State Route 442 downstream	*517
			Legislative Route 41063 upstream	*533
			Township Route 612 (Extended)	*555
			Legislative Route 41069 upstream	*568
			State Route 442 downstream	*576
		Wolf Run	Confluence with Muncy Creek	*504
			Old State Route 147	*505
			Upstream Corporate Limits	*505
	Maps available at the Muncy Creek Township Building, Route 442, Muncy, Pennsylvania.			
	Send comments to Mr. Steven C. Poust, Chairman of the Board of Supervisors of Muncy Creek, R. D. 1, Muncy, Pennsylvania 17756.			
Pennsylvania	North Belle Vernon, Borough, Westmoreland County.	Speers Run	Upstream of Interstate Route 70 Access Ramp	*763
			Upstream of Interstate Route 70	*763
			Approximately 1,100 feet upstream of Interstate Route 70	*764
	Maps available at the North Belle Vernon Borough Building.			
	Send comments to Mr. Joseph B. Tintori, Council President of North Belle Vernon, c/o Ms. Anna Sheets, 503 Steer Street, Belle Vernon, Pennsylvania 15012.			
Pennsylvania	Oakland, Township, Susquehanna County.	Susquehanna River	Oakland Power Plant Dam (Upstream)	*905
			State Route 171 (Upstream)	*906
			Upstream Corporate Limits	*914
	Maps available at the Township Building.			
	Send comments to Mr. Fred Kutz, Chairman of the Township of Oakland, R. D. 1, Box 13, Susquehanna, Pennsylvania 18847.			
Pennsylvania	Pequea, Township, Lancaster County.	Conestoga Creek	Downstream Corporate Limits	*224
			1.1 Miles upstream of downstream Corporate Limits	*228
		Pequea Creek	Downstream Corporate Limits	*264
			Marticville Road Upstream	*272
			Byerland Church Road Upstream	*278
			Approximately 1,975 feet upstream of Byerland Church Road	*279
	Maps available at the Pequea Township Building.			
	Send comments to Mr. Donald Kepner, Chairman of the Township of Pequea, 299 Route 6, Lancaster, Pennsylvania 17603.			
Pennsylvania	Susquehanna Depot, Borough, Susquehanna County.	Susquehanna River	Oakland Power Plant Dam	*904
			Downstream crossing of State Route 171	*905
			Upstream Corporate Limits	*907
	Maps available at the Borough Hall, Susquehanna, Pennsylvania.			
	Send comments to Honorable Lynn Jessup Goull, Mayor of Susquehanna Depot, 218 Exchange Street, Susquehanna, Pennsylvania.			
Pennsylvania	Taylor, Township, Blair County	Plum Creek	Approximately 640' downstream of Decker Hollow Road	*1,262
			Decker Hollow Road	*1,272
			Legislative Route 07074	*1,284
			Approximately 2,350' upstream of Township Route 164	*1,296
		Halter Creek	Approximately 1,100' downstream of northern intersection of Halter Creek Road.	*1,148
			Confluence of Cabbage Creek	*1,160
			Upstream of southern intersection of Halter Creek Road	*1,170
			Approximately 250' upstream of Halter Creek Road	*1,173
		Cabbage Creek	Confluence with Halter Creek	*1,160
			Approximately 480' upstream of confluence with Halter Creek	*1,170
			Approximately 850' upstream of confluence with Halter Creek	*1,180
			Approximately 1,400' upstream of confluence with Halter Creek	*1,190
			Approximately 760' upstream of Corporate Limits at Private Driveway	*1,230
			Closson Road	*1,244
			Approximately 1,280' upstream of intersection with Closson Road	*1,254
			Approximately 1,980' upstream of intersection with Closson Road	*1,264
			Approximately 1,470' downstream of Orchard Road	*1,274
			Approximately 930' downstream of Orchard Road	*1,284
			Orchard Road	*1,296
			Approximately 2,350' upstream of Orchard Road	*1,313
	Maps available at the Taylor Township Building.			
	Send comments to Mr. J. N. Thompson, Council President of Taylor, Rural Delivery, Roaring Springs, Pennsylvania 16673.			
Pennsylvania	Union, Township, Luzerne County	Shickshinny Creek	Downstream of Dam	*549
			Approximately 1,950 feet upstream of Dam	*580
			Approximately 2,900 feet upstream of Dam	*601
			Upstream of Legislative Route 235	*631
			Upstream of Township Route 461 (Extended)	*681
			Upstream of Private Bridge	*699
			Upstream of confluence of Tributary to Shickshinny Creek	*714

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Township Route 530 (Extended)	*733
			Downstream Township Route 451	*749
		Reyburn Creek	Confluence with Shickshinny Creek	*632
			Downstream Legislative Route 40072	*679
			Upstream Private Road	*695
			Approximately 800 feet upstream of Private Road	*730
			Upstream Township Route 469	*804
			Approximately 3,500 feet upstream of Township Route 469	*831
			Township Route 479	*859
Maps available at the Union Township Secretary's residence, R. D. 1, Shickshinny, Pennsylvania.				
Send comments to Mr. William B. Lent, Chairman of the Board of Supervisors of Union, R. D. 1, Shickshinny, Pennsylvania.				
Pennsylvania	Upper Pottsgrove, Township, Montgomery County.	Sprogels Run	Upstream side of Charlotte Road	*199
			1,500' upstream of Charlotte Road	*213
			1,150' downstream of Mauger's Mill Road	*228
			Upstream side of Mauger's Mill Road	*243
			1,170' upstream of Mauger's Mill Road	*266
			400' upstream of Snyder Road	*289
Maps available at the Upper Pottsgrove Township Municipal Building.				
Send comments to Mr. Maurice Meeker, Chairman of Upper Pottsgrove, 123 Boyer Road, Pottstown, Pennsylvania 19464.				
Pennsylvania	Uwchlan, Township, Chester County.	East Branch, Brandywine Creek	Downstream Corporate Limits	*261
			Confluence of Shamona Creek	*273
			Upstream Corporate Limits	*283
		Shamona Creek	Confluence with East Branch Brandywine Creek	*273
			Dowlin Forge Road (Upstream)	*275
Maps available at the Uwchlan Township Building, 715 North Ship Road.				
Send comments to Mr. William F. Haase, Township Manager of Uwchlan, P.O. Box 255, Lionville, Pennsylvania 19353.				
Pennsylvania	Vandergrift, Borough, Westmoreland County.	Pine Run	Downstream Corporate Limits	*789
			Upstream side of abandoned bridge piers	*795
Maps available at the Vandergrift Borough Hall.				
Send comments to Mr. Eugene Millie, Council President of Vandergrift, c/o Mr. Steve Delledonne, Municipal Building, Vandergrift, Pennsylvania 15690.				
Vermont	Belvidere, Town, Lamoille County.	North Branch, Lamoille River	Approximately 614 feet downstream of confluence with North Fork	*798
			Approximately 1,210 feet upstream of confluence with North Fork	*823
			Downstream side of State Highway No. 109	*842
			Approximately 50 feet upstream of State Highway No. 109	*847
			Approximately 2,566 feet upstream of State Highway No. 109	*869
			Downstream side of Town Highway No. 8	*901
			Approximately 126 feet upstream of Town Highway No. 8	*906
Maps available at the Town Hall, Belvidere, Vermont.				
Send comments to Mr. Mark Schroder, Chairman of the Board of Selectmen of Belvidere, Vermont 05656.				

(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: December 19, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-1639 Filed 1-17-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5266]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for the City of Kansas City, Wyandotte County, Kans.

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 city of Kansas City, Wyandotte, County, Kansas.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 17731 on March 23, 1979, and in *The Kansas City Kansan* published on March 9, 1979 and March 16, 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 base (100-year) elevations are available for review at the City Hall, Physical Planning Department, Kansas City, Kansas. Send comments to: The Honorable John E. Reardon, Mayor, City of Kansas City, Municipal Office Building, 1 Civic Plaza, Kansas City, Kansas 66101.

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

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the

city of Kansas City, 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 for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kansas	(C) Kansas City, Wyandotte County (Docket No. FEMA-5266).	Missouri River	At Eastern corporate limit	*751
			Approximately ½ mile downstream of Fairfax Bridge	*757
			Just upstream of Interstate 635	*759
			At Northern corporate limit	*765
		Kansas River	At confluence with Missouri River	*751
			1,000 feet upstream of 7th Street	*752
			Just downstream of Kansas Avenue	*757
			At confluence of Brenner Height Creek	*760
			At confluence of Mill Creek	*764
			At Western corporate boundary	*767
		Jersey Creek	At entrance to tunnel	*760
			Just upstream of 3rd Street	*761
			Just upstream of 4th Street	*764
			Just upstream of 5th Street	*768
			At downstream end of Missouri-Pacific Railroad Tunnel	*769
			At upstream end of Missouri-Pacific Railroad Tunnel	*777
			Approximately 400 feet upstream of 10th Street	*780
			Just upstream of 11th Street	*785
			Just upstream of 13th Street	*798
			Approximately 400 feet upstream of 16th Street	*807
			At confluence of Jersey Creek Tributary	*810
			Just downstream of 18th Street	*811
			Just upstream of Garfield Avenue	*824
			Approximately 300 feet downstream of Wood Avenue	*824
			Just upstream of 25th Street	*846
			Just downstream of 26th Street	*848
			Just upstream of 26th Street	*856
			Approximately 750 feet upstream of 26th Street	*856
		Jersey Creek Tributary	At confluence with Jersey Creek	*810
			Just upstream of Stewart Avenue	*815
			Just upstream of 22nd Street	*833
			Approximately 1,150 feet upstream of 22nd Street	*845
		Turkey Creek	Just upstream of Tunnel Entrance	*763
			Just upstream of Interstate 35 Ramp	*768
			Approximately 350 feet upstream of Mission Road	*787
			Upstream of Interstate 35	*790
			Upstream of Mill Street	*799
			Just downstream of the St. Louis and San Francisco Railway	*802
			Approximately 700 feet downstream of Roe Avenue	*808
			400 feet upstream of 18th Street Expressway	*835
			Approximately 200 feet upstream of the upstream Interstate 35 crossing.	*838
			At southern corporate boundary	*843
			Approximately 2,100 feet upstream of Lamar Avenue	*851
		Brenner Heights Creek	At confluence with Kansas River	* 760
			Just upstream of 57th Street	*765
			Approximately 200 feet downstream of State Avenue	*786
			Approximately 300 feet upstream of State Avenue	*790
			Just upstream of Everett Avenue	*816
			Approximately 800 feet downstream of Parallel Avenue	*842
			Approximately 250 feet upstream of Parallel Avenue	*849
			Just downstream of 59th Street	*849
			Just upstream of 59th Street	*862
Approximately 2,750 feet upstream of 59th Street				*876
		Brenner Heights Creek Tributary	At confluence with Brenner Height Creek	*763
			Just upstream of State Avenue	*784
			Just upstream of 55th Street	*799
			Approximately 650 upstream of 55th Street	*800
			Approximately 2,850 feet upstream of 55th Street	*821
		Muncie Creek	At confluence with Brenner Heights Creek	*760
			Just upstream of 61st Street	*763
			Just upstream of Riverview Avenue	*775
			Just downstream of the Kansas Turnpike	*779
			Approximately 400 feet upstream of Kansas Turnpike	*788
			Approximately 2,800 feet upstream of Kansas Turnpike	*788
			Just downstream of State Avenue	*811

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 100 feet upstream of State Avenue	*819
			Approximately 7,100 feet upstream of State Avenue	*861
		Mill Creek	At confluence with Kansas River	*764
			Just downstream of Union Pacific Railroad	*764
			Approximately 900 feet upstream of Kansas Highway 32	*775
			Just upstream of Kansas Avenue	*783
			Just downstream of 72nd Street	*792
			Just upstream of 72nd Street	*798
			Just downstream of Riverview Avenue	*810
			Just upstream of Riverview Avenue	*820
			Approximately 1,550 feet upstream of Interstate 70	*822
			Just downstream of State Avenue	*864
			Just upstream side of State Avenue	*874
			Approximately 2,700 feet upstream of State Avenue	*881
		Little Turkey Creek	At confluence with Kansas River	*765
			Just upstream of Swartz Avenue	*777
			Just upstream of 85th Terrace	*789
			Just upstream of Kansas Avenue	*793
			At Western corporate boundary	*843
		Little Turkey Creek Tributary	At confluence with Little Turkey Creek	*789
			Just upstream of Kansas Avenue	*791
			Just downstream of 86th Street	*791
			Just upstream of 86th Street	*797
			Approximately 5,700 feet upstream of 86th Street	*823
			Approximately 7,300 feet upstream of 86th Street	*840
Kansas	(C) Kansas City, Wyandotte County, (Docket No. FEMA-5266).	Connor Creek	At confluence with Missouri River	*765
			Approximately 200 feet upstream of 97th Street	*766
			Approximately 300 feet upstream of Hollingsworth Avenue	*778
			Just upstream of Donahoo Road	*819
			Approximately 150 feet upstream of 107th Street	*840
			Approximately 2 miles upstream of 107th Street	*899

(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 19867; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: December 19, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-1644 Filed 1-17-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5702]

Proposed Flood Elevation Determinations for the City of Woburn, Middlesex County, Mass., Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations for the city of Woburn, Middlesex County, Massachusetts that appeared on page 44 FR 57445 of the **Federal Register** of October 5, 1979.

EFFECTIVE DATE: October 5, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 426–1460 or toll free line 800–424–8872.

SUPPLEMENTARY INFORMATION: The notice published on October 5, 1979 at 44 FR 57445 in the **Federal Register**, and in the *Daily Times* on September 21, 1979 and September 28, 1979 showing the following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Aberjona River	Just upstream of Interstate 95.	66
	Approximately 825 feet upstream of Interstate 95.	67
Little Brook	Approximately 800 feet upstream of Bedford Road.	103

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Aberjona River	Just upstream of Interstate 93.	66
	Approximately 825 feet upstream of Interstate 93.	67
Little Brook	Approximately 700 feet upstream of Bedford Road.	103

(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: December 31, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 80-1636 Filed 1-17-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 5763]

National Flood Insurance Program; Proposed Base Flood Elevation for the Village of Amityville, N.Y.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation described below.

The proposed base flood elevation will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevation are available for review at the Mayor's Office, Village Hall, Amityville, New York. Send comments to: Hon. Victor S. Niemi, Mayor, Village of Amityville, Village Hall, 21 Greene Avenue, Amityville, New York 11701.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6570 or toll free line, (800) 424-8872 or (800) 424-8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevation (100-year flood) for the village of Amityville, New York, 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 Section, 24 CFR 1917.4 (a)).

The base flood elevation, together with the flood plain management measures required by § 60.3 (presently appearing at its former Section 24, CFR 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevation 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 building and their contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, mean sea level
Great South Bay.....	Area between eastern and western corporate limits.	6

(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: December 6, 1979.

Gloria M. Jimenz,

Federal Insurance Administrator.

[FR Doc. 80-1645 Filed 1-17-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 5764]

National Flood Insurance Program; Proposed Base Flood Elevation for the Village of Babylon, N.Y.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation described below.

The proposed base flood elevation will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevation are available for review at the Mayor's Office, Village Hall, Babylon, New York.

SEND COMMENTS TO: Honorable Gilbert Hanse, Mayor, Village of Babylon, Village Hall, 153 West Main Street, Babylon, New York 11702.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6570 or toll-free line, (800) 424-8872 or (800) 424-8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevation (100-year flood) for the Village of Babylon, New York, 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 Section 24 CFR 1917.4(a)).

The base flood elevation, together with the flood plan management measures required by § 60.3 (presently appearing at its former Section 24 CFR 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed elevation 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 consents.

The proposed 100-year flood elevation for selected locations are:

Source of flooding	Location	Elevation in feet, mean sea level
Great South Bay.....	Area between eastern and western corporate limits.	6

(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: December 6, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-1647 Filed 1-17-79; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1249

[No. 37234]

Adoption of Annual Report Form MH-2 for Class II Motor Carriers of Household Goods and Reporting Revision for Dual Authority Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission is proposing to reduce the reporting burden of Class II household goods (HG) carriers by requiring them to file a simplified annual report (Form MH–2). Presently, these carriers file the same annual report as Class I HG carriers and Class I and II dual authority (DA) motor carriers. Adoption of this proposal would reduce the reporting burden for Class II HG carriers by about 67%. It would also eliminate the requirement for DA motor carriers to exclusively file Annual Report Form MH. Instead, these carriers would file either Annual Report Form M, or Annual Report Form MH depending upon the activity that generates the majority of gross operating revenue. This proposal would add two additional lines to Schedule 210, Comparative Results of Operations in Form M to accommodate reporting of household goods operations.

This notice is being published in summary form in order to conserve paper and to reduce printing costs. Persons wishing a complete copy of the proposal may obtain a copy from the Commission by calling the Office of the Secretary, using the special toll-free telephone number listed below.

DATE: Comments are due on or before March 3, 1980.

ADDRESS: An original and 10 copies, if possible, should be sent to: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275–7448.

For complete copies of this notice call (800) 424–5403.

SUPPLEMENTARY INFORMATION: The Commission is authorized by the Interstate Commerce Act to require and prescribe the form of annual, periodic, and special reports filed by carriers subject to its regulation. The information reported by these carriers is needed to fulfill the regulatory responsibilities of the Commission in the areas of rate regulation, valuation of transportation property, operating rights, mergers, acquisitions, abandonments and discontinued service. However, the Commission is continually attempting to reduce the accounting and reporting burden imposed on regulated carriers.

The Commission reviewed its data needs relative to Class I & II HG carriers. Based upon this review, the Commission concluded that there is no need to require Class II HG carriers to file Form MH.

Instead, Class II HG carriers should file a simplified annual report. Annual Report Form MH–2 was developed to obtain data from Class II HG carriers that would be used on a regular basis by the Commission. MH–2 represents a 67% reduction in the annual reporting burden of Class II HG carriers.

The Commission's review also disclosed that DA carriers are required to file Annual Report Form MH regardless of the activity or commodity hauled that produced the majority of gross operating revenue. Information relating to their freight hauling activities is provided by six supplementary schedules. For DA carriers which are primarily freight haulers, these reporting requirements have prevented the accumulation of significant freight data. The supplementary schedules in Form MH do not provide adequate information about the freight hauling activities of these carriers. The Commission needs information from these carriers in the same detail and format as reported by motor carriers which haul freight exclusively.

The Commission proposes to require Class I and II DA carriers to file an Annual Report Form M if the majority of its annual operating revenue results from hauling freight or an Annual Report Form MH if the majority of its annual operating revenues result from hauling household goods.

The Commission also concluded that the information reported by DA carriers on the six supplementary schedules is not needed from DA carriers which haul mostly household goods. We propose to eliminate these schedules from Form MH.

Accordingly, we propose to revise 49 CFR Part 1249, as shown below.

This proposed rule does not appear to significantly affect the quality of the human environment.

These rules are proposed under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided December 31, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis.

Agatha L. Mergenovich,

Secretary.

49 CFR 1249.2, is revised to read:

§ 1249.2 Annual reports of Class I and Class II carriers of household goods and dual authority carriers.

All Class I motor carriers of household goods shall file Annual Report Form MH. All Class II motor carriers of household goods shall file Annual Report Form MH–2. All Class I and II dual authority carriers shall file, either Annual Report Form M or Annual Report Form MH or MH–2 depending upon the activity or commodity hauled that generates the majority of operating revenue and their carrier revenue classification. All annual reports shall be filed in duplicate, with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the reporting year.

[FR Doc. 80-1708 Filed 1-17-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 601

Regional Fishery Management Councils; Intercouncil Boundaries

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Advance notice of proposed rulemaking and request for comments.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) intends to reconsider the final regulation establishing the boundary between the South Atlantic and Gulf of Mexico Fishery Management Councils (44 FR 23528, § 601.12(c)). The boundary will be redrawn according to geographic factors only, so that each Council's area of management authority corresponds with the locations of the Atlantic Ocean or the Gulf of Mexico. NOAA invites comments on the appropriate placement of the boundary.

DATES: Comments must be received by March 21, 1980.

ADDRESS: Comments should be sent to: Mr. Terry L. Leitzell, Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. William Stevenson, Director Southeast Region, NMFS, 9450 Koger Blvd., St. Petersburg, Florida 33702. Telephone: (813) 893–3141.

SUPPLEMENTARY INFORMATION: NOAA first established the boundary between the South Atlantic and Gulf of Mexico Councils by publishing interim regulations on July 18, 1977 (42 FR 36980). The boundary was an eastward extension of the line separating Dade and Monroe Countries in Florida. On April 20, 1979 (44 FR 23528), the interim regulations were made final. The Assistant Administrator for Fisheries determined that the Dade-Monroe line best served the sound conservation and management of the fisheries in the area surrounding the Florida peninsula.

The Assistant Administrator made his determination on the basis of a NOAA legal opinion that the Fishery Conservation and Management Act of 1976 authorized him to consider fishery-management factors as well as geography in establishing the boundary. That legal opinion has been reviewed by the Office of Legal Counsel, Department of Justice, which concluded that "boundaries between adjoining Regional Fishery Management Councils are to be established solely on the basis of geographical factors."

Accordingly, NOAA will reconsider the location of the boundary in preparation for a proposed rulemaking. The agency invites comments and suggestions on the exact location of the geographical line between the Atlantic Ocean and the Gulf of Mexico. That line will be adopted as the boundary between the two Councils.

NOAA does not expect the establishment of a different boundary line to affect the division of management responsibilities between the two Councils. The Assistant Administrator has already designated which Council has the lead role in developing fishery management plans for the major fisheries off Florida.

Note.—The Assistant Administrator finds and determines that this proposal is non-significant under Executive order 12044 and under the National Environmental Policy Act of 1969.

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

Signed this 15th day of January, 1980, at Washington, D.C.

Winfred H. Meibohm,

Executive Director National Marine Fisheries Service.

[FR Doc. 80-1758 Filed 1-17-80; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 676

North Pacific Fishery Management Council; Correction of Notice of Public Hearings

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Correction of notice of public hearings.

SUMMARY: On October 29, 1979, a notice in the **Federal Register** (44 FR 61983) announced public hearings on the Draft Environmental Impact Statement/ Fishery Management Plan (DEIS/FMP) for the herring Fisheries of the Bering and Chukchi Seas. The notice was amended on November 21, 1979 (44 FR 66859), postponing some hearings and extending the public comment period until January 30, 1980. Due to inclement weather, we are rescheduling the postponed hearings.

DATES: Public hearings will be held on February 9, 10, 11, 1980, in the following Alaska cities and villages: Bethel, Tooksook Bay, Hooper, and Togiak. The exact times and locations will be forthcoming and are subject to change. Local television, radio stations, and newspapers will advertise these changes throughout the area. Comments on this FMP will be received until February 15, 1980.

ADDRESS: Send comments to: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, (907) 274–4563.

FOR FURTHER INFORMATION CONTACT: James Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, (907) 274–4563.

Dated: January 15, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-1743 Filed 1-17-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 13
Friday, January 18, 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

Soil Conservation Service

Franklin County Road Backslopes Critical Area Treatment R.C. & D. Measure, Georgia

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30603, telephone 404–546–2275.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Franklin County Road Backslopes Critical Area Treatment RC&D Measure, Franklin County, Georgia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include vegetation of critically eroding backslopes on improved county roads.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30603, telephone 404–546–2275. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 19, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, 16 U.S.C. 590a–f, q.)

Dated: January 9, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-1581 Filed 1-17-80; 8:45 am]

BILLING CODE 3410-16-M

Franklin County State Highway Road Backslopes Critical Area Treatment RC&D Measure, Georgia

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30603, telephone 404–546–2275.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Franklin County State Highway Road Backslopes Critical Area Treatment RC&D Measure, Franklin County, Georgia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include vegetation of critically eroding backslopes on improved county roads.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 206 Federal Building, 35 East Hancock Avenue, Athens, Georgia 30603, telephone 404–546–2275. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 19, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, 16 U.S.C. 590a–f, q.)

Dated: January 9, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc 80-1582 Filed 1-17-80; 8:45 am]

BILLING CODE 3410-16-M

Hart County State Road Backslopes Critical Area Treatment R.C. & D. Measure, Georgia

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30603, telephone 404–546–2275.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hart County

State Road Backslopes Critical Area Treatment RC&D Measure, Hart County, Georgia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include vegetation of critically eroding backslopes on improved State roads.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30603, telephone 404–546–2275. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 19, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q.)

Dated: January 9, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–1583 Filed 1–17–80; 8:45 am]

BILLING CODE 3410–16–M

Prickett Creek Watershed, West Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone 304–599–7151.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Prickett Creek Watershed, Marion and Taylor Counties, West Virginia.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The project sponsors are not interested in implementing this plan. The sponsors have not acquired landrights for any of the planned structural measures.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone 304–599–7151. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 18, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008.)

Date: January 14, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–1657 Filed 1–17–80; 8:45 am]

BILLING CODE 3410–16–M

Rabun County Road Backslopes Critical Area Treatment R.C. & D. Measure, Georgia

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30603, telephone 404–546–2275.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Rabun County Road Backslopes Critical Area Treatment RC&D Measure, Rabun County, Georgia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include vegetation of critically eroding backslopes on improved county roads.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30603, telephone 404–546–2275. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 19, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q.)

Dated: January 9, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–1584 Filed 1–17–80; 8:45 am]

BILLING CODE 3410–16–M

Sevenmile Greek Watershed, Illinois; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, 200 West Church Street, Champaign, Illinois 61820, telephone number 217–398–5267.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Sevenmile Creek Watershed, White County, Illinois.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not casuse significant local, regional, or national impacts on the evironment. As a result of these findings, Mr. Warren J. Fitzgerald, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The finding of no Significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contracting Mr. Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, 200 West Church Street, Champaign, Illinois 61820, telephone number 217–398–5267. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 18, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–10008.)

Dated: January 14, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–1658 Filed 1–17–80; 8:45 am]

BILLING CODE 3410–16–M

Tribble Mill Recreation Area Public Water-Based Recreation R.C. & D. Measure, Georgia

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30603, telephone 404–546–2275.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Tribble Mill Recreation Area Public Water-Based Recreation RC&D Measure, Gwinnett County, Georgia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water-based recreation. The planned works of improvement include development of a 630-acre park with lakes of 108 and 40 acres.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30603, telephone 404–546–2275. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 19, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q.)

Dated: January 9, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources Soil Conservation Service.

[FR Doc. 80–1585 Filed 1–17–80; 8:45 am]

BILLING CODE 3410–16–M

Twenty-Five Mile Stream Watershed Maine; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT:
James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Soil Conservation Service Guidelines (7CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Twenty-five Mile Stream Watershed project, Waldo, Kennebec, Penobscot, and Somerset Counties, Maine, effective on December 14, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008.)

Dated: January 14, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources Soil Conservation Service.

[FR Doc. 80–1656 Filed 1–17–80; 8:45 am]

BILLING CODE 3410–16–M

Union County Roads Critical Area Treatment R.C. & D. Measure Georgia.

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30603, telephone 404–546–2275.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Union County Roads Critical Area Treatment R.C. & D. Measure, Union County, Georgia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Dwight M. Treadway, State

Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include stabilizing by grassing 70 acres of severely eroding county road backslopes throughout the country.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30603, telephone 404–546–2275. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 19, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q.)

Dated: January 9, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources Soil Conservation Service.

[FR Doc. 80–1586 Filed 1–17–80; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Air Midwest; Notice of Order To Show Cause, Application for Specific Designation of Airport

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (80–1–79), Application of Air Midwest for Specific Designation of Airport.

SUMMARY: The Board is proposing to change the designation "Kansas City, Mo." in Air Midwest's certificate of public convenience and necessity by adding "(to be served through Kansas City International Airport)", and is issuing the above show-cause order for that purpose. The tentative findings and conclusions will become final if no objections are filed.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by January 28, 1980, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections or Additional Data should be filed in Docket 37061, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: James F. Adley, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5412.

SUPPLEMENTARY INFORMATION: Objections should be served on Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Trans-World Airlines, Inc., Republic Airlines, Inc., Air-Plains, Inc., Ozark Air Lines, Inc., Texas International Airlines, Inc., United Air Lines, Inc., the Kansas Department of Transportation, the Missouri Department of Transportation, the Colorado Department of Transportation, the Mayors of Kansas City, Wichita and Denver, the Managers of the MidContinent Airport, Wichita, Kansas City International Airport, Kansas City Downtown Airport, Stapleton International Airport, Denver, the Federal Aviation Administration, and the Mayors and Airport Managers of Lamar, Colorado, and Goodland, Garden City, Dodge City, Hays, Great Bend, Hutchinson, and Independence-Coffeyville-Parsons, Kansas.

The complete text of Order 80–1–79 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80–1–79 to that address.

By the Bureau of Domestic Aviation: January 14, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–1719 Filed 1–17–80; 8:45 am]

BILLING CODE 6320–01–M

[Order 80–1–101; Docket 34396]

Braniff Airways, Inc.; Request for Discussion Authority Under Section 412 and an Antitrust Exemption Under Section 414

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of January, 1980.

Braniff Airways has asked that we grant authority under Section 412 of the Federal Aviation Act, as amended, 49 U.S.C. 1382, to those U.S. and Foreign air carriers that provide foreign air transportation to the International Arrivals Building (IAB) at the John F. Kennedy International Airport in New York so that these carriers may "jointly plan their passenger arrivals so . . . [that] . . . no more than 3,000 passengers per hour will be planned to arrive during the summer of 1980." Braniff is seeking this authority in response to a request of the Port Authority of New York and New Jersey, which has asked that passenger flows be limited at the IAB from June 15, 1980 through September 15, 1980 in order to avoid undue congestion at that facility during peak periods. These discussions are scheduled to take place in San Diego beginning January 21, 1980 in conjunction with the Winter Meeting of the John F. Kennedy Airport Scheduling Committee. Braniff states that no single carrier has the capacity to meet the Port Authority's directive on a unilateral basis. Braniff also requests that we immunize its proposed discussions from the operations of the antitrust laws under Section 414.

No one has answered or commented in opposition to Braniff's plea.

With some reluctance, we have decided to grant Braniff's requests for discussion authority and immunity. We will grant authority for a period of 30 days subject to the conditions disucssed below.[1]

The authority Braniff is seeking has been granted on a number of previous occasions[2] and in most cases on a routine basis. We are now in the process of actively reviewing the need for and the desirability of continued approval of inter-carrier agreements as the means for allocating scarce resources at congested airports. It is our general view that these arrangements are not in harmony with the pro-competitive policies that we are intent on fostering in air transportation. Recently, we commissioned a study which recommended that scarce airport capacity be allocated on a more competitive basis.[3] This study dealt principally with the use of the Airline Scheduling Committee Agreements, Docket 20051, to allocate takeoff and landing rights at the four airports which are presently subject to the Federal Aviation Administration's High Density Rule. However, in our view, there is little difference between the discussions Braniff has proposed and the use of the broader Scheduling Committee Agreements.

[1] In the interest of accommodating new entrants, we are granting authority to all those carriers authorized to serve JFK.

[2] Such authority was first granted by Order 71–1–155, January 12, 1971, in response to a request filed by Pan American World Airways; and most recently by Order 79–1–163, January 25, 1979, in response to a request filed by Braniff.

[3] *See* Alternative Methods of Allocating Airport Slots: Performance and Evaluation; Polinomics Research Laboratories, Inc.

We have decided to grant Braniff's request for discussion authority and antitrust immunity because we have no desire to disrupt the *status quo* pending the formulation and implementation of a new system that we expect will rely more fully on competitive considerations. We are concerned that, in the interim, considerable hardship and inconvenience could be caused to those air travelers who utilize the IAB during its peak season were we to discontinue our sanction of the discussions at issue. We have thus concluded that the grant of discussion authority would not be adverse to the public interest and similarly that the discussons require immunity. However, we believe we have made it clear to all concerned that change is in the wind.

By Order 79–12–188, December 27, 1979, we announced that we intended to impose various conditions when authorizing discussions under Section 412; namely, that advance written notice of all meetings be provided to the Board and the United States Departments of Justice and Transportation, that these agencies be permitted to send observers, and that all meetings either be held in Washington, D.C. or transcribed. We are imposing these conditions upon the instant authorization with certain modifications. First, we are shortening the notice period from seven days to five days since the IAB discussions are slated to begin on January 21st. Second, we are requiring that other interested government agencies, such as the Federal Inspections Service and the Port Authority of New York and New Jersey, also be permitted to send observers. The Port Authority has asked that these agencies be permitted to attend, and they have an obvious interest in the outcome of the discussions.

Accordingly, We:

1. Approve under Section 412 of the Federal Aviation Act, as amended, 49 U.S.C. 1382, for a period of 30 days from the date of service of this order, the request of Braniff Airways, Inc. for authority so that those U.S. and foreign air carriers that are authorized to provide foreign air transportation to the John F. Kennedy Airport in New York may discuss possible agreements contolling passenger arrivals at that airport's International Arrivals Building to no more than 3,000 passengers per hour during the period June 15, 1980 through September 15, 1980, *provided:*

(a) That Braniff gives written notice five days in advance of the time, date and place of all meetings to the Board, and the United States Departments of Justice and Transportation;

(b) That the above agencies, as well as other interested government agencies, such as the Federal Inspections Service and the Port Authority of New York and New Jersey, be permitted to send representatives to all meetings as observers; and

(c) That all such meetings either be held in Washington, D.C. *or* that full transcript be taken at all such meetings and three copies of such transcripts be filed with the Board's Docket Section within seven days of the conclusion of each meeting; and

2. We approve Braniff's request for an antitrust exemption under Section 414, 49 U.S.C. 1384.

A copy of this order shall be served upon all U.S. certificated air carriers and all foreign air carriers authorized to serve John F. Kennedy Airport that use the IAB; the Departments of the Treasury, Transportation, State, Agriculture, and Justice; the Department of Health, Education, and Welfare; the Immigration and Naturalization Service; the Federal Aviation Administration; Health Services and Mental Health Administration; Animal and Plant Health Inspection Service; the Bureau of Customs; and the Port Authority of New York and New Jersey. This order will also be published in the **Federal Register.**

By the Civil Aeronautics Board.

All Members concurred.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–1717 Filed 1–17–80; 8:45 am]

BILLING CODE 6320–01–M

Chicago-Columbus-Dayton-Denver-Los Angeles-Richmond Subpart Q Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order To Show Cause 80–1–77; Chicago-Columbus-Dayton-Denver-Los Angeles-Richmond Subpart Q Proceeding.

SUMMARY: The Board is instituting the Chicago-Columbus-Dayton-Denver-Los Angeles-Richmond Subpart Q Proceeding and is proposing to grant (a) unrestricted authority to United in the Dayton-Denver/Los Angeles, Columbus-Denver/Los Angeles and Chicago-Richmond markets and (b) unrestricted authority to Western in the Denver-Columbus/Dayton markets under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than February 19, 1980, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 37438, which we have entitled the Chicago-Columbus-Dayton-Denver-Los Angeles-Richmond Subpart Q Proceeding. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon United Air Lines and Western Air Lines; California Transportation Commission, Aeronautics Subcommittee; Colorado Department of Highways, Aviation Transportation Section; Illinois Division of Aeronautics; Ohio Dept. of Transportation, Division of Aviation; Virginia State Corp. Commission, Division of Aeronautics; Mayors of Chicago, Columbus, Dayton, Denver, Los Angeles and Richmond; Airport Manager, Chicago O'Hare International Airport; Airport Manager, Port Columbus International Airport; Airport Manager, Dayton International Airport; Airport Manager, Stapleton International Airport, Denver, Colo.; Airport Manager, Los Angeles International Airport; and Airport Manager, Richard E. Byrd International Airport, Richmond, Va.

FOR FURTHER INFORMATION CONTACT: Richard E. Clusman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5216.

SUPPLEMENTARY INFORMATION: The complete text of Order 80–1–77 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80–1–77 to that address.

By the Bureau of Domestic Aviation: January 14, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–1721 Filed 1–17–80; 8:45 am]

BILLING CODE 6320–01–M

[Dockets 33363, 36432, and 36433]

Former Large Irregular Air Service Investigation, Phase III (Applications of K-Air, Inc.); Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-

entitled proceeding is assigned to be held on February 13, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., January 15, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 1728 Filed 1-17-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363, 36432, and 36433]

Former Large Irregular Air Service Investigation, Phase III, Applications of Kalina Enterprises, Inc.; Reassignment of Proceeding

This proceeding, insofar as it involves the applications of Kalina Enterprises, Inc., Dockets 36432 and 36433, has been reassigned to Chief Administrative Law Judge Joseph J. Saunders.

Dated at Washington, D.C., January 14, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 1723 Filed 1-17-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363 and 34477]

Former Large Irregular Air Service Investigation, Phase III, Application of R & B Air Travel; Assignment of Reopened Proceeding

This proceeding, insofar as it ivolves the application of R & B Air Travel, Docket 34477 has been reassigned to Chief Administrative Law Judge Joseph J. Saunders.

Dated at Washington, D.C., January 15, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-1727 Filed 1-17-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33361, 32645, and 32646]

Former Large Irregular Air Service Investigation (Application of Royal Air Service, Inc.; Postponement of Hearing

By notice of hearing dated December 4, 1979, (44 FR 71854, dated December 12, 1979), this application was set to be heard January 22, 1980. At the request of the applicant the hearing is postponed indefinitely.

Dated at Washington, D.C., January 14, 1980.

Marvin H. Morse,

Administrative Law Judge.

[FR Doc. 80-1725 Filed 1-17-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363 and 36234]

Former Large Irregular Air Service Investigation (Application of Silvas Air Lines, Inc.); Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 8, 1980, at 9:30 a.m. (local time), in Hearing Room 1003B, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C. 20428, before me.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 14, 1980.

Marvin H. Morse,

Administrative Law Judge.

[FR Doc. 80-1724 Filed 1-17-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 3363, 32606, and 32607]

Former Large Irregular Air Service Investigation, Phase III, Applications of Worldwide Airlines, Inc.; Reassignment of Proceeding

This proceeding, insofar as it involves the applications of Worldwide Airlines, Inc., Dockets 32606 and 32607 has been reassigned to Chief Administrative Law Judge Joseph J. Saunders.

Dated at Washington, D.C., January 15, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-1726 Filed 1-17-80; 8:45 am]

BILLING CODE 6320-01-M

Lakeshore Air Service, Ltd., and Northwest Airlines, Inc.; 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 January 11, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming application in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other 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
Jan. 8, 1980	37414	Lakeshore Air Ltd./Service Aerien Lakeshore Ltee, c/o Bruce Verchere, President, 4481 Montrose Avenue, Westmount, Quebec H3Y 2B4. Application of Lakeshore Air Service Ltd./Service Aerien Lakeshore Ltee, pursuant to Section 402 of the Act and under Subpart Q, to perform operations of a casual, occasional or infrequent nature, in common carriage, between the United States and Canada. Answers may be filed February 5, 1980.
Jan. 10, 1980	37423	Northwest Airlines, Inc., Minneapolis/St. Paul International Airport St. Paul, Minnesota 55111. Application of Northwest Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q requests an amendment of its existing certificate of public convenience and necessity for Route No. 3 or for a new certificate so as to authorize Northwest to engage in air transportation of persons, property and mail a follows: "Between the terminal point Minneapolis/St. Paul, Minnesota and the terminal point Orlando, Florida." Conforming Applications and answers may be filed February 7, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-1722 Filed 1-17-80; 8:45 am]

BILLING CODE 6320-01-M

Miami-Las Vegas/Phoenix/San Antonio Subpart Q Proceeding; Notice of Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause 80–1–80, Miami-Las Vegas/Phoenix/San Antonio Subpart Q Proceeding.

SUMMARY: The Board is instituting the Miami-Las Vegas/Phoenix/San Antonio Subpart Q Proceeding and is proposing to grant unrestricted authority to American and Western in the Miami-Las Vegas/Phoenix/San Antonio markets under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than February 20, 1980, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 37443, which we have entitled the Miami-Las Vegas/Phoenix/San Antonio Subpart Q Proceeding. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon American Airlines and Western Airlines; Florida Department of Transportation, Aviation Bureau; Nevada Public Service Commission, Dept. of Aviation; Arizona Department of Transportation, Aeronautics Division; Texas Aeronautics Commission; Mayors of Miami, Las Vegas, Phoenix, and San Antonio; Airport Manager, Miami International Airport; Airport Manager, McCarran International Airport, Law Vegas, Nev.; Airport Manager, Sky Harbor International Airport, Phoenix, Arizona; and Airport Manager, San Antonio International Airport.

FOR FURTHER INFORMATION CONTACT: Richard E. Clusman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5216.

SUPPLEMENTARY INFORMATION: The complete text of Order 80–1–80 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80–1–80 to that address.

By the Bureau of Domestic Aviation:
January 14, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–1718 Filed 1–17–80; 8:45 am]

BILLING CODE 6320–01–M

Additional Northwest/Ohio Valley-Florida Show Cause Proceeding; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause Order 80–1–81, Additional Northeast/Ohio Valley-Florida Show Cause Proceeding.

SUMMARY: The Board is proposing to grant unrestricted nonstop authority in the Cincinnati-Tampa market to Pan American World Airways and in the Cincinnati-Tampa/Orlando/Sarasota, Indianapolis-Orlando/Sarasota, Columbus-Orlando/Sarasota, and Sarasota-New York/Philadelphia/Washington/Baltimore markets, to Western Air Lines and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions, shall file by February 20, 1980, with the Board and serve upon Pan American World Airways and Western Air Lines a statement of objections, together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections.

Additional Data: Additional carriers desiring the authority in issue are directed to file in Docket 37442 by February 5, 1980: (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year. They are also directed to file applications and motions to consolidate at the same time.

ADDRESSES: Objections should be filed in Docket 37442, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Thomas G. Chew, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673–6067.

SUPPLEMENTARY INFORMATION: The complete text of Order 80–1–81 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C 20428. Persons outside the metropolitan area may send a postcard request for Order 80–1–81 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Bureau of Domestic Aviation,
January 14, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–1720 Filed 1–17–80; 8:45 am]

BILLING CODE 6320–10–M

[Dockets 36940 and 37168]

Peter S. Smith, Marjorie K. Smith, Douglas A. Smith, and Abigail Smith v. Pan American World Airways, Inc., and Kathleen Rauch v. Pan American World Airways, Inc.; Notice of Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Henry M. Switkay. Future communications should be addressed to Judge Switkay.

Dated at Washington, D.C., January 15, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80–1729 Filed 1–17–80; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Establishment and Membership of General Performance Review Board

This notice announces the establishment by the assistant Secretary for the Economic Development Administration (EDA) as Appointing Authority for the Senior Executive Service at EDA, of the General Performance Review Board (GPRB), and a list of the individuals to serve on the GPRB.

The purpose of the GPRB is to review performance agreements, performance appraisals and ratings, recommendations for certain personnel actions and other related material, and to make appropriate recommendations to the Appointing Authority concerning such matters in such a manner as will assure the fair and equitable treatment

of senior executives and the organization of which they are members and instill in the minds of such senior executives confidence in the integrity, competence, and impartiality of the GPRB. The GPRB will perform its review functions for all EDA executives.

The names and titles of individuals who are eligible to serve on the GPRB are listed below.

Mr. John E. Corrigan, Director, Atlantic Regional Office, Philadelphia, Pennsylvania.
Mr. Edward G. Jeep, Director, Midwestern Regional Office, Chicago, Illinois.
Mr. Charles E. Oxley, Director, Southeastern Regional Office, Atlanta, Georgia.
Mr. Craig M. Smith, Director, Rocky Mountain Regional Office, Denver, Colorado.
Mr. Joe B. Swanner, Director, Southwestern Regional Office, Austin, Texas.
Ms. Phyllis Lamphere, Director, Western Regional Office, Seattle, Washington.
Mr. Harold W. Williams, Deputy Assistant Secretary for Economic Development, Washington, D.C.
Mr. George T. Karras, Deputy Assistant Secretary for Economic Development Operations, Washington, D.C.
Mr. Victor Hausner, Deputy Assistant Secretary for Economic Development Policy and Planning, Washington, D.C.
Mr. Edward M. Levin, Chief Counsel, Washington, D.C.
Mr. Lorin L. Goodrich, Director, Office of Management and Administration, Washington, D.C.
Mr. Israel M. Baill, Director, Office of Technical Assistance, Washington, D.C.
Mr. Charles W. Coss, Director, Office of Public Investments, Washington, D.C.
Mr. Glenn S. Waldron, Director, Office of Private Sector Investments, Washington, D.C.
Mr. Curtis R. McClinton, Jr., Director, Office of Special Projects, Washington, D.C.
Mr. Thomas S. Francis, Director, Office of Eligibility and Industry Studies, Washington, D.C.
Mrs. Dorothy P. Keeler, Acting Director, Office of Development Organizations and Planning, Washington, D.C.
Mr. Raymond E. Tanner, Special Assistant for Indian Affairs, Washington, D.C.
Mr. Pat Choate, Chief, Research Division, Washington, D.C.
Mr. John B. Roose, Director, Office of Business Programs, Industry and Trade Administration, Washington, D.C.
Mr. Hugh L. Brennan, Director, Office of Organization and Management Systems, Office of the Secretary, Washington, D.C.

Persons desiring any further information about the GPRB or its membership may contact Ms. Michelle Oppenheimer, Chief, Personnel Management Division, Economic Development Administration, Washington, D.C. 20230, (202) 377–3203.

Dated: January 14, 1980.

Robert F. Hall,

Assistant Secretary for Economic Development.

[FR Doc. 80–1632 Filed 1–17–80; 8:45 am]

BILLING CODE 3510–24–M

International Trade Administration

University of Pennsylvania, et al.; Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In FR Doc. 80–1124 appearing on page 2676 in the issue of Monday, January 14, 1980, in the second column, fifth line of the fourth full paragraph, the numbers now reading "909" should read "90Q".

BILLING CODE 1505–01–M

National Oceanic and Atmospheric Administration

Financial Assistance for Fisheries Development; Cost-Sharing Requirements

AGENCY: National Oceanic and Atmospheric Administration/ Department of Commerce.

ACTION: Notice of cost-sharing provisions for applications/Request for comments.

SUMMARY: In FR Doc. 79–35281 appearing in 44 FR page 65806 on November 15, 1979, the National Marine Fisheries Service (NMFS) announced the availability of funding for fisheries development projects for Fiscal Year 1980. Section III of that notice, appearing in 44 FR 65806 stated that specific cost-sharing guidelines for proposals would be published at a later date. In anticipation of the cost-sharing guidelines, the time for filing proposals for fisheries development projects was extended by notice on January 3, 1980, 45 FR 821. The cost-sharing guidelines have now been completed, and the following changes are being made to incorporate them into the instructions for filing proposals.

The cost sharing guidelines are effective as of January 18, 1980, and all proposals required to be submitted by February 8, or April 1, 1980, as indicated in the earlier notices, must be written or amended to conform to these cost-sharing guidelines. At the same time, NMFS is inviting comments on these cost-sharing guidelines in order to determine if further revisions should be made. Comments will be accepted until March 3, 1980. Comments should describe any circumstances or conditions which exist that restrict the ability of any individual or group to participate in this program under these guidelines. Comments should be sent to the office identified below.

In addition to the cost-sharing requirements, this notice requires that any applicant that submits a proposal containing more than one project shall rank each project according to its priority for funding relative to the other projects contained in the proposal.

EFFECTIVE DATE: January 18, 1980.

FOR FURTHER INFORMATION CONTACT: Office of Utilization and Development (F/UD), National Marine Fisheries Service (NMFS), Washington, D.C. 20235, Attention: Preston Smith, Telephone: (202) 634–7252.

SUPPLEMENTARY INFORMATION: The Federal Register notice of November 15, 1979, established certain minimum requirements that fisheries development projects must satisfy in order to be considered for funding by NMFS. Included among these requirements were general cost-sharing provisions. NMFS is now announcing specific cost-sharing guidelines to aid applicants in drafting or amending proposals for funding. Consequently, the following changes are made to the notice published in 44 FR page 65806 on November 15, 1979.

1. On page 65806, Section III is revised to read: *"Section III—Cost-Sharing Provisions.*

Part of the total cost of each project must be provided from non-Federal sources of funding. Non-Federal sources of funding include private sources and governmental sources at the State or local level. This non-Federal cost sharing requirement may be met in whole or in part by contributions in-kind. The level of non-Federal cost sharing will be an important factor in the selection of projects to be funded under these provisions. There may be unusual instances where cost-sharing from other than Federal sources is not possible, as in the case where 100 percent of the applicant's revenues are from Federal sources. In cases where cost-sharing from other than Federal sources is not practical, the applicant should describe in detail the circumstances which prevent the sharing of costs by other than Federal sources of funding. NMFS may waive this requirement for a project if it determines that the non-Federal cost-sharing requirement is impractical. However, it is expected that this waiver will be granted only in the most unusual circumstances.

The minimum costs required to be shared by non-Federal sources of funding will be as follows:

(1) *20–30%.* The minimum non-Federal cost sharing shall be 20 to 30 percent of the total project cost for projects in which direct industry participation may be limited. Such projects would tend to provide results which could be used by many different interest groups and, therefore, would not offer any particular advantage either to those conducting the project or those using the results of the project. Projects in this category might deal with infrastructure planning, fishing vessel safety, economic or food technology research, seafood product safety, and consumer attitudes toward seafoods. Because of the nature of these projects, it might be expected that they would be conducted by or for State or local government entities or by non-profit organizations.

(2) *30–70%.* The minimum non-Federal cost sharing will range from 30 to 70 percent of the total project cost for projects which involve direct industry participation. For such projects, significant or indeterminate risks would likely exist which prevent an individual or group from undertaking the project without assistance because of uncertainty associated with the profitability of the project. Even though private funds will be a substantial part of the project's financing in some cases, project results will need to be disseminated widely, and no project should incorporate conditions or requirements which would unfairly restrict the dissemination or use of project results. Projects in this category, which would be expected to deal with the non-traditional species in most cases, might deal with the demonstration of new harvesting gear or processing methods, the development of new fish product concepts or forms, and the enhanced use of domestically harvested fish in institutional markets. Such projects might be conducted by or for State or local government entities and industry sponsored organizations, among other applicants.

(3) *70% or more.* The minimum non-Federal cost sharing shall be at least 70 percent of the total project cost for projects which involve significant industry participation and where the project entails a limited risk from the point of view of anticipated profitability. Results of the project would likely be limited to use by identifiable individuals or groups. Projects would involve established fisheries or markets. One example would be expanding the use of fish or fish products normally discarded during harvesting or processing through either the demonstration of harvesting and processing methods or the identification of markets. Such projects would require significant participation by individuals or groups within the industry to ensure the success of the projects and could be conducted by or for State or local government entities, non-profit organizations, industry sponsored groups, or other individuals or groups.

NMFS will determine the appropriateness of all cost-sharing proposals, including the valuation of in-kind contributions, and the category of cost-sharing in which the project belongs. In making this determination, NMFS will consider:

(1) The relative distribution of the project's direct benefits among the general public and the fishing and seafood industry or segments of the fishing and seafood industry;

(2) The project's risk in terms of its potential ability to generate private profits; and

(3) The desirability of the project in terms of national fisheries development policy and the potential for significant national economic benefit.

A project which will benefit the general public, such as a research project dealing with the safety of fish and fish products, will have a lower cost-sharing requirement than one which directly benefits only a specific segment of the industry or an identifiable number of firms. Similarly, industry demonstraton projects in high-risk ventures, such as those which are geared towards the harvesting, processing, or marketing of non-traditional U.S. species, will be expected to provide lesser amounts of cost-sharing than would industry projects directed towards species where strong domestic or foreign markets already exist for a U.S. product. Projects which have a high potential for fulfilling national fisheries development policy or making significant contributions to the national economy might also have a lower cost-sharing requirement than projects with a lesser potential for doing so.

(2) On page 65808, the first paragraph in Section VI—Review Criteria is revised to read:

"Proposals to conduct fishery development and utilization projects, as solicited by this notice, must meet certain minimum requirements to be considered for funding. These include consistency with the national goals for fisheries development outlined in the Policy and Program Statement on Fisheries Development issued in May 1979 (obtainable from the office listed at the beginning of this notice), provision for the required sharing of costs from non-Federal sources, and minority business provisions for projects where $100,000 or more is sought (see Section VIII, Subsection D for minority business provisions). Proposals which do not satisfy these minimum requirements, as determined by staff review at the Regional or Washington, D.C., Offices of NMFS, shall not be submitted for a formal review and evaluation in accordance with the criteria described below."

3. On page 65809, Part (d) of Section VI-Review Criteria is revised to read:

"(d) Extent to which the applicant proposes to obtain greater than the required minimum financial or in-kind contributions from other than Federal sources of funding, taking into account the nature of the applicant and the proposed project (15 points)."

4. On page 65809, Subparagraph (5) of Part B of Section VII—Project Description is revised to read:

"(5) Project Outline. The proposal should clearly set out the tasks that are to be performed, the key events or milestones in accomplishing the task schedule, and the feasibility of achieving each of these events or milestones. If several projects are included in one proposal, the applicant shall rank each project according to its priority for funding relative to the other projects contained in the proposal."

5. On page 65810, Subparagraph (11) of Part B of Section VIII—Project Description is revised to read:

"(11) *Cost-sharing for the Project.* All projects will require some costs to be covered by non-Federal sources of funding except where a waiver is obtained as specified in Section III of this notice. All activities which will be undertaken either directly or indirectly by the applicant or by others as a result of participation in the project(s) which will be funded from non-Federal sources, including in-kind contributions, should be identified and the financial amount of this participation quantified. The portion of the total cost of the project and the timing of availability of contributions which would be accounted for by this non-Federal involvement should be indicated."

Signed at Washington, D.C., this 16th day of January 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-1806 Filed 1-17-80; 8:45 am]

BILLING CODE 3510-22-M

Japan Deep Sea Trawlers Association, et al.; Receipt of Applications for General Permits

Notice is hereby given that the following applications have been

received to take marine mammals incidental to the pursuit of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations thereunder.

1. Japan Deep Sea Trawlers Association, Daito Building, 6/F, Ogawa-cho, 3–6 Kanda, Chiyodaka, Tokyo, Japan, has applied for a Category 1: "Towed or Dragged Gear" general permit.

2. The National Federation of Medium Trawlers, Showa Kaikan, 3–2, Kasumigaseki 3, Chiyoda-ku, Tokyo, Japan, has applied for a Category 1: "Towed or Dragged Gear" general permit.

3. The North Pacific Longline-Gillnet Association, Zenkeiren Building, 2–7–2, Hirakawa-cho, Chiyoda-ku, Tokyo, Japan, has applied for a Category 5: "Other Gear" general permit.

4. *Odra,* Swinoujscie, Poland, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 28 Northern sea lions, 28 harbor seals and 17 small cetaceans in the Bering Sea and Gulf of Alaska.

5. *Dalmor,* Gy Gdynia, Poland, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 27 Northern sea lions, 27 harbor seals and 20 small cetaceans in the Bering Sea and Gulf of Alaska in 1980.

The applications are available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Interested parties may submit written views on this application within 30 days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: January 11, 1980.

William Arond,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-1740 Filed 1-17-80; 8:45 am]

BILLING CODE 3510-22-M

Riverbanks Zoological Park; Notice of Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 136–1407), and the Regulations Governing the Taking and Importing of Marine Mammal (50 CFR Part 216).

1. Applicant:
   a. Name: Riverbanks Zoological Park.
   b. Address: 500 Wildlife Parkway, Columbia, South Carolina 29201 (PIA).
2. Type of Permit: Public Display.
3. Name and Number of Animals: South American sea lions (*Otaria byronia*)—3.
4. Type of Take: Animals will be captured by and imported from the Montevideo Zoo in Uruguay.
5. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 19, 1980. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-1739 Filed 1-17-80; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERLY HANDICAPPED

Procurement List 1980; Proposed Deletion

AGENCY: Committee for Purchase from the Blind and Other Severly Handicapped.

ACTION: Proposed deletion from procurement list.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1980 a commodity produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 20, 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.

It is proposed to delete the following commodity from Procurement List 1980, November 27, 1979 (44 FR 67925):

Class 8460

Suitcase, Coated Cloth, 8460–00–391–0502.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-1780 Filed 1-18-80; 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 a commodity 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: February 20, 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.

If the Committee approves the proposed additions, all entities of the

Federal Government will be required to procure the commodity and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and services to Procurement List 1980, November 27, 1979 (44 FR 67925):

Class 8115

Wood Box, 8115–00–935–6531.

Sic 7349

Janitorial Service, Federal Center, Moses Lake, Washington.

Sic 7699

Pallet Repair, Naval Supply Center, Puget Sound, Washington.

Sic 0782

Grounds Maintenance, Area 10—Parkway Gate 18 and Surrounding Areas, Naval Weapons Station, Yorktown, Virginia.

C. W. Fletcher,

Executive Director.

[FR Doc. 80–1781 Filed 1–18–80; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1980; Addition

AGENCY: Committed for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1980 a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: January 18, 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 November 23, 1979 the Committee for Purchase from the Blind and Other Severely Handicapped published notice (44 F.R. 67206) of proposed addition to Procurement List 1980, November 27, 1979 (44 F.R. 67925).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1980:

SIC 7349

Janitorial Service, Federal Office Building, Cass and Stephens Streets, Roseburg, Oregon 97470.

C. W. Fletcher,

Executive Director.

[FR Doc. 80–1782 Filed 1–18–80; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1980; Correction of Addition

The document published in the **Federal Register** on January 11, 1980 (45 FR 2359) is amended as follows:

Class 3990

Pallet, Material Handling, 3990–00–599–5326.

The above for requirements of Mechanicsburg, Pennsylvania Depot only.

C. W. Fletcher,

Executive Director.

[FR Doc. 80–1779 Filed 1–18–80; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

January 14, 1980.

The USAF Scientific Advisory Board Ad Hoc Committee on Turbine Engine Loads Simulator (TELS) Program will meet on February 5 & 6, 1980 at the Arnold Engineering Development Center, Tullahoma, Tennessee. The purpose of the meeting is to review the design and proposed performance and operating envelope of TELS within the framework of projected needs, previous experience, and estimated cost. The Committee will meet from 8:30 a.m. to 5:00 p.m. on February 5 and from 8:00 a.m. to 2:30 p.m. on February 6.

This meeting will be open to the public. For further information contact the Scientific Advisory Board Secretariat at (202) 697–8845.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80–1635 Filed 1–17–80; 8:45 am]

BILLING CODE 3910–01–M

Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

In accordance with Pub. L. 95–202, section 401 (The G. I. Bill Improvement Act of 1977) and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, determined on December 21, 1979, that the service of the members of the groups known as the Civilian Flight Instructors (Pilots) at Contract Army Air Force Schools, and the United States Cadet Nurse Corps, not be considered active military service in the Armed Forces of the United States.

For further information contact:

Staff Sergeant Theodore K. Scholz, USAF, telephone: 694–5380 Office of the Secretary of the Air Force Personnel Council (SAF/MIPC), The Pentagon, Washington, D.C. 20330.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80–1587 Filed 1–17–80; 8:45 am]

BILLING CODE 3910–01–M

Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

In accordance with Pub. L. 95–202, section 401 (The G. I. Bill Improvement Act of 1977) and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, determined on December 28, 1979, that the service of the members of the groups known as the Hawaiian Air Depot Volunteer Corps, the RMK–BRJ Company Employees, and the War Production Board Employees, not be considered active military service in the Armed Forces of the United States.

For further information contact:

Staff Sergeant Theodore K. Scholz, USAF, telephone: 694–5380 Office of the Secretary of the Air Force Personnel Council (SAF/MIPC), The Pentagon, Washington, D.C. 20330.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80–1588 Filed 1–17–80; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Army Science board; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of Committee: Army Science Board.

Dates of Meeting: 5–6 February 1980.

Place The Pentagon, Washington, DC.

5 February 1980, Room 1A1079.

6 February 1980, Room 3A486.

Time: 0800–1700 hours, 5 February 1980—Closed.

0800–1500 hours, 6 February 1980—Open.
1500–1700 hours, 6 February 1980—Closed.

Proposed agenda:

1. The ASB Ad Hoc Sub-Group on Vertical Lift Technology will hold discussions and receive briefings to assist them in preparing a report addressing the following issues: Technology Requirements; Existing Technical Capabilities; Future Technology Thrusts; and Management of Technology Efforts.

2. The meeting is partially closed because the members will receive classified briefings and hold classified discussions on studies done by the Foreign Science & Technology Center which relate to the offensive and defensive postures of the U.S. and other nations. Portions of the meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof.

Helen Pipon,

Staff Assistant.

[FR Doc. 80-1577 Filed 1-17-80; 8:45 am]

BILLING CODE 3710-08-M

Engineers Corps

Environmental Advisory Board of the Chief of Engineers; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the next meeting of the Environmental Advisory Board (EAB) of the Chief of Engineers will be held February 6–8, 1980, in the Board of Engineers for Rivers and Harbors Hearing Room, Kingman Building, on Leaf Road, Ft. Belvoir, Virginia. Time and subjects of each session follow:

February 6—Wednesday—A.M. Session

0900—Meeting convened.
0900–1115—OCE response to EAB November report.
1115–1245—Lunch.

P.M. Session

1245–1730—Presentations and discussion on mitigation perspectives.
1730—Meeting adjourned for the day.

February 7—Thursday—A.M. Session

0830—Meeting convened.
0830–1115—Presentations and discussion on the implementation of mitigation.
1115–1245—Lunch.

P.M. Session

1245–1630—Presentations and discussion on the future of mitigation.
1630—Meeting adjourned for the day.

February 8—Friday—P.M. Session

1300—Meeting convened.
1300–1345—EAB reports to COE.
1345–1415—COE response to EAB report.
1415–1500—Scoping future meetings.
1500—Meeting adjourned.

Meeting room has limited seating capacity. Written statements, to be made part of the minutes, may be submitted prior to or up to 10 days following the meeting. Persons planning to attend or desiring further information should contact LTC George F. Boone, Assistant Director of Civil Works, Environmental Programs, Office of the Chief of Engineers. Telephone: 202–272–0103.

By authority of the Secretary of the Army.
Dated: January 14, 1980.

George A. Bailey,

Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

[FR Doc. 80-1578 Filed 1-17-80; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Defense Science Board Task Force on Cruise Missiles; Change of Place

The meeting place of the Defense Science Board Task Force on Cruise Missiles scheduled for a closed session on 28–29 January 1980 at the DNA Conference Facility, R&D Associates, Marina del Ray, California as published in the **Federal Register** (Vol 44, No. 245, Wednesday, December 19, 1979, FR Doc. 79–38814) has been changed to the Naval Ocean Systems Center, (NOSC), San Diego, California. In all other respects, the original notice cited above remains the same.

H. E. Lofdahl,

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

January 15, 1980.

[FR Doc. 80-1654 Filed 1-17-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Energy Supply and Environmental Coordination Act; Rescission of Prohibition Orders

Pursuant to 10 CFR 303.137(d), the Department of Energy (DOE) hereby gives notice that on January 13, 1980, DOE issued orders rescinding the Prohibition Orders issued on June 30, 1977, to the Brown Company, Parchment Plant, Parchment, Michigan, Units 9 and 10 (Parchment 9 and 10) (Docket No. OCU–0004) pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 791 *et seq.*).[1] This action was initiated by DOE under the authority granted to it by Section 2(f) of ESECA and in accordance with the implementing regulations, 10 CFR Part 303, Subpart J. The Prohibition Orders, if made effective by issuance of Notices of Effectiveness (NOE), would have prohibited the above-named major fuel burning installations (MFBI) from burning natural gas or petroleum products as their primary energy source.

Based upon a review of the potential adverse environmental impact of coal combustion at Parchment 9 and 10, it is clear that the conversion of these units from the burning of natural gas or petroleum products as their primary energy source to the burning of coal as their primary energy source cannot be accomplished in a manner consistent to the fullest extent practicable with existing commitments to protect and enhance the environment. Accordingly, DOE believes that further action towards making the outstanding Prohibition Orders effective would neither be in the public interest nor consistent with the purposes of ESECA, and rescission of the orders is now appropriate.

In its "Intention to Rescind a Prohibition Order" published in the **Federal Register** on June 18, 1979 (44 FR 35005), DOE gave notice of its intention to rescind the Prohibition Orders issued to the above-named MFBIs, and invited written comments on the proposed action. No comments were received during the period allotted for submission of written comments, and no issues were raised or called to DOE's attention, which would have caused DOE to terminate the rescission action.

The Rescission Orders were served on Mr. C. M. Williams, Vice President, Engineering and Environmental Affairs, Brown Company, 243 East Paterson Street, Kalamazoo, Michigan 49007, by registered mail, January 13, 1980. Copies of the Rescission Orders will be on display for any interested members of the public to inspect at the DOE Public Docket Room located in Room B–120, 2000 M Street, NW., Washington, D.C. 20461, from 1:00 to 4:30 p.m., Monday through Friday of each week. Copies will also be available at the appropriate DOE regional office and in the Freedom of Information Reading Room, Room GA–152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:15 a.m. and 4:15 p.m., Monday through Friday.

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

Any person aggrieved by the Rescission Orders may file an appeal with the DOE Office of Hearings and Appeals (previously the Office of Exceptions and Appeals) in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after service of the Rescission Orders. Service by registered mail is complete upon mailing. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Any questions regarding this rescission action should be directed to DOE as follows: Steven A. Frank, ESECA Programs Branch, Department of Energy, Economic Regulatory Administration, Room 3318, 2000 M Street, NW., Washington, D.C. 20461 (telephone: (202) 634–6536). Written questions should be identified on the envelope and in the correspondence with the designation, "Brown Company, Parchment 9 and 10—Rescission Orders".

(Energy Supply and Enviornmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–620; Federal Energy Administration Act of 1974 (15 U.C. 761 *et seq.*) as amended by Pub. L. 95–70, and Pub. L. 95–91; Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46167))

Issued in Washington, D.C., January 13, 1980.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

Recission Orders

Registered Mail

To: Brown Company, 243 E. Paterson Street, Kalamazoo, Michigan 49007.
Attention: Mr. C. M. Williams, Vice President.

Docket No.	Owner	Plant	Units	Location
OCU–0004	Brown Co	Parchment Plant	9 and 10	Parchment, Mich.

Pursuant to Section 2(f) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 792(f)) and in accordance with the implementing regulations, 10 C.F.R. Part 303, Subpart J ("Modification or Rescission of Prohibition Orders and Construction Orders"), the Economic Regulatory Administration of the Department of Energy (DOE) [1] hereby rescinds the Prohibition Orders issued on June 30, 1977, to the above-named major fuel burning installations (MFBI). Such orders, if made effective by the issuance of Notices of Effectiveness (NOE), would have prohibited these MFBIs from burning natural gas or petroleum products as their primary energy source.

Based upon a review of the potential adverse environmental impact of coal combustion at Parchment 9 and 10, it is clear that the conversion of these units from the burning of natural gas or petroleum products as their primary energy source to the burning of coal as their primary energy source cannot be accomplished in a manner consistent to the fullest extent practicable with existing commitments to protect and enhance the environment. Accordingly, DOE believes that further action towards making the outstanding Prohibition Orders effective would neither be in the public interest nor consistent with the purposes of ESECA, and rescission of the orders is now appropriate.

In its "Intention to Rescind a Prohibition Order" published in the **Federal Register** on June 18, 1979 (44 FR 35005), DOE gave notice of its intention to rescind the Prohibition Orders issued to the above-named MFBIs and invited written comments on the proposed action. No comments were received during the period allotted for submission of written comments, and no issues were raised or called to DOE's attention, which would have caused DOE to terminate the rescission action.

Any person aggrieved by these Rescission Orders may file an appeal with the DOE Office of Hearings and Appeals (previously the Office of Exceptions and Appeals) in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after service of the Recission Orders. Service by registered mail is complete upon mailing. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Any questions regarding these Rescission Orders should be directed to DOE as follows: Steven A. Frank, ESECA Programs Branch, Department of Energy, Economic Regulatory Administration, Room 3318, 2000 M Street, NW., Washington, D.C. 20461 (telephone: (202) 634–6536). Written questions should be identified on the envelope and in the correspondence with the designation "Brown Company, Parchment 9 and 10—Rescission Orders".

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–620; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–91; Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C. January 13, 1980.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–1744 Filed 1–17–80; 8:45 am]
BILLING CODE 6450–01–M

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

Energy Supply and Environmental Coodination Act; Rescission of Prohibition Orders

Pursuant to 10 CFR 303.137(d), the Department of Energy (DOE) hereby gives notice that on January 13, 1980, DOE issued orders rescinding the Prohibition Orders issued on June 30, 1977, to Continental Forest Industries, Hopewell Mill, Hopewell, Virginia, Units 2 and 3 (Hopewell 2 and 3) and Port Wentworth Mill, Port Wentworth, Georgia, Units 1, 2, and 3 (Port Wentworth 1, 2, and 3), pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 791, et seq.).[1] This action was initiated by DOE under the authority granted to it by Section 2(f) of ESECA and in accordance with the implementing

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

regulations, 10 CFR Part 303, Subpart J. The Prohibition Orders, if made effective, would have prohibited the above-named major fuel burning installations (MFBI) from burning natural gas or petroleum products as their primary energy source.

By letter of February 23, 1979, R. S. Magruder, Director of Environmental and Energy Management for Continental Forest Industries, reported to DOE that Hopewell 2 and 3 have been converted from the burning of oil and natural gas to the burning of bark, black liquor and wood waste as their primary energy source pursuant to the terms of the outstanding Prohibition Orders addressed to these units.

Based upon this information, DOE has determined that the outstanding Prohibition Orders to Hopewell 2 and 3 have attained their originally stated purpose, by causing the conversion of the units from the burning of oil and natural gas to the burning of alternate fuels consistent to the fullest extent practicable with existing commitments to protect and enhance the environment.

In view of this accomplishment, DOE believes that further action towards making the outstanding Prohibition Orders to Hopewell 2 and 3 effective would not be in the public interest and accordingly, rescission of the orders is now appropriate.

In this same letter of February 23, 1979, Mr. Magruder reported that Port Wentworth 1, 2, and 3 would soon be replaced by a new unit, designated #3 Chemical Recovery Unit, now in the final stages of construction.

In view of Continental Forest Industries impending replacement of Port Wentworth 1, 2, and 3, DOE believes that further action toward making the outstanding Prohibition Orders to these units effective would not be in the public interest and accordingly, rescission of the orders is now appropriate.

By the "Intention to Rescind a Prohibition Order" published in the Federal Register on June 18, 1979 (44 FR 35005), DOE gave notice of its intention to rescind the Prohibition Orders issued to the above-named MFBIs and invited written comments on the proposed action. No comments were received during the period provided for submission and no issues were otherwise raised or called to DOE's attention, which would have caused DOE to terminate the rescission action.

The Rescission Orders were served on Mr. Robert S. Hatfield, Chairman of the Board, The Continental Group, Inc., 633 Third Avenue, New York, New York 10017 by registered mail, January 13, 1980. Copies of the Rescission Orders will be on display for any interested members of the public to inspect at the DOE Public Docket Room located in Room B-120, 2000 M Street, NW., Washington, D.C. 20461, from 1:00 to 4:30 p.m., Monday through Friday of each week. Copies will also be available at the appropriate DOE regional office and in the Freedom of Information Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:15 a.m. and 4:15 p.m., Monday through Friday.

Any person aggrieved by the Rescission Orders may file an appeal with the DOE Office of Hearings and Appeals (previously the Office of Exceptions and Appeals) in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after service of the Rescission Orders. Service by registered mail is complete upon mailing. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Questions regarding this rescission action should be directed to DOE as follows: Steven A. Frank, ESECA Programs Branch, Department of Energy, Economic Regulatory Administration, Room 3318, 2000 M Street, NW., Washington, D.C. 20461 (telephone: (202) 634-6536). Written questions should be identified on the envelope and in the correspondence with the designation, "Continental Forest Industries, Hopewell 2 and 3/Port Wentworth 1, 2, and 3—Rescission Orders".

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95-70 and Pub. L. 95-620; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) as amended by Pub. L. 95-70 and Pub. L. 95-91, Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267))

Issued in Washington, D.C., January 13, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

Rescission Orders

Registered Mail

To: The Continental Group, Inc., 633 Third Avenue, New York, New York 10017.
Attention: Mr. Robert S. Hatfield, Chairman of the Board.

Docket No.	Owner	Plant	Units	Location
OCU-0989	Continental Forest Industries	Hopewell mill	2 and 3	Hopewell, Va.
OCU-0991	Continental Forest Industries	Port Wentworth mill	1, 2, and 3	Port Wentworth, Ga.

Pursuant to Section 2(f) of the energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 792(f)) and in accordance with the implementing regulations, 10 C.F.R. Part 303, Subpart J ("Modification or Rescission of Prohibition Orders and Construction Orders"), the economic Regulatory Administration of the Department of Energy (DOE) [1] hereby rescinds the Prohibition Orders issued on June 30, 1977, to the above-named major fuel burning installations (MFBI). Such orders, if made effective by the issuance of Notices of Effectiveness (NOE) would have prohibited these MFBIs from burning natural gas or petroleum products as their primary energy source.

By letter of February 23, 1979, R. S. Magruder, Director of Environmental and Energy Management for Continental Forest Industries, reported to DOE that Units 2 and 3 of the Hopewell Mill have been converted from the burning of oil and natural gas to the burning of bark, black liquor and wood waste as their primary energy source pursuant to the terms of the outstanding Prohibition Orders addressed to those units.

Based upon this information, DOE has determined that the outstanding Prohibition Orders issued to Units 2 and 3 of the Hopewell Mill have attained their originally stated purpose by causing the conversion of the units from the burning of oil and natural gas to the burning of alternate fuels in a manner consistent to the fullest extent practicable with existing commitments to protect and enhance the environment.

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

In view of this accomplishment, DOE believes that further action towards making the outstanding Prohibition Orders to Units 2 and 3 of the Hopewell Mill effective would not be in the public interest and accordingly, rescission of the orders is now appropriate.

In this same letter of February 23, 1979, Mr. Magruder reported that Units 1, 2 and 3 of the Port Wentworth Mill would soon be replaced by a new unit, designated #3 Chemical Recovery Unit, now in the final stages of construction.

In view of Continental Forest Industries impending replacement of the three Port Wentworth units, DOE believes that further action towards making the outstanding Prohibition Orders to these units effective would not be in the public interest and accordingly, rescission of the Orders is now appropriate.

By the "Intention to Rescind a Prohibition Order" published in the **Federal Register** on June 18, 1979, (44 FR 35005), DOE gave notice of its intention to rescind the Prohibition Orders issued to the above-named MFBIs and invited written comments on the proposed action. No comments were received during the period provided for submission and no issues were otherwise raised or called to DOE's attention which would have caused DOE to terminate the rescission action.

Any person aggrieved by these Rescission Orders may file an appeal with the DOE Office of Hearings and Appeals (previously the Office of Exceptions and Appeals) in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after service of the Rescission Orders. Service by registered mail is complete upon mailing. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Any question regarding this Rescission Order should be directed to DOE as follows: Steven A. Frank, ESECA Programs Branch, Department of Energy, Economic Regulatory Administration, Room 3318, 2000 M Street, NW., Washington, D.C. 20461 (telephone: (202) 634–6536). Written questions should be identified on the envelope and in the correspondence with the designation, "Continental Forest Industries, Hopewell 1, 2, and 3—Rescission Orders".

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–620; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–91; Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C. January 13, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–1745 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

Energy Supply and Environmental Coordination Act; Rescission of Prohibition Order

Pursuant to 10 CFR 303.137(d), the Department of Energy (DOE) hereby gives notice that on January 13, 1980, DOE issued an order rescinding the Prohibition Order issued on June 30, 1977, to Westvaco, Charleston Plant, Charleston, South Carolina, Unit No. 5 (Charleston 5) (Docket Number OCU–3066) pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 791 *et seq.*).[1] This action was initiated by DOE under the authority granted to it by Section 2(f) of ESECA and in accordance with the implementing regulations, 10 CFR Part 303, Subpart J. The Prohibition Order, if made effective by issuance of a Notice of Effectiveness (NOE), would have prohibited the above-named major fuel burning installation from burning natural gas or petroleum products as its primary energy source.

By letter of February 5, 1979, David L. Luke III, President of Westvaco, reported to DOE that Charleston 5 will soon be converted from the burning of oil to the burning of coal as its primary energy source pursuant to the terms of the outstanding Prohibition Order.

Based upon this information, DOE has determined that the outstanding Prohibition Order issued to Charleston 5 has attained its originally stated purpose of assisting in meeting the essential needs of the United States for fuels by causing the conversion of this unit from the burning of oil as a primary energy source to the burning of coal in a manner consistent to the fullest extent practicable with existing commitments to protect and enhance the environment. In view of this accomplishment, DOE believes that further action towards making the outstanding Prohibition Order effective would not be in the public interest and accordingly, rescission of the order is now appropriate.

In its "Intention to Rescind a Prohibition Order", published in the **Federal Register** on June 18, 1979 (44 FR 35008), DOE gave notice of its intention to rescind the Prohibition Order issued to Charleston 5, and invited written comments on the proposed action. No comments were received during the period allocated for submission of written comments, and no issues were otherwise raised or called to DOE's attention, which would have caused DOE to terminate the rescission action.

The Rescission Order was served on Mr. David L. Luke III, President, Westvaco, Westvaco Building, 299 Park Avenue, New York, New York 10017 by registered mail, January 13, 1980. Copies of the Rescission Order will be on display for any interested members of the public to inspect at the DOE Public Docket Room located in Room B–120, 2000 M Street, NW., Washington, D.C. 20461, from 1:00 to 4:30 p.m., Monday through Friday of each week. Copies will also be available at the appropriate DOE regional office and in the Freedom of Information Reading Room, Room GA–152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:15 a.m. and 4:15 p.m., Monday through Friday.

Any person aggrieved by the Rescission Order may file an appeal with the DOE Office of Hearings and Appeals (previously the Office of Exceptions and Appeals) in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after service of the Rescission Order. Service by registered mail is complete upon mailing. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Any questions regarding this rescission action should be directed to DOE as follows: Steven A. Frank, ESECA Programs Branch, Department of Energy, Economic Regulatory Administration, Room 3318, 2000 M Street, NW., Washington, D.C. 20461 (telephone: (202) 634–6536). Written questions should be identified on the envelope and in the correspondence with the designation, "Westvaco, Charleston Unit 5—Rescission Order".

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et*

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*)

seq.) as amended by Pub. L. 95–70 and Pub. L. 95–620; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–91; Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267))

Issued in Washington, D.C., January 13, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

Recission Order

Registered Mail

To: Westvaco, Westvaco Building, 299 Park Avenue, New York, New York 10017.
Attention: Mr. David L. Luke III, President.

Docket No.	Owner	Plant	Units	Location
OCU–3066	Westvaco	Charleston plant	5	Charleston, S.C.

Pursuant to Section 2(f) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 792(f)) and in accordance with the implementing regulations, 10 C.F.R. Part 303, Subpart J ("Modification or Rescission of Prohibition Orders and Construction Orders"), the Economic Regulatory Administration of the Department of Energy (DOE) [1] hereby rescinds the Prohibition Orders issued on June 30, 1977, to the above-named major fuel burning installations (MFBI). Such orders, if made effective by the issuance of Notices of Effectiveness (NOE), would have prohibited this MFBI from burning natural gas or petroleum products as its primary energy source.

By letter of February 5, 1979, David L. Luke III, President of Westvaco, reported to DOE that Unit 5 of the Charleston Plant will soon be converted from the burning of oil to the burning of coal as its primary energy source pursuant to the terms of the outstanding Prohibition Order.

Based upon this information, DOE has determined that the outstanding Prohibition Order issed to Unit 5 of the Charleston Plant has attained its originally stated purpose of assisting in meeting the essential needs of the United States for fuels by causing the conversion of this unit from the burning of oil as a primary energy source to the burning of coal in a manner consistent to the fullest extent practicable with existing commitments to protect and enhance the environment. In view of this accomplishment, DOE believes that further action towards making the outstanding Prohibition Order effective would not be in the public interest and accordingly, rescission of the order is now appropriate.

In its "Intention to Rescind a Prohibition Order", published in the **Federal Register** on June 18, 1979 (44 FR 35008), DOE gave notice of its intention to rescind the Prohibition Order issued to Unit 5 of the Charleston Plant, and invited written comments on the proposed action. No comments were received during the period allocated for submission of written comments, and no issues were otherwise raised or called to DOE's attention which would have caused DOE to terminate the rescission action.

Any person aggrieved by this Rescission Order may file an appeal with the DOE Office of Hearings and Appeals (previously the Office of Exceptions and Appeals) in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after service of the Rescission Order. Service by registered mail is complete upon mailing. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Any questions regarding this rescission action should be directed to DOE as follows: Steven A. Frank, ESECA Programs Branch, Department of Energy, Economic Regulatory Administration, Room 3318, 2000 M Street NW., Washington, D.C. 20461 (telephone: (202) 634–6536). Written questions should be identified on the envelope and in the correspondence with the designation, "Westvaco, Charleston Unit 5—Rescission Orders".

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–620; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–91; Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C. January 13, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–1746 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

Tim Taylor's Service; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Tim Taylor's Service, 3816 West Old Shakopee, Bloomington, Minnesota. This Proposed Remedial Order charges Tim Taylor's Service with pricing violations in the amount of $41.80, in sales of the motor gasoline during the time period December 12, 1979, through December 14, 1979, in the State of Minnesota.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri, on the 11th day of January 1980.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

[FR Doc. 80–1747 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

Administrative Procedures and Sanctions; Availability for Inspection of Transcripts of Prepetition Conferences

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Availability for Inspection of Prepetition Conference Transcripts.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives public notice that when a transcript is made of a prepetition conference held pursuant

to 10 CFR 501.2, the transcript, exclusive of confidential materials, if any, will be made available for inspection at the ERA Office of Public Information, Room B–110, 2000 M Street, NW., Washington, DC, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

William Webb, Office of Public Information, Economic Regulatory Administration, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, (202) 634–2170.

John Milanese, Chief, Managment Information System Branch, Economic Regulatory Administration, Room 3214–A, 2000 M Street, NW., Washington, D.C. 20461, (202) 254–8680.

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Room 3128–L, 2000 M Street, NW., Washington, D.C. 20461, (202) 254–7814.

James Workman, Director, Existing Facilities Converstion Division, Economic Regulatory Administration, Room 3128–I, 2000 M Street, NW., Washington, D.C. 20461, (202) 254–7442.

Issued in Washington, D.C., January 15, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion.

[FR Doc. 80–1737 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

Crystal Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on the Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: January 8, 1980. Comments by: February 19, 1980.

ADDRESS: Send comments to: Kenneth E. Merica, District Manager of Enforcement, Rocky Mountain District, Department of Energy, 1075 South Yukon Street, Lakewood, Colorado, 80226.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Merica, District Manager of Enforcement, Rocky Mountain District, Department of Energy, 1075 South Yukon Street, Lakewood, Colorado 80226, telephone 303/234–3195.

SUPPLEMENTARY INFORMATION: On January 8, 1980, the Office of Enforcement of the ERA executed a Consent Order with Crystal Oil Company (Crystal) of Shreveport, Louisiana. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because of the complex settlement negotiations in this case and the necessity to conclude this matter simultaneously with other proceedings associated with this Consent Order, as well as the concern to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Crystal effective as of the date of its execution by the DOE and Crystal.

I. The Consent Order

Crystal, with its home office located in Shreveport, Louisiana, is engaged in the production of natural gas liquids (NGL's) and natural gas liquids products (NGL's) from its Vallery Gas Plant located in Sterling, Colorado and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of NGL, NGLP, and condensate sales from its Vallery Gas Plant, the Office of Enforcement, ERA, and Crystal have entered into a Consent Order, the significant terms of which are as follows:

1. Vallery Corporation was a "gas plant operator" as defined by 10 CFR 212.162 of the Vallery Gas Plant located at Sterling, Colorado. Crystal, as Vallery's successor in interest is the current owner of the Vallery plant, and is a "gas plant operator" as defined by 10 CFR 212.162 and a "refiner" as defined by 10 CFR 212.31.

2. The period covered by the audit was August 1973 through July 31, 1977, and included all sales of NGL's, NGLP's, and condensate made during that period.

3. Crystal's pricing of NGLs and NGLPs was continuously controlled under CLC regulations (6 CFR, 150.1 *et seq.*) and successor regulations (10 CFR 212.1 *et seq.*) during the period of audit.

4. In order to expedite resolution of the disputes involved, the DOE and Crystal have agreed to a settlement in the amount of $175,000. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Crystal.

5. Refund of the agreed settlement amount is discussed in Section II below.

6. The provisions of 10 CFR, 205.199J, including publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Crystal agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.2. above, the sum of $175,000. However, $168,000 of this amount has already been refunded. In addition to such refunds already made, Crystal agrees to issue a certified check in the amount of $7,000 payable to the United States Department of Energy and delivered to the Assistant Administrator for Enforcement, ERA. The DOE intends to distribute the $7,000 refund in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comment:* The ERA invites interested persons to comment on the

terms, conditions, or procedureal aspects of this Consent Order.

You should send your comments or written notification of a claim to Kenneth E. Merica, Distric Manager of Enforcement, Rocky Mountain District, Department of Energy, 1075 South Yukon Street, Lakewood, Colorado 80226. You may obtain a free copy of this Consent Order by writing to the same address or by calling 303/234–3195.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Crystal Consent Order." We will consider all comments we receive by 4:30 p.m., local time, February 19, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Lakewood, Colorado on the 8th day of January 1980.

Kenneth E. Merica,

District Manager of Enforcement.

Concurrence:

Charles F. Dewey,

Regional Counsel.

[FR Doc. 80-1756 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

Energy Supply and Environmental Coordination Act; Rescission of Prohibition Orders

Pursuant to 10 CFR 303.137(d), the Department of Energy (DOE) hereby gives notice that on January 13, 1980, DOE issued an order rescinding the Prohibition Orders issued on June 30, 1977, to A. E. Staley Manufacturing Company, Decatur Plant, Decatur, Illinois, Units 19 and 20 (Decatur 19 and 20) (Docket No. OCU–1356) pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 791 *et seq.*).[1] This action was initiated by DOE under the authority granted to it by section 2(f) of ESECA and in accordance with the implementing regulations, 10 CFR Part 303, Subpart J. The Prohibition Orders, if made effective by issuance of Notices of Effectiveness (NOE), would have prohibited the above-named major fuel burning installations (MFBI) from burning natural gas or petroleum products as their primary energy source.

By letter of February 7, 1979, W.P. Hagenbach, Director of Environmental Sciences for A.E. Staley Manufacturing Company, reported to DOE that Decatur 19 and 20 will soon be converted from the burning of oil to the burning of coal as their primary energy source pursuant to the terms of the outstanding Prohibition Orders.

Based upon this information, DOE has determined that the outstanding Prohibition orders issued to Units 19 and 20 of the The Decatur Plant have attained their originally stated purpose by assisting in meeting the essential needs of the United States for fuel by causing the conversion of these units from the burning of oil as a primary energy source to the burning of coal in a manner consistent to the fullest extent practicable with existing commitments to protect and enhance the environment. In view of this accomplishment, DOE believes that further action towards making the outstanding Prohibition Orders effective would not be in the public interest and accordingly, rescission of the orders is now appropriate.

In its "Intention to Rescind a Prohibition Order", published in the **Federal Register** on June 18, 1979 (44 FR 35006), DOE gave notice of its intention to rescind the Prohibition Orders issued to Decatur 19 and 20, and invited written comments on the proposed action. No comments were received during the period allocated for submission of written comments, and no issues were otherwise raised or called to DOE's attention, which would have caused DOE to terminate the rescission action.

The Rescission Orders were served on Mr. Donald E. Nordlund, Chairman of the board, A. E. Staley Manufacturing Company, 2200 Eldorado Street, Decatur, Illinois 62525 by registered mail, January 13, 1980. Copies of the Rescission Orders will be on display for any interested members of the public to inspect at the DOE Public Docket Room located in room B–120, 2000 M Street, NW., Washington, D.C. 20461, from 1:00 to 4:30 p.m., Monday through Friday of each week. Copies will also be available at the appropriate DOE regional office and in the Freedom of Information Reading Room, Room GA–152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:15 a.m. and 4:15 p.m., Monday through Friday.

Any person aggrieved by the Rescission Orders may file an appeal with the DOE Office of Hearings and Appeals (previously the Office of Exceptions and Appeals) in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after service of the Rescission Orders. Service by registered mail is complete upon mailing. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Questions regarding this rescission action should be directed to DOE as follows: Steven A. Frank, ESECA Programs Division, Department of Energy, Economic Regulatory Administration, Room 3318, 2000 M Street, NW., Washington, D.C. 20461 (telephone: (202) 634–6536). Written questions should be identified on the envelope and in the correspondence with the designation, "A.E. Staley, Decatur 19 and 20—Rescission Orders".

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–620; Federal Energy Administration Act of 1974 (15 U.S.C 761 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–91; Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46167).)

Issued in Washington, D.C., January 13, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

Rescission Orders

Registered Mail

To: A. E. Staley Manufacturing Company, 2200 Eldorado Street, Decatur, Illinois 62525. Attention: Mr. Donald E. Nordlud, Chairman of the Board.

Docket No.	Owner	Plant	Units	Location
OCU-1356	A. E. Staley Manufacturing Co...	Decatur Plant	19 and 20	Decatur, Ill.

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

Pursuant to section 2(f) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 792(f)) and in accordance with the implementing regulations, 10 CFR Part 303, Subpart J ("Modification or Rescission of Prohibition Orders and Construction Orders"), the Economic Regulatory Administration of the Department of Energy (DOE)[1] hereby rescinds the Prohibition Orders issued on June 30, 1977, to the above-named major fuel burning installations (MFBI). Such orders, if made effective by the issuance of Notices of Effectiveness (NOE), would have prohibited these MFBIs from burning natural gas or petroluem products as their primary energy source.

By letter of February 7, 1979, W. P. Hagenbach, Director of Environmental Sciences for A. E. Staley Manufacturing Company, reported to DOE that Units 19 and 20 of the Decatur Plant will soon be converted from the burning of oil to the burning of coal as their primary energy source pursuant to the terms of the outstanding Prohibition Orders.

Based upon this information, DOE has determined that the outstanding Prohibition Orders issued to Units 19 and 20 of the Decatur Plant have attained their originally stated purpose of assisting in meeting the essential needs of the United States for fuels by causing the conversion of these units from the burning of oil as a primary energy source to the burning of coal in a manner consistent to the fullest extent practicable with existing commitments to protect and enhance the environment. In view of this accomplishment, DOE believes that further action towards making the outstanding prohibition Orders effective would not be in the public interest and, accordingly, rescission of the orders is now appropriate.

In its "Intention to Rescind a Prohibition Order" published in the Federal Register on June 18, 1979 (44 FR 35006), DOE gave notice of its intention to rescind the Prohibition Orders issued to the above-named MFBIS and invited written comments on the proposed action. No comments were received during the period allotted for submission of written comments, and no issues were raised or called to DOE's attention, which would have caused DOE to terminate the rescission action.

Any person aggrieved by these Rescission Orders may file an appeal with the DOE Office of Hearings and Appeals (previously the Office of Exceptions and Appeals) in accordance with 10 CFR Part 303, Subpart H. The appeal must be filed within 30 days after service of the Rescission Orders. Service by registered mail is complete upon mailing. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Any questions regarding these Rescission Orders should be directed to DOE as follows: Steven A. Frank, ESECA Programs Branch, Department of Energy, Economic Regulatory Administration, Room 3318, 2000 M Street, NW., Washington, D.C. 20461 (telephone: (202) 634–6536). Written questions should be identified on the envelope and in the correspondence with the designation, "A. E. Staley, Decatur 19 and 20—Rescission Orders".

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–620; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–91; Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C., January 13, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–1753 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

Energy Supply and Environmental Coordination Act; Rescission of a Prohibition Order

Pursuant to 10 CFR 303.137(d), the Department of Energy (DOE) hereby gives notice that on January 13, 1980, DOE issued an order rescinding the Prohibition Order issued on June 30, 1977, to Union carbide Corporation, Institute Plant, Institute, West Virginia, Unit No. 12 (Institute 12) (Docket Number OCU–1716) pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 791 *et seq.*).[1] This action was initiated by DOE under the authority granted to it by section 2(f) of ESECA and in accordance with the implementing regulations, 10 CFR Part 303, Subpart J. The Prohibition Order, if made effective by issuance of a Notice of Effectiveness (NOE), would have prohibited the above-named major fuel burning installation from burning natural gas or petroleum products as its primary energy sources.

By letter of February 7, 1979, A. Bruce Burns of the Union Carbide Corporation, reported to DOE that Institute 12 had been converted to the burning of coal as its primary energy source pursuant to the terms of the outstanding Prohibition Order.

Based upon this information, DOE has determined that the outstanding Prohibition Order issued to Institute 12 has attained its originally stated purpose of assisting in meeting the essential needs of the Untied States for fuels by causing the conversion of Institute 12 form the burning of oil as its primary energy soruce to the burning of coal as its primary energy soruce in a manner consistent to the fullest extent practicable with existing commitments to protect and enhance the environment. In view of this accomplishment, DOE believes that further action towards making the outstanding Prohibition Order effective would not be in the public interest and accordingly, rescission of the order is now appropriate.

By letter of June 21, 1979, and in its "Intention to Rescind a Prohibition Order", published in the Federal Register on June 18, 1979 (44 FR 35009), DOE gave notice of its intention to rescind the Prohibition Order issued to Institute 12, and invited written comments on the proposed action. No comments were received during the period allocated for submission of written comments, and no issues were otherwise raised or called to DOE's attention, which would have caused DOE to terminate the rescission action.

The Rescission Order was served on Mr. William S. Sneath, Chairman of the Board, Union Carbide Corporation, 270 Park Avenue, New York, New York 10017, by registered mail, January 13, 1980. Copies of the Rescission Order will be on display for any interested members of the public to inspect at the DOE Public Docket Room located in Room B–120, 2000 M Street, NW., Washington, D.C. 20461, from 1:00 to 4:30 p.m., Monday through Friday of each week. Copies will also be available at the appropriate DOE regional office and in the Freedom of Information Reading Room, Room GA–152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:15 a.m. and 4:15 p.m., Monday through Friday.

Any person aggrieved by the Rescission Order may file an appeal with the DOE Office of Hearings and Appeals (previously the Office of Exceptions and appeals) in accordance with 10 C.F.R. Part 303, Subpart H. The appeal shall be filed within 30 days after service of the Rescission Order. Service by registered mail is complete upon mailing. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

Questions regarding this rescission action should be directed to DOE as follows: Steven A. Frank, ESECA Programs Branch, Department of Energy, Economic Regulatory Administration, Room 3318, 2000 M Street, NW., Washington, D.C. 20461 (telephone: (202) 634–6536). Written questions should be identified on the envelope and in the correspondence with the designation, "Union Carbide, Institute 12—Rescission Order".

(Energy Supply Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–620; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–91, Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C., January 13, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

Rescission Order

Registered Mail

To: Union Carbide Corporation, 270 Park Avenue, New York, New York 10017.
Attention: Mr. William S. Sneath, Chairman of the Board.

Docket No.	Owner	Plant	Unit	Location
OCU-1716	Union Carbide Corporation	Institute Plant	12	Institute, W. Va.

Pursuant to Section 2 (f) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 792(f)) and in accordance with the implementing regulations, 10 CFR Part 303, Subpart J ("Modification or Rescission of Prohibition orders and Construction Orders"), the Economic Regulatory Administration of the Department of Energy (DOE) [1] hereby rescinds the prohibition Order issued on June 30, 1975, to the above-named major fuel burning installation (MFBI). Such order, if made effective by the issuance of a Notice of Effectiveness (NOE), would have prohibited this MFBI from burning natural gas or petroleum products as its primary energy source.

By letter of February 7, 1979, A. Bruce Burns of the Union Carbide Corporation, reported to DOE that Unit 12 of the Institute Plant had been converted from the burning of oil to the burning of coal as its primary energy source pursuant to the terms of the outstanding Prohibition Order.

Based upon this information, DOE has determined that the outstanding Prohibition order issued to Unit 12 of the Institute Plant has attained its originally stated purpose of assisting in meeting the essential needs of the United States for fuels by causing the conversion of this unit from the burning of oil as a primary energy source to the burning of coal in a manner consistent to the fullest extent practible with existing commitments to protect and enhance the environment. In view of this accomplishment, DOE believes that further action towards making the outstanding Prohibition Order effective would not be in the public interest and accordingly, rescission of the order is now appropriate.

In its "Intention to Rescind a Prohibition Order" published in the **Federal Register** on June 18, 1979 (44 FR 35009), DOE gave notice of its intention to rescind the Prohibition Order issued to the above-named MFBI and invited written comments on the proposed action. No comments were received during the period allotted for submission of written comments, and no issues were raised or called to DOE's attention which would have caused DOE to terminate the rescission action.

Any person aggrieved by this Rescission Order may file an appeal with the DOE Office of Hearings and appeals (previously the Office of Exceptions and Appeals) in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after service of the Rescission Order. Service by registered mail is complete upon mailing. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Any questions regarding this Rescission Order should be directed to DOE as follows: Steven A. Frank, ESECA Programs Branch, Department of Energy, Economic Regulatory Administration, Room 3318, 2000 M Street, NW., Washington, D.C. 20461 (telephone: (202) 634–6536). written questions should be identified on the envelope and in the correspondence with the designation, "Union Carbide, Institute 12—Rescission Order".

(Energy Supply and Environmental coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–620; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–91; department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C. January 13, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–1754 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

Federal Energy Regulatory Commission

[Docket No. ID–1764

Earl A. Borgmann; Filing

January 11, 1980.

Take notice that on January 7, 1980, Earl A. Borgmann (Applicant), filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior vice president, the Cincinnati Gas & Electric Co., public utility
Senior vice president, & director, the Union Light, Heat, and Power Co., public utility
Senior vice president, Miami Power Corp., public utility

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 4, 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. 80–1668 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER80–171]

Boston Edison Co.; Filing

January 11, 1980.

The filing Company submits the following:

Take notice that Boston Edison Company ("BECo"), on January 7, 1980, tendered for filing proposed changes in its Rate Schedule FERC No. 123. The proposed changes would increase revenues from jurisdictional sales and service by $322,342.25 based on the 12-month period ended August 31, 1979.

BECo Rate Schedule FERC No. 123 is a contract for the exchange of electric

capacity between BECo and The Hartford Electric Light Company ("HELCO"), The Connecticut Light and Power Company ("CL&P"), and Western Massachusetts Electric Company ("WMECO"). The proposed increase in rates reflects increased fossil and nuclear fuel costs.

Copies of the filing were served on HELCO, CL&P, WMECO, and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 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 February 1, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1669 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2845]

Idaho Power Co.; Land Withdrawal, Idaho

January 11, 1980.

On March 30, 1978, the Idaho Power Company filed Exhibits H and I (FERC No. 2845-1) as part of an application for preliminary permit for the A. J. Wiley Project, designated as Project No. 2845, and located on the Snake River in the State of Idaho. Therefore, in accordance with the provisions of Section 24 of the Federal Power Act, 16 U.S.C. 818, notice is hereby given that the lands hereinafter described, insofar as title remains in the United States, are from the date of said filing, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress:

Boise Meridian, Idaho

All portions of the following described subdivisions lying within the project boundry as delimited on Exhibits H and I (FERC No. 2845-1):

T. 6 S., R. 12 E.,
Sec. 1, S½SW¼;
Sec. 2, SE¼SE¼;
Sec. 11, lot 6, NE¼NE¼;
Sec. 12, lots 2, 3, 4, 5, 11, NW¼NE¼, N½NW¼.
T. 6 S., R. 13 E.,
Sec. 7, NW¼NE¼, NE¼SE¼;
Sec. 17, lot 4;
Sec. 20, lots 4, 5, 8, 9, W½E½SW¼SE¼, NE¼SW¼;
Sec. 21, lot 5;
Sec. 27, lot 3;
Sec. 28, lots 4, 5;
Sec. 34, lots 1, 5, 6, 7, 8.
T. 7 S., R. 13 E.,
Sec. 2, lot 4.

Approximately 719 acres of U.S. lands are occupied by the subject project. Copies of the aforementioned Exhibits have been transmitted to the U.S. Geological Survey and the Bureau of Land Management.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1670 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2846]

Idaho Power Co.; Notice of Land Withdrawal; Idaho

January 11, 1980.

On March 30, 1978, the Idaho Power Company filed Exhibits H and I (FERC No. 2846-1) as part of an application for preliminary permit for the Dike Project, designated as Project No. 2846, and located on the Snake River in the State of Idaho. Therefore, in accordance with the provisions of Section 24 of the Federal Power Act, 16 U.S.C. 818, notice is hereby given that the lands hereinafter described, insofar as title remains in the United States, are from the date of said filing, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress:

Boise Meridian, Idaho

All portions of the following described subdivisions lying within the project boundary as delimited on Exhibits H and I (FERC No. 2846-1):

T. 5 S., R. 11 E.,
Sec. 33, lot 7.
T. 6 S., R. 11 E.,
Sec. 9, lots 2, 3;
Sec. 11, lots 1, 2, 3;
Sec. 12, lots 1 through 5, inclusive;
Sec. 14, lots 1, 2, 3;
Sec. 15, lots 3, 4, 8, 9, and 10.
T. 6 S., 12 E.,
Sec. 7, lots 2, 3, 4.

Approximately 700 acres of U.S. lands are occupied by the subject project. Copies of the aforementioned Exhibits have been transmitted to the U.S. Geological Survey and the Bureau of Land Management.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1671 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-14 (PGA80-2 and IPR80-2)]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

January 11, 1980.

Take notice that on January 3, 1980 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing three (3) revised gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, all of which are dated as issued on December 28, 1979, proposed to become effective February 1, 1980, and identified as follows:

Twentieth Revised Sheet No. 4
Nineteenth Revised Sheet No. 18
First Revised Sheet No. 4-B

Lawrenceburg states that its revised tariff sheets were filed under its Purchased Gas Adjustment Provision and Incremental Pricing Surcharge Provision.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 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. 80-1672 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP73-14]

Michigan Wisconsin Pipe Line Co.; Notice of Proposed Changes in FERC Gas Tariff

January 11, 1980.

Take notice that on December 21, 1979, Michigan Wisconsin Pipe Line

Company (Michigan Wisconsin) tendered for filing Substitute First Revised Sheet Nos. 40, 41, 42 and 43, Substitute Third Revised Sheet No. 7 and Substitute Fourth Revised Sheet No. 7 to it's FERC Gas Tariff, Original Volume No. 1. Michigan Wisconsin proposed an effective date of November 1, 1979 for said tariff sheets, except for Substitute Fourth Revised Sheet No. 7 which proposed effective date is November 3, 1979.

These tariff sheets reflect: (1) revisions to correct imperfections in language in Sections 15.1 and 15.2 of Michigan Wisconsin's FERC Gas Tariff, Original Volume No. 1; and (2) revisions to rate increase filings which Michigan Wisconsin made on september 14, 1979 and October 12, 1979 to reflect such revised language.

Michigan Wisconsin further states that it requests a waiver of the requirements of Part 154 of the Commission's Regulations under the Natural Gas Act to the extent that such waiver may be necessary to permit this filing of Substitute First Revised Sheet Nos. 40, 41, 42 and 43, and substitute Third Revised Sheet No. 7 to become effective November 1, 1979; with Fourth Revised Sheet No. 7 to become effective November 3, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1673 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP80-64]

National Fuel Gas Supply Corp.; Notice of Filing of Initial Transportation Rate Schedule

January 11, 1980.

Take notice that on December 31, 1979, National Fuel Gas Supply Corporation, 10 Lafayette Square, Buffalo, New York 14203 ("National Fuel") tendered for filing Original Sheet Nos. 9 through 12 of its FERC Gas Tariff, Original Volume No. 1 containing an initial transportation rate schedule, designated Rate Schedule T-1, which would make available transportation of natural gas by National Fuel to any person who has executed a service agreement with National Fuel for the transportation of natural gas. The transportation would be performed at the rate and under the terms and conditions set forth in Rate Schedule T-1. Also tendered were related tariff sheets, First Revised Sheet No. 1, Thirtieth Revised Sheet No. 4 and Original Sheet Nos. 41-A through 41-F. The revised tariff sheets are proposed to become effective on January 31, 1980.

National Fuel states that it has no general transportation rate schedule on file with the Commission. National Fuel has had several requests to transport gas for others. The company says that it therefore expects to perform transportation service in the near future, either under Section 7(c) of the Natural Gas Act or Section 311(a) of the Natural Gas Policy Act of 1978, in order to make natural gas available in those areas where it is needed. National Fuel states that the transportation rate of 12.45 cents per Mcf is based upon its transmission cost of service as approved by the Commission in National Fuel's latest rate proceeding, Docket No. RP77-57, including a 9.81 percent rate of return and that it will bring the T-1 rate up to date when the rates contained in its general rate filing, to be made in April, 1980, become effective after suspension. The derivation of the initial transportation rate is supported by appropriate schedules. National Fuel states that there will be no adjustment to the T-1 rate for changes in National Fuel's cost of purchased gas nor for the Gas Research Institute ("GRI") charge.

The filing includes a form of service agreement for the transportation service to be rendered.

Any person desiring to be heard or to make any protest with reference to said filing should on or before January 28, 1980 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1674 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TA80-1-16 (PGA80-2, IPR80-2, and GRI80-2)]

National Fuel Gas Supply Corp.; Notice of Proposed PGA Rate Adjustment

January 11, 1980.

Take notice that on January 7, 1980, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Thirty-First Revised Sheet No. 4 proposed to be effective February 1, 1980.

National states that the purpose of this revised tariff sheet is to adjust National's rates pursuant to Article 17 (PGA) of the General Terms and Conditions. National further states that Thirty-First Revised Sheet No. 4 reflects an adjustment in National's rates of 19.87¢ per Mcf.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulaory Commission, 825 North Capitol Street. N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before January 28, 1980. Protests will be considered by the Commission 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 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. 80-1675 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP71-107]

Northern Natural Gas Co.; Notice of Changes in PGA Provision of Northern Tariff

January 11, 1980.

Take notice that on December 26, 1979, Northern Natural Gas Company (Northern) in compliance with the Commission's Order dated December 7,

1979, at Docket Nos. RP71–107 (Phase II), RP72–127, (PGA–1) and (PGA–2) filed tariff sheets to become part of its F.E.R.C. Gas Tariff Third Revised Volume No. 1 and Original Volume No. 2.

These particular tariff sheets implemented more accurate tracking of gas purchased costs as set forth in Northern's Stipulation and Agreement filed on September 25, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 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. 80–1676 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. RP79–21]

Tennessee Natural Gas Lines, Inc.; Notice of Compliance Tariff Filing

January 11, 1980.

Take notice that, on January 4, 1980, Tennessee Natural Gas Lines, Inc. ("TNGL") tendered for filing Thirty-Third Revised Sheet No. PGA–1 to its F.E.R.C. Gas Tariff, First Revised Volume No. 1.

TNGL states that the sole purpose of its tariff filing is to reflect the agreed upon Base Tariff Rate resulting from the settlement agreement approved by the Commission's letter order issued December 5, 1979 in this proceeding.

TNGL states that the settlement agreement approved in this proceeding provides that the tariff sheet tendered by it shall become effective on the first day of the month following its filing, *i.e.*, on February 1, 1980.

TNGL states that a copy of its tariff filing is available for public inspection at TNGL's offices in Nashville, Tennessee and was served upon its jurisdictional customer and upon the affected state regulatory commission, the Tennessee Public Service Commission.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before January 28, 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 proceding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–1677 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. TA80–1–17 (PGA80–2, IPR80–2, DCA80–1, LFUT80–1, and AP80–1)]

Texas Eastern Transmission Corp.; Notice of Proposed Changes In FERC Gas Tariff

January 11, 1980.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on December 31, 1979, tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Fifty-second Revised Sheet No. 14
Fifty-second Revised Sheet No. 14A
Fifty-second Revised Sheet No. 14B
Fifty-second Revised Sheet No. 14C
Fifty-second Revised Sheet No. 14D
First Revised Sheet No. 14E

These sheets are being issued pursuant to provisions of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff contained in Section 12.4, Demand Charge Adjustment Commodity Surcharge; Section 23, Purchased Gas Cost Adjustment; and Section 26, Louisiana First Use Tax Adjustment. These sheets are also being issued to reflect repayments of advance payments pursuant to Article V of the Stipulation and Agreement in RP75–73 accepted by Commission's Orders issued June 6, 1977 and August 1, 1977.

The changes proposed herein consist of:

(1) Changes in the DCA Commodity Surcharges pursuant to Section 12.4, mentioned above;

(2) Increased PGA Adjustments based on increases in the projected cost of gas purchased from producer and pipeline suppliers and an increase in the Account 191 balance as of October 31, 1979 pursuant to Section 23;

(3) Projected Incremental Pricing Surcharges for the period February, 1980 through July, 1980 pursuant to Section 23;

(4) A reduction in the LAFUT Adjustment of $(.0054)/dth pursuant to Section 26; and

(5) A reduction of $(.0013)/dth to reflect repayments of advance payments received as of November 30, 1979 pursuant to Article V of the RP75–73 Stipulation and Agreement.

The proposed effective date of the above tariff sheets is February 1, 1980.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 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. 80–1678 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. RP77–108]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

January 11, 1980.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on December 21, 1979, tendered for filing certain revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2 to be effective on January 1, 1980.

Transco states that on November 16, 1979 in Docket No. RP77–108 revised tariff sheets were submitted for filing to be effective January 1, 1980 to reflect (1) an advance payment "tracking" rate reduction of 0.3¢ per dt and (2) an increase of 0.13¢ per dt in the Gas Research Institute (GRI) charge.

Transco also states that on November 30, 1979 in Docket No. TA80–1–29

(PGA80–1 & IPR80–1), revised tariff sheets were submitted for filing to be effective January 1, 1980 to implement incremental pricing pursuant to Section 282.602 of the Commission's regulations and Transco's PGA clause. Such filing was made on top of Transco's tariff sheets filed on November 16, 1979.

Transco further states that in its filing of November 16, 1979, the above-mentioned rate changes were applied to approved settlement rates in Docket No. RP77–108 adjusted for, among other things, new zone differentials determined on a mileage basis pursuant to Commission Opinion No. 59. As stated in the filing motions were pending in the United States Court of Appeals for the District of Columbia Circuit to stay the effect of such opinion, and revisions to those tariff sheets may be required should a stay be granted by the Court. The Court of Appeals on December 10, 1979 issued an Order granting a partial stay of Opinion No. 59. Transco states that the purpose of this filing, therefore, is to revise certain of the tariff sheets in the aforesaid November 16, 1979 and November 30, 1979 filings to conform the rates contained therein to those required by the Court's partial stay.

In order for the substitute tariff sheets to become effective as proposed, Transco requests waiver of the 30-day notice requirement and waiver of any Commission regulations which may be necessary.

Transco states that copies of the instant filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 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 proceedings. 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 inspections.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–1679 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER80–172]

Tucson Electric Power Co.; Cancellation

January 11, 1980.

Take notice that on January 7, 1980, Tucson Electric Power Company (Tucson) tendered for filing a notice of cancellation of Rate Schedule FERC No. 23, dated June 1, 1978.

Tucson states that the proposed expiration date is December 31, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 1, 1980. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–1680 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CP76–502]

United Gas Pipe Line Co. and Chandeleur Pipe Line Co.; Petition To Amend

January 11, 1980.

Take notice that on December 6, 1979, United gas Pipe Line Company (United), P. O. Box 1478, Houston, Texas 77001, and Chandeleur Pipe Line Company (Chandeleur), P. O. Box 7643, San Francisco, California 94120, filed in Docket No. CP76–502 a joint petition to amend the order of March 31, 1978, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the exchange of gas for an additional two-year period, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioners state that they are presently authorized to exchange natural gas with each other and have entered into an amendatory letter agreement dated July 23, 1979, for an additional two-year period which would run from April 1, 1980, through April 1, 1982.

Petitioners state that during the additional two-year period, United would make deliveries to Chandeleur during the months of April through October of 1980 and 1981. It is further stated that Chandeleur would make redeliveries of equivalent quantities to United during the months of March through November of 1980, 1981 and 1982.

Petitioners assert that deliveries of gas would continue to be on a gas for gas basis and there would be no charge for the exchange service.

Petitioners further assert that the continuing exchange of natural gas as proposed would cause an increase in United's available supply of natural gas during the heating season and that Chandeleur is willing to assist United in its efforts to meet the increased demands on its system during the heating season.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 4, 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 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–1681 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER79–528]

Cincinnati Gas & Electric Co.; Renotice of Compliance Filing

January 15, 1980.

Take notice that on November 14, 1979, pursuant to the Commission's order dated September 14, 1979 in the above-noted docket Cincinnati Gas & Electric Company submitted a proposed Third Revised Sheet No. 12, Index of Purchasers.

In addition Cincinnati Gas & Electric submitted an explanation of its functionalization of general plant pursuant to Item D of the above-mentioned order.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulation Commission, 824 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before January 29, 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. 80-1682 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES80-19]

Citizens Utilities Co.; Renotice of Application

January 15, 1980.

Take notice that on December 3, 1979, Citizens Utilities Company (Applicant) with its principal business office in Stamford, Connecticut, filed an application seeking an order pursuant to Section 204 of the Federal Power Act, authorizing the issuance of short-term promissory notes in an aggregate principal amount not to exceed $26,000,000 outstanding at any one time. Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Arizona, Colorado, Connecticut, Hawaii, Idaho, and Vermont.

The net proceeds from the sale of the Notes will be used, together with other funds of the Applicant, for replenishment of the treasury for expenditures for current transactions, for repayment of indebtedness and for the construction, extension and repayment of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1683 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2996]

Connecticut Light & Power Co.; Application for Preliminary Permit

December 19, 1979.

Take notice that on November 9, 1979, Connecticut Light and Power Company filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)—825 (r)] for the proposed Derby Project, FERC No. 2996, that would be located on the Housatonic River and utilize the existing Derby Dam and Reservoir, in Fairfield and New Haven Counties, Connecticut. The existing dam was constructed in 1870. Correspondence with the Applicant should be addressed to: William G. Counsil, Vice President, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut 06101.

Purpose of the project.—Power generated by the project would be sold to Applicant's public utility customers.

Proposed Scope and Cost of Studies Under permit.—The work proposed under the preliminary permit would include preliminary designs, and economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. aplicant estimates that the cost of the work to be performed under the preliminary permit would be $60,000.

Project Description.—The project would be operated run-of-the-river, utilizing river flows regulated by the upstream Stevenson Dam which is a part of FERC Project No. 2576. the Derby project would consist of an existing 25.4-foot-high, 675-foot-long concrete gravity dam, a reservoir with a surface area of 360 acres with no appreciable storage capacity, and a 100-foot-long section of an existing 1,600-foot-long canal system along the east bank. Applicant proposes to excavate a forebay and construct a powerhouse containing a single generating unit with a rated capacity of 10.5 MW in the area of the canal inlet at the east abutment of the dam. Total average annual generation would be approximately 51,500,000 Kwh.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 20-month permit.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before February 21, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 21, 1980. A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c), (*as amended,* 44 *Fed. Reg.* 61328, Oct. 25, 1979). A competing application must conform with the requirments of 18 C.F.R., 4.33 (a) and (d), (*as amended,* 44 *Fed. Reg.* 61328, Oct. 25, 1979).

Protests and Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comment does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or

petition to intervene must be filed on or before February 21, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 1664 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-177]

Duke Power Co.; Filing

January 15, 1980.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on January 10, 1980 a supplement to the Company's Electric Power Contract with Rutherford Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 139.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated demand: Delivery Point No. 15 (Temporary) from 0 KW to 1000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of December 19, 1979.

According to Duke Power copies of this filing were mailed to Rutherford Electric Membership Corporation and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1684 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-174]

Indiana & Michigan Electric Co., Filing

January 15, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on January 9, 1980, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (Indiana Company), Amendment No. 16 dated January 1, 1980 to the Operating Agreement dated March 1, 1966, among Indiana Company, Consumers Power Company and the Detroit Edison Company (Michigan Companies), designated Indiana Company Rate Schedule FERC No. 68.

Section 1 of Amendment No. 16 provides for an increase in the demand charge for Short Term from $0.70 to $0.85 per kilowatt per week and Section 3 provides for an increase in the demand charge for Limited Term Power from $3.75 to $4.50 per kilowatt per month. Section 2 of Amendment No. 16 provides for an increase in the transmission charge for third party Short Term Power transactions from $0.175 per kilowatt per week to $0.240 per kilowatt per week and Section 4 provides for an increase in the transmission charge for third party Limited Term transactions from $0.75 per kilowatt per month to $1.00 per kilowatt per month, both schedules proposed to become effective January 7, 1980. Applicant states that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Amendment. Applicant's Exhibit I which was included with the filing of this Amendment, demonstrates that the increase in revenues, which would have resulted had the modification been in effect during the twelve month period ending October 1979, would have been $2,472,857.13 (i.e., from $55,733,460.60 to $58,206,317.13).

Copies of the filing were served upon Michigan Companies, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1685 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-176]

Indiana & Michigan Electric Co.; Filing

January 15, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on January 9, 1980, tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (Indiana Company) Modification No. 12 dated December 15, 1979 to the Interconnection Agreement dated July 20, 1956 between Commonwealth Edison Company and Indiana & Michigan Electric Company, Indiana's Rate Schedule FERC No. 20.

Sections 1 and 3 of Modification No. 12 provide for an increase in the demand charge for Short Term Power and Limited Term Power from $0.70 to $0.85 per kilowatt per week and $3.75 to $4.50 per kilowatt per month respectively. Sections 2 and 4 provide for an increase in the Short Term Power and Limited Term Power transmission charges from $0.175 to $0.240 per kilowatt per week and $0.75 to $1.00 per kilowatt per month respectively, both schedules proposed to become effective March 9, 1980. Applicant states that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification. Applicant's Exhibit I, which was included with the filing, would have resulted, had the modification been in effect during the twelve-month period ending April 1979, in an increase of $56,000.00 (i.e., from $15,210,209.93 to $15,770,209.93).

Copies of the filing were served upon Commonwealth Edison Company, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or February 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1686 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-183]

Iowa Electric Light & Power Co.; Filing

January 15, 1980.

The filing Company submits the following:

Take notice that on January 4, 1980, Iowa Electric Light and Power Company, (Iowa) filed a Compliance Report with the Commission, as required by the Commission's letter order of October 3, 1979.

Iowa states that, on October 3, 1979, it placed FERC approved settlement rates in effect for RES-1 and RES-2 customers. At no time were interim rates in effect which would have generated a refund liability.

A copy of this report has been sent to the Iowa State Commerce Commission.

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, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before February 4, 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. 80-1687 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. ER76-131, ER76-552 and ER78-25]

Kansas City Power & Light Co.; Tariff Change

January 15, 1980.

The filing Company submits the following:

Take notice that on December 3, 1979, Kansas City Power & Light Company (KCPL) tendered for filing Service Schedules E-MPA-1 for Transmission and Sub-transmission Service under Municipal Participation Agreements between KCPL and the following Municipalities:

Customer—Superseding and Replacing:

Board of Public Utilities of Kansas City, Kansas: Schedule E-MPA, Supplement No. 11 to KCPL's Rate Schedule FERC No. 54.

Garnett, Kansas: Schedules E-MPA and F-MPA-1, Supplement No. 5 and Supplement No. 6 to KCPL's Rate Schedule FERC No. 78.

Osawatomie, Kansas: Schedules E-MPA and F-MPA-1, Supplement No. 5 and Supplement No. 1 to Supplement No. 6 to KCPL's Rate Schedule FERC No. 77.

KCPL states that the purpose of this filing is to comply with the order of the Commission dated November 6, 1979, in the above dockets and requests an effective date of June 1, 1979, the date of the Settlement Agreement in those dockets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 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. 80-1688 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-181]

Northern States Power Co.; Proposed Tariff Change

January 15, 1980.

The filing Company submits the following:

Take notice that Northern States Power Company (Wisconsin) on January 11, 1980, tendered for filing Fourth Revised Schedule A to their contracts with the following eleven resale customers:

Customer and FERC Rate Schedule No.

Bangor—58, Supplement No. 5
Cadott—61, Supplement No. 1
Bloomer—62, Supplement No. 0
Cornell—59, Supplement No. 5
New Richmond—60, Supplement No. 7
Spooner—64, Supplement No. 2
Whitehall—51, Supplement No. 7
Trempealeau—52, Supplement No. 7
Westby—55, Supplement No. 9
Rice Lake—56, Supplement No. 6
Black River Falls—54, Supplement No. 7

The proposed changes would increase revenues from jurisdictional sales and service by $895,025 based on the 12 month period ending December 31, 1980. The proposed effective date of the rates contained in the filing is March 11, 1980.

The company states that the present rates, those being the rates approved for filing on October 13, 1976 in Docket No. ER76-305, are inadequate in that they result in a rate of return on estimated test year 1980 resale electric business of only 4.63%, which return is too low to assure confidence in the financial soundness of the company. Such level of return would impair the company's ability to raise additional capital needed in the future on just and reasonable terms.

Copies of the filing were served upon the public utility's jurisdictional customers and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All petitions or protests should be filed on or before February 6, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1689 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP80-36]

Northwest Pipeline Corp.; Third Party Protest [1]

Issued: January 15, 1980.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,[2] and "Order on Rehearing of Order No. 23-B," [3] the Staff of the Commission protested December 10, 1979, the assertion by the Northwest Pipeline Corporation (Northwest) and certain producers that the contracts identified in Staff's protest constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff asserts that the language of the contracts contained in Appendix A does not constitute authority for the producer to increase prices to the extent claimed by Northwest in its evidentiary submission.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to this protest should file with the Commission, on or before January 29, 1980, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR 154.94(j)(4)(ii), the seller is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

Appendix A

Producer and Rate Schedule No. or Contract Date

Alamo Petroleum Company, 1-28-63
Amoco Production Company, 233
Amoco Production Company, 3-18-57
Amoco Production Company, 193
Amoco Production Company, 485
Altantic Richfield Company, 679
Altantic Richfield Company, 179
Altantic Richfield Company, 604
Altantic Richfield Company, 312
Altantic Richfield Company, 180
Altantic Richfield Company, 677
Belco Petroleum Corporation, 12-10-59
Chevron, USA, 1-27-60
Consolidated Oil and Gas, 6-15-56
Consolidated Oil and Gas, 6-15-56
Consolidated Oil and Gas, 8-12-63
Continental Oil Company, 3-19-65
Continental Oil Company, 3-11-66
Cotton Petroleum Corporation, 6-15-56
Dugan, Thomas H., 10-7-66
Dugan, Thomas H., 10-17-56
Dugan, Thomas H., 8-17-60
Dugan, Thomas H., 1-3-58
Dugan, Thomas H., 3-21-56
Dugan, Thomas H., 10-5-64
Gulf Oil Corporation, No. 198
Getty Oil Company, No. 134 & No. 280
Jicarilla Apache Tribe, 9-4-75
Laughlin Enterprises, Inc., 7-31-56
McHugh, Jerome P., 6-15-56
McHugh, Jerome P., 6-15-56
McHugh, Jerome P., 1-3-58
Mesa Petroleum Company, No. 63
Merrion and Bayless, 3-21-56
Merrion and Bayless, 6-15-56
Merrion and Bayless, 6-6-66
Mobil Oil Corporation, No. 396
Mobil Oil Corporation, No. 38
Mobil Oil Corporation, No. 503
Northwest Production Corporation, 3-18-57
Northwest Production Corporation, No. 1
Petroleum Corporation of Texas, 8-15-57
Partnership Properties, 6-15-56
PWG Partnership, 3-15-65
Southland Royalty Company, No. 75
Tenneco Oil Company, No. 292
Tenneco Oil Company, No. 172
Tenneco Oil Company, No. 198
Tenneco Oil Company, No. 506
Tenneco Oil Company, No. 505
Texaco, Inc., No. 543
Texaco, Inc., No. 211
Texas Oil and Gas Corporation, No. 116
Texas Oil and Gas Corporation, No. 31
Texas Oil and Gas Corporation, No. 114
Western Oil & Minerals, 8-15-57
Western Oil & Minerals, 1-23-57
Wynn Oil Company, 6-15-56
American Resources Mgnt, Corporation, 9-13-74
American Resources Mgnt, Corporation, 8-21-75
American Resources Mgnt, Corporation, 8-20-76
Atlantic Richfield Company, 11-24-75
Benson-Martin Greer Drilling, 3-24-57
Chandler and Associates, Inc., 12-28-76
Chandler and Associates, Inc., 12-28-76
Chandler and Associates, Inc., 12-28-76
Chandler and Associates, Inc., 1-9-78
Chandler and Associates, Inc., 1-9-78
Chandler and Associates, Inc., 1-9-78
Chandler and Associates, Inc., 1-9-78
Dow, Marks and Little, 11-19-74
Dugan Production Corporation, 12-9-74
Dugan Production Corporation, 2-4-75
Dugan Production Corporation, 3-19-75
Merrion and Bayless, 11-14-77
Northwest Production Company, No. 2
Northwest Production Company, No. 3
Provident Resource, Inc., 8-2-74
Schalh, John E., 4-22-76
Universal Resources Corporation, 6-16-75
Willard Prease Oil & Gas Company, 10-19-71
Willard Prease Oil & Gas Company, 7-14-76
Aminoil USA, Inc., No. 42
American Petroleum Energy Company, Inc., 2-23-77
American Petroleum Energy Company, Inc., 3-28-78
American Resources Management Corporation, 7-15-77
American Resources Management Corporation, 5-18-77
Apache Corporation, 5-30-78
Barker, Lawrence, Jr., 5-16-77
Chevron U.S.A., Inc., No. 160
Christmann, John J., 11-21-78
Christmann, John J., 3-4-77
Continental Oil Company, No. 447
Coseka Resources, U.S., 6-20-78
Coseka Resources, U.S., 10-31-78
Dugan Production Corporation, 11-8-78
Dugan Production Corporation, 1-5-78
Dugan Production Corporation, 1-4-78
Dugan Production Corporation, 10-1-77
Dugan Production Corporation, 7-25-78
Fees, Walter S. Jr., 1-20-78
Gallaway, W.M., 12-5-78
General Crude Oil Company, 8-3-78
Gordon Engineering, Inc. dba J&D Associates, 5-1-78
Mizel, Larry, 10-12-77
Mizel, Steven Mayer, 10-12-77
McHugh, Jerome P., 1-5-77
Merrion & Bayless, 8-30-78
Mobil Oil Corporation, 6-15-77
Mobil Oil Corporation, No. 540
Northwest Exploration Company, No. 8
Northwest Exploration Company, No. 4
Northwest Exploration Company, No. 9
Northwest Exploration Company, No. 6
NP Energy Corporation, 3-28-77
Palmer Oil and Gas Company, 10-12-77
Palmer Oil and Gas Company, 10-12-77
Palmer Oil and Gas Company, 10-12-77
Palmer Oil and Gas Company, 2-7-78
Palmer Oil and Gas Company, 9-27-78
Palmer Oil and Gas Company, 1-25-77
Palmer Oil and Gas Company, 5-20-77
Palmer Oil and Gas Company, 1-23-78
Palmer Oil and Gas Company, 10-5-77
Tiaga Energy, Inc., 12-29-77
Tiaga Energy, Inc., 8-17-78
Rainbow Resources, Inc., 10-28-77
Rainbow Resources, Inc., 5-15-76
Schalk, John E. & Martha R., 11-17-78
Texaco, Inc., No. 470
Texas Gas Exploration Corporation, 6-29-78
Union Oil Company of California, No. 230

[FR Doc. 80-1690 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[1] The term "third party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

[2] "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

[3] Docket No. RM79-22, issued August 6, 1979.

[Docket No. ER76-398]

Pennsylvania Power & Light Co.; Amendment to Compliance Filing

December 19, 1979.

The Pennsylvania Power & Light Company (PP&L) submitted for filing on December 13, 1979, amendments to its original compliance filing of April 3, 1979, and subsequent filings. These amendments reflect a revised method for eliminating non-fuel costs from the fuel clause credit as well as certain updated billing data.

Any person desiring to be heard or to protest said amendments 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 January 30, 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 amendment are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1665 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. EL78-15 and ER78-339 (Phase I)]

Public Service Co. of New Hampshire; Extending Time To Conclude Briefing and Postponing Oral Argument

January 14, 1980.

In an order issued December 26, 1979, the date of January 15, 1980, was set for the completion of all briefing in Phase I of this proceeding. The order also announced an oral argument to be held on January 18, 1980.

By a motion filed January 14, 1980,[1] staff has advised that a settlement in principle has been achieved between it, the Public Service Company of New Hampshire, all of the Company's customers, and the Office of Consumer Affairs, and has requested a one week extension in the procedural dates to allow time for the settlement to be reduced to writing and for its tender to the Commission.

The settlement in principle provides that the customers will not object to the proposed effective dates of the rates proposed in Docket No. ER 80-140. Further, all of the revenues to be collected under both of the rates proposed in Docket No. ER 80-140 will be collected subject to refund. In addition, it has been agreed that PSNH will not rely upon construction work in progress to justify the revenues associated with the second step of the rate increases proposed in Docket No. ER 80-140. The Company specifically reserves the right to attempt to justify such revenues by pollution control facilities which are not yet dedicated to utility service.

Other components of the settlement in principle include an indefinite stay of Phase I of Docket No. EL 78-15, termination of Docket No. ER 78-339 (Phase II) on mutually acceptable terms and other matters which the parties believe to be in the public interest.

[1] The motion was filed by staff on behalf of all active parties to the proceeding. The Connecticut Office of Consumer Affairs does not oppose the motion. Appalachian Power Company, *et al.* endorses the motion. Staff further advises that the New Hampshire Commission and the Granite State Alliance will not file a response to the motion.

In view of the foregoing, notice is hereby given that the date for the filing of briefs opposing exceptions is extended to January 22, 1980. In the event a settlement agreement is submitted by that date, the time for briefing is extended indefinitely. The oral argument set for January 18, 1980, is postponed until further notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1691 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-178]

Southern California Edison Co.; Filing

January 15, 1980.

The filing Company submits the following:

Take notice that on January 10, 1980, Southern California Edison Company ("Edison") tendered for filing, as an initial rate schedule, an agreement, dated October 11, 1979 with State of California Department of Water Resources ("CDWR"). The Agreement is entitled "Power Contract Between Southern California Edison Company and State of California Department of Water Resources".

The Agreement, in relevant part, sets forth the terms and conditions under which Edison will provide interruptible and firm transmission service to CDWR.

Edison requests that this Agreement be made effective 60 days after the date of filing with the Commission in order to permit firm planning and commitment of resources by Edison and CDWR. Upon acceptance for filing by the Federal Energy Regulatory commission, the Agreement will become effective although service thereunder will not commence until April 1, 1983. The Agreement will then continue in effect until midnight December 31, 2004.

Copies of this filing were served upon the Public Utilities Commission of the State of California and State of California Department of Water Resources.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §1.8 and § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a peitition to intervene. Copies of this application are on file with the Commission and are available for public inspection

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1692 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 516]

South Carolina Electric & Gas Co.; Application for Approval of Change in Land Rights

January 14, 1980.

Take notice that an application was filed on September 14, 1979, under the Federal Power Act, 16 U.S.C. Section 791(a)–825(r), by South Carolina Electric and Gas Company (Applicant), for authorization to grant an easement to the City of Columbia, South Carolina for the construction and operation of a water treatment plant adjacent to Lake Murray in Lexington and Richland Counties, South Carolina. Correspondence with the Applicant on this matter should be addressed to: Mr. Brian J. McManus, Esquire, Reid & Priest, 1701 K Street, N.W., Washington, D.C. 20006; and Mr. Randolph R. Mahan, Esquire, South Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218.

Applicant requests Commission approval to grant to the City of Columbia, an easement across certain project lands below the 360-foot contour upon which would be constructed a portion of an intake pump station and intake structures using Lake Murray as the source of raw water. The proposed pump station, when operating at full capacity, would withdraw 100 million gallons of water daily; however, initially, pumps would be installed to withdraw 20 million gallons of water daily. The water treatment plant would supply potable water for the City of Columbia and surrounding area.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a

party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before March 3, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1693 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-179]

Southern California Edison Co.; Filing

January 15, 1980.

The filing Company submits the following:

Take notice that on January 10, 1980, Southern California Edison Company ("Edison") tendered for filing, a rate schedule, an agreement, dated October 11, 1979, with State of California Department of Water Resources (CDWR). The Agreement is entitled "Firm Transmission Service Agreement Between Southern California Edison Company and State of California Department of Water Resources".

Under the terms of the Agreement, Edison is to provide to CDWR firm transmission service in either direction between the 500 kV bus at Eldorado Substation near Jean, Nevada, and the 500 kV bus at Vincent Substation near Palmdale, California.

Edison requests that the Agreement be made effective 60 days after the date of filing with the Commission in order to permit firm planning and commitment of future resources. Upon acceptance for filing by the Commission, the Agreement will become effective although service thereunder will not commence until April, 1983.

Copies of this filing were served upon the Public Utilities Commission of the State of California and State of California Department of Water Resources.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1694 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP80-56]

Tartan Production Co.; Application Requesting Allowance for Production-Related Costs

December 13, 1979.

Take notice that on November 8, 1979, Tartan Production Company (Tartan), 819 Petroleum Tower, Corpus Christi, Texas, filed with the Federal Energy Regulatory Commission (Commission), under section 271.1105 of the Commission's regulations, an application for recovery of production related costs under section 110 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C.

Tartan is currently seeking a determination from the Texas Railroad Commission that the gas sold from the Berry "B" No. 1 Well (813667), San Patricio, Texas, to Texas Eastern Transmission qualifies for a maximum lawful price under section 102 of the NGPA. Tartan requests an allowance in addition to the maximum lawful price for the gathering costs connected with delivering the gas to Texas Eastern Transmission.

Any person desiring to be heard or to protest this proceeding should, on or before February 4, 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 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. 80-1682 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP80-57]

Tartan Production Co.; Application Requesting Allowance for Production Related Costs

December 13, 1979.

Take notice that on November 8, 1979, Tartan Production Company (Tartan), 819 Petroleum Tower, Corpus Christi, Texas, filed with the Federal Energy Regulatory Commission (Commission), under section 271.1105 of the Commission's regulations, an application for recovery of production-related costs under section 110 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301, *et seq.*

Tartan is currently seeking a determination from the Texas Railroad Commission that the gas sold from the Berry "B" No. 2 well (813668), San Patricio, Texas, to Texas Eastern Transmission qualifies for a maximum lawful price under section 102 of the NGPA. Tartan requests an allowance in addition to the maximum lawful price for the gathering costs connected with delivering the gas to Texas Eastern Transmission.

Any person desiring to be heard or to protest this proceeding should, on or before February 4, 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 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. 80-1667 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-175]

Tucson Electric Power Co.; Filing

January 15, 1980.

The filing Company submits the following:

Take notice that Tucson Electric Power Company (formerly called Tucson Gas & Electric Company and hereinafter referred to as "Tucson") on January 9, 1980, tendered for filing Amendment No. 1 to the Colorado-TGE 1979–1980 Power Sale Agreement between Tucson and Public Service Company of Colorado ("Colorado"). The primary purpose of this Amendment No.

1 is to extend the term of the Agreement by advancing the termination date from May 31, 1980 to December 31, 1980. Tucson states that copies of the filing were served upon Colorado.

Any person desiring to be heard or to make any application with reference to said Amendment should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 7, 1980. Protests will be considered by the Commission 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 must file a petition to intervene. Copies of this Amendment are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1695 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Projects Nos. 2906, 2968]

Upper San Joaquin River Water and Power Authority and Southern California Edison Co.; Applications for Preliminary Permit

January 15, 1980.

Take notice that on September 4, 1979, Upper San Joaquin River Water and Power Authority (Authority) and Terra Bella Irrigation District (District) jointly requested that the Authority be substituted for the District as the Applicant in an application for a preliminary permit, filed by the District on January 18, 1979 [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)], for a proposed waterpower project, to be known as the Jackass-Chiquito Water Conservation and Hydroelectric Development Project, FERC No. 2906, located on the Jackass and Chiquito Creeks, near Southern California Edison Company's Mammoth Pool Reservoir (existing licensed FERC Project No. 2085), in the county of Madera, California. Correspondence with Authority should be directed to: John Boudreau, Manager, Terra Bella Irrigation District, 24790 Avenue 95, Terra Bella, California 93270 and David H. Minasian, Esquire, Minasian, Minasian, Minasian, Spruance and Baber, Attorneys at Law, Post Office Box 1679, Oroville, California 95965. Notice of the District's application for Project No. 2906 was issued on June 5, 1979. The Authority proposes to build two additional dams to divert supplementary flows from the North Fork San Joaquin River and Cora Creek.

Take further notice that on September 12, 1979, Southern California Edison Company (Edison) filed a competing application for a preliminary permit to study the feasibility of developing the water power potential of the same portions of Jackass and Chiquito Creeks, and of the North Fork and South Fork of San Joaquin River. Edison's proposed project is to be known as the West Side Development Project, FERC No. 2968, in the County of Madera, California. Correspondence with Edison should be directed to: John R. Bury, General Counsel, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770.

Lands of the United States which may be affected by the proposed projects are located in the Sierra National Forest, under the administration of U.S. Forest Service.

Purpose of the Projects—A portion of Authority's project would be used for irrigational purposes. Any remaining power would be sold to other public agencies or utility companies. Edison's project energy would be utilized in meeting power requirements of its customers in the central and southern parts of California.

Proposed Scope and Cost of Studies Under Permit—Authority and Edison each seek issuance of a preliminary permit for a period of three years, during which each would prepare a definitive project report, prepare preliminary designs, conduct geological explorations, collect environmental data and prepare an environmental report, obtain agreements with various Federal, State, and local agencies, and prepare a FERC license application. The cost of these activities is estimated by each Applicant to be about $1,000,000.

Projects Description—The principal project works, proposed by the Authority, would consist of: (1) a concrete overflow dam diverting flow from the North Fork San Joaquin River through a 19,600-foot-long, 9-foot-diameter tunnel to Cora Creek; (2) a concrete overflow dam diverting flow from Cora Creek, through a 24-inch-diameter vertical bore and into the 9-foot-diameter tunnel which would continue for approximately 11,300 feet to East Fork Granite Creek; (3) a concrete overflow dam diverting flow from the East Fork Granite Creek through a 9,300 foot-long, 11-foot-diameter tunnel to West Fork Granite Creek Reservoir; (4) a concrete overflow dam diverting flow from the Middle Fork Granite Creek through a 12-inch pipeline connecting to a bore hole into the 11-foot-diameter tunnel; (5) West Fork Granite Creek Reservoir (6-acre surface area) to be created by a concrete overflow diversion dam; (6) a 14-foot-diameter tunnel approximately 10,300 feet long, carrying water from West Fork Granite Creek Reservoir to; (7) the Jackass Reservoir which would have a storage capacity of 100,000 acre-feet, a maximum suface area of about 1,430 acres, and be formed by a homogeneous rolled earthfill structure designated Jackass Dam; (8) a horseshoe tunnel 9 feet 6 inches in diameter and approximately 10,900 feet long, leading to an above-ground penstock approximately 6,700 feet long, varying in diameter from 6 feet 6 inches to 6 feet 0 inches, connected to an underground 6-foot-diameter steel-lined penstock serving; (9) the underground Jackass Powerhouse to contain two impulse-type turbine-generator units, having a total rated capacity of 80 megawatts; (10) a tailrace tunnel about 4,100 feet long leading to; (11) Chiquito Reservoir having a surface area of 1,030 acres and storage capacity of 80,000 acre-feet, to be formed by a zone-type composite earth and rockfill structure designated Chiquito Dam; (12) a horseshoe tunnel 13 feet in diameter and about 22,590 feet long, to be connected to an approximately 4,195-foot-long, above-ground penstock varying in diameter from 7 feet 6 inches to 8 feet 6 inches leading to; (13) Chiquito Powerhouse to contain two impulse-type turbine-generator units, having a total rated capacity of 120 megawatts, and located at the headwaters of Mammoth Pool near the junction of Jackass Creek. The project would have a total rated capacity of 200 megawatts.

The principal project works, proposed by Edison, would consist of: (1) two concrete dams diverting flow from Jackass Creek and Norris Creek, through a 33,000-foot-long, 3.5-foot-diameter steel pipeline, to Granite Creek Reservoir; (2) three concrete dams diverting flow from the North Fork San Joaquin River, Cora Creek, and Chetwood Creek, through a 29,000-foot-long, 11.5-foot-diameter tunnel to Granite Creek Reservoir; (3) Granite Creek Reservoir which would have a gross storage capacity of 105,000 acre-feet, and a maximum surface area of 1,490 acres, and be formed by; (4) an earthfill structure, designated Granite Creek Dam, 350 feet high (streambed to crest) and 3,170 feet long; (5) a 13,500-foot-long, 8-foot-diameter concrete penstock connected to; (6) the underground Granite Creek Powerhouse

to contain two impulse-type turbine-generator units, having a total rated capacity of 242 megawatts; (7) a 4,100-foot-long tailrace tunnel discharging water into San Joaquin River; (8) Miller Bridge Reservoir which would have a gross storage capacity of 61,000 acre-feet, and a maximum surface area of 440 acres, and be formed by; (9) a concrete arch structure, designated Miller Bridge Dam, 345 feet high (streambed to crest), 1,180 feet long, and located 1.5 miles downstream from the confluence of the North Fork and Middle Fork of the San Joaquin River; (10) a 25,000-foot-long, 21-foot-diameter horseshoe tunnel leading to an approximately 1,250-foot-long, 12-foot-diameter steel penstock connected to; (11) the above-ground Miller Bridge Powerhouse to contain two reaction-type turbine-generator units, having a total rated capacity of 124 megawatts; (12) Forks Reservoir which would have a storage capacity of 38,500 acre-feet, and a maximum surface area of 320 acres, and be formed by; (13) a concrete arch structure, designated Forks Dam, 300 feet high (streambed to crest), 850 feet long located approximately 900 feet south of the confluence of the San Joaquin and South Fork of the San Joaquin River; (14) a 15,900-foot-long, 27-foot-diameter horseshoe tunnel leading to a 400-foot-long, 16-foot-diameter steel penstock serving; (15) the underground Forks Powerhouse to contain two reaction-type turbine-generator units, having a total rated capacity of 170 megawatts; (16) Chiquito Reservoir having a gross storage capacity of 34,500 acre-feet and a surface area of 640 acres, and formed by; (17) an earthfill structure, designated Chiquito Dam, 170 feet high (streambed to crest) and 1,600 feet long; (18) an approximately 24,500-foot-long, 10-foot-diameter horseshoe tunnel leading to a 3,680-foot-long, 5.5-foot-diameter steel penstock serving; (19) the above-ground Chiquito Powerhouse, to contain one impulse-type turbine-generator unit, having a rated capacity of 36 megawatts. The project would have a total rated capacity of 572 megawatts.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, each Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (Copies of the applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests, and Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. Section 1.8 or Section 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests.

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any comment, protest, or petition to intervene must be filed on or before March 19, 1980. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 19, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 19, 1980. A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c), (*as amended,* 44 FR 61328, Oct. 25, 1979). A competing application must conform with the requirements of 18 C.F.R., 4.33 (a) and (d), *(as amended,* 44 FR 61328, Oct. 25, 1979).

The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1696 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-173]

Vermont Electric Power Co., Inc.; Rate Schedule Filing

January 15, 1980.

The filing Company submits the following:

Take notice that on January 8, 1980, Vermont Electric Power Company, Inc. (Velco) tendered for filing a Rate Schedule containing a Unit Contract between Velco and New Bedford Gas and Edison Light Company (New Bedford) of New Bedford, Massachusetts, dated as of September 21, 1979.

Velco states that the service to be rendered under this Rate Schedule consists of the sale of capacity and related energy from the Vermont Yankee Unit for the monthly amounts and period as follows:

5/1/80–6/30/80

KW 20,000; KWH 10,931,000; and Charges $222,000.

Charges for this power will be at Velco's costs. Therefore, there will be no change in the overall rate of return of Velco.

Velco states that service under this Rate Schedule will commence on May 1, 1980, and will terminate on June 30, 1980.

Copies of the filing were served upon New Bedford Gas and Edison Light Company and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 1, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-1697 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of October 22 Through October 26, 1979

Notice is hereby given that during the week of October 22 through October 26, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

American Solar Corp., Bailey's Crossroads, Va., DFA-0643, freedom of information

American Solar Corporation filed an Appeal from a partial denial by the Program Director, Office of Solar and Geothermal Energy Programs, of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the determinations made by the Director were current and that the withheld portions of a proposal evaluation report should not be released to the public. An important issue considered in the Decision and Order concerned the public interest in nondisclosure of predecisional intra-agency memoranda.

Exxon Co., U.S.A., Houston, Tex., DEA-0616, DES-0616, motor gasoline

The Exxon Company, U.S.A. (Exxon) filed an Application for Stay and an Appeal of an Order for the Redirection of Product which the Economic Regulatory Administration Region IV Office of Petroleum Operations issued to the firm on July 30, 1979. That Order directed Exxon to supply motor gasoline to Newman Oil Company (Newman) for the month of July 1979, pursuant to 10 CFR 211.107(c). In considering the Appeal, the DOE found that the Redirection Order did not contain sufficient evidence to justify the conclusion that Newman was unable to obtain additional supplies of motor gasoline outside its marketing area. Accordingly, the DOE determined that the Order for the Redirection of Product be remanded to the ERA Region IV Office for further consideration and that the Application for Stay be dismissed. The principal issue discussed in the Decision and Order was the requirement that a wholesale purchaser-reseller seeking relief under 10 CFR 211.107(c) demonstrate the impracticability of the firm's going outside its traditional market to obtain motor gasoline before receiving a redirection Order from the ERA. The DOE found that while the burden of proving impracticability in such a case rests with the reseller, the ERA Order itself should also contain a discussion of the factors which lead to the Region's conclusion on the firm's impracticability showing.

Limbach National Construction Co., Pompano Beach Fla., DEA-0632, motor gasoline

Limbach National Construction Company filed an Appeal from a dismissal by ERA Region IV of an Application for Assignment of a base period supplier of motor gasoline. In considering the Appeal, the DOE found that ERA Region IV should have considered assignment of a base period supplier under the provisions of 10 CFR 211.27 related to the construction industry. Limbach's appeal was therefore granted.

Power Test Petroleum Distributors Westbury, N.Y., and Amerada Hess Corp., DEA-0418, DEA-0445, motor gasoline

Power Test Petroleum Distributors and Amerada Hess Corporation filed separate Appeals of Orders which were issued to them on April 20, 1979 by Region II of the Economic Regulatory Administration of the Department of Energy. In those Orders, the ERA directed both Power Test and Amerada to supply a portion of the volume of motor gasoline granted to Award Petroleum, Inc. pursuant to a Decision and Order issued by the Office of Hearings and Appeals. In considering the Appeal the DOE determined that both suppliers were in a position to comply with the order and were given adequate notice and opportunity to comment regarding their proposed assignment as suppliers. Accordingly, the Appeals of both Power Test and Amerada were denied.

Steptoe & Johnson, Washington, D.C., DFA-0656, freedom of information

Steptoe and Johnson filed an appeal from a partial denial by the Director of the Office of Competition of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the document in question was, except for one section, properly withheld under exemption 5. Furthermore, much of the document contained material which was exempt from disclosure under exemptions 4 and 7(A). One section of the document, although exempt from disclosure under exemption 5, was ordered to be released on public interest grounds pursuant to 10 CFR 1004.1.

True Oil Co., Casper, Wyo., DFA-0317, freedom of information

True Oil Company filed an Appeal from a partial denial by the Manager of the Office of Enforcement, Rocky Mountain District of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the appeal, the DOE found that certain of the documents which were initially withheld under exemptions 5 and 7 should be released to the public. DOE also found that some documents falling within Exemption 5 should, nevertheless, be released in the public interest. The DOE rejected the firm's contention that it was entitled to these documents to assist it in preparing its defense in an enforcement proceeding.

Remedial Order

Shell Oil Co., Houston, Tex., DRO-0284, motor gasoline

Shell Oil Company objected to an Interim Remedial Order for Immediate Compliance (IROIC) issued to the firm on July 9, 1979. That Remedial Order required Shell to continue to supply motor gasoline to D&D Shell. In considering Objection, the DOE determined that Shell failed to show that the IROIC is procedurally invalid or that its findings are arbitrary, capricious, or unsupported by law. The DOE therefore concluded that the Objection be denied.

In the following case involving a Proposed Remedial Order and/or Interim Remedial Order for Immediate Compliance, no Statement of Objections was filed. The DOE therefore issued the order in final form.

Company Name: Monarch Aviation. Case No: DRW-0032. Location: Grand Junction, Colo.

Requests for Exception

Amoco Production Co., Chicago, Ill., DEE-4755, crude oil

Amoco Production Company (Amoco) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Amoco to sell at upper tier ceiling prices 31.57 percent of the crude oil produced from the Fourbear SRA Unit.

Class Exception, Washington, D.C., DXE-8261, motor gasoline

Since March 1979, the Office of Hearings and Appeals of the Department of Energy has received several thousand applications for relief from the regulatory requirements relating to the allocation of motor gasoline. Exception relief has been granted by the Office of Hearings and Appeals with respect to many of those applications. The relief that was granted generally permitted the firms to receive additional volumes of motor gasoline. In those cases acted in which decisions were issued that the new base period for the allocation of motor gasoline was made permanent (*see* 44 Fed. Reg. 45238 (July 19, 1979), the relief was generally limited to the period ending September 30, 1979. Many of the firms that received exception relief through this date subsequently filed applications requesting an extension of relief for the entire base period.

Among these firms requesting an extension of relief, the Office of Hearings and Appeals identified a class of applicants, all of whom made significant investments during or subsequent to the new base period. This class has been designated as the *Anger* class on the basis of the Decision issued in *Leo Anger, Inc.*, 3 DOE Par.———(June 18, 1979). The DOE concluded that the basis for the relief previously granted applicants in this class continues to exist. A Decision and Order was therefore issued granting the request to all members of the *Anger* class who applied for an extension of relief.

Funeral Directors Association of Washington, D.C. et al., Clinton, Md., DEE–7543; Connie's Great Bend, Kan., DEE–7568; Hayman's, Alexandria, Va., DEE–7565; Virginia Specialty Stores, Inc., Newport News, Va., DEE–7560; Full Cry Shop Building, Vienna, Va., DEE–7569, emergency—temperature restrictions

Funeral Directors Association of Washington, D.C., Connie's Hayman's, Virginia Specialty Stores, Inc., and The Full Cry Shop filed Applications for Exception from the provisions of 10 CFR, Part 490 in which the firms requested that they be permitted to lower the temperature in their business establishments below 78° F during the cooling season. In considering the request, the DOE found that the firms would not experience a serious hardship as a result of their compliance with the regulations. Accordingly, exception relief was denied.

Great Southern Oil & Gas Co., Inc., Shreveport, La., DXE–6729 crude oil

Great Southern Oil & Gas Co., Inc. (Great Southern) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Great Southern to sell at upper tier ceiling prices 100 percent of the crude oil produced from the St. Martin Lease.

Hammermill Paper Co., Erie, Pa., DEE–7747, DEE–7748, temperature restrictions

Hammermill Paper Company filed an Application for Exception from the provisions of 10 CFR, Part 490 in which the firm requested that it be permitted to utilize air cooling systems during the hours in which its buildings are unoccupied. In considering the request, the DOE found that neither the firm nor its employees would experience a special hardship as a result of the firm's compliance with the regulations. Accordingly, exception relief was denied.

John O. Farmer, Inc., Russell, Kan., DEE–2327, oil and gas reserves

John O. Farmer, Inc. filed an Application for Exception from the reporting requirements set forth in the Form EIA–23 (Annual Survey of Domestic Oil and Gas Reserves). The exception request, if granted, would relieve the firm of the requirement to complete and file the Form EIA–23 with the Energy Information Administration of the Department of Energy. After considering the exception submission, the DOE determined that no factual basis existed on which to conclude that the reporting requirements of the Form EIA–23 imposed an inordinate burden on the firm. Accordingly, the exception relief was denied.

Monsanto Co., Houston, Tex., DXE–7621, crude oil

Monsanto Company (Monsanto) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Monsanto to sell at upper tier ceiling prices 98.34 percent of the crude oil produced from the Hendrick "C" Property.

Moody Oil Co., Hollywood, S.C., DEE–2831, motor gasoline

Moody Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that although the firm's motor gasoline allocation actually increased over its 1972 levels as a result of the updating of the base period the DOE regulations were the principal cause of the firm's financial difficulties. The DOE further found that without exception relief the firm's existence as a viable business entity would be endangered. Accordingly, exception relief was granted.

Union Oil Co. of California, Los Angeles, Calif., DEE–7357, crude oil

Union Oil Company of California (Union) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Union to sell at upper tier ceiling prices 51.16 percent of the crude oil produced from the Pacific Electric Pool.

Request for Temporary Exception

Atlantic Richfield, Co., Los Angeles, Calif., BES–0001, BST–0001, BEL–0006, gasohol

The Atlantic Richfield Company (Arco) filed an Application for Exception from the provisions of 10 CFR 212.83 in which the firm sought to price Gasohol as a separate category of product for cost passthrough purposes. In considering the request, the DOE found that exception relief was necessary to remove regulatory impediments which in this case were frustrating the attainment of several national policy objectives. Accordingly, exception relief was granted. Since Arco had filed Applications for Stay and Temporary Stay which requested virtually the same relief as that approved in the Temporary Exception, the firm's stay and temporary stay requests were dismissed.

Requests for Stay

Crown Central Petroleum Corp., Baltimore, Md., DES–7756, motor gasoline

The Crown Central Petroleum Corporation (Crown) filed an Application for Stay of its obligations during the months of August, September, and October 1979 to supply motor gasoline to seven refiners which purchased that product form Crown during the base period. (10 CFR 211.9). In considering the Application, the DOE determined that Crown had failed to meet the criteria established for the granting of a Stay. The firm's stay request was therefore denied.

Research Fuels, Inc., Washington, D.C., DES–0661, DST–0661, motor gasoline

Research Fuels, Inc. filed an Application for Stay and an Application for Temporary Stay of four Temporary Assignment Orders that had been issued to Champlin Petroleum Company and Foremost Petroleum Company, Inc. by the Region VI Office of the ERA. In considering the firm's requests the DOE found that Research Fuels was likely to succeed on the merits of its related Appeals for the four Temporary Assignment Orders. As a result, the firm's request for a stay of the orders was granted.

Interlocutory Order

Texaco, Inc., Washington, D.C., BRZ–0012, crude oil

Texaco, Inc., and the Office of Special Counsel of the Department of Energy had agreed to conduct a deposition of a Special Counsel employee in connection with a compliance proceeding pending before the Office of Hearings and Appeals. Accordingly, the Office of Hearings and Appeals issued an Interlocutory Order authorizing Texaco to conduct that deposition.

Supplemental Order

Conoco, Inc., Stamford, Connecticut, Dex–0209, Supplemental Order

This Supplemental Order vacated two prior Supplemental Orders that directed Conoco to establish an escrow account. Those prior Orders (Case Nos. DEX–0207 and DEX–0208) were rendered moot when Conoco complied with the terms of a Consent Order dated August 11, 1978.

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order.

Company Name, Case No., and Location

Red Carpet Car Wash, DEN–6930, Wallingford, CT.
Ulysses J. Papini, DEN–6722, Vista, CA.
Carol Davis Mini–Market, DEN–7977, Wittier, CA.
Anderson's Exxon, DEN–2127, Baltimore, MD.
Leblanc's Arco, DEN–5129, Riverside, CA.
Mike Rose Oil Company, DEN–2733, Washington, DC.
Don's Market, DEN–5680, Hampstead, NH.
Gold Oil Company, DEN–4344, Belleville, IL.
Holmes Mobil, DEN–6441, Auburn, CA.
Jack Vaughn Oil Company, DEN–6262, Pampa, TX.
Richard Oil Corporation, DEN–4855, W. Plam Beach, FL.
Ernie's General Store, DEN–3763, Stockton, CA.

Protective Order

The following firm filed and Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective order submitted by the firm. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy.

Company Name, Case No., and Location

Louisiana Land and Exploration, BRZ–0009, Washington, DC.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Stay, Temporary Stay and/or interim Order from the provisions of the Motor Gasoline Allocation Regulations. The request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company Name, Case No., and Location

John E. Jones Oil Company, DEE–2766, Stockton, KS
Citadel Corporation, BEX–0004, Washington, DC

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case No.

Ace Oil Corporation, DEE–6844
Bayshore Tiers, DEE–7761
Bob Ullman, Inc., DEE–4841
Brush Texaco, DEE–5410
City of Crystal City, DEE–8267
City of Port Clinton, DEE–7234
City Service Center, DEE–8313
Clinton Shell, DEE–4004
Cummings Exxon, DEE–6440
Dynastors Enterprises of Manhattan, Inc., DEE–7047
Farm Fresh Mini-Market, DEE–6996
Fitzpatrick Service, DEE–5273
A. B. Eargood & Son, DEE–4457
Arba L. Reed, DEE–4230
Bennett Hamre, DEE–6320
Bob's Auto & Marine, DEE–7716
Boby McCard, DEE–4296
Century Oil Company, Inc., DES–0172
Gaston Merchants Oil, DEE–2963
General Aviation Company, DEE–7930
Haynes Shell, DEE–7589
Interstate Vending, DEE–5202
Jerry Lantzy Standard, DEE–7040
John P. Griffin, DEE–6249
Kaufman & Broad, DEE–7782
Kelley Fuels, Inc., DEE–2763
Mt. Airy, Route 2, DEE–6589
Olney Mobil, DEE–4850
Parker & Parker, DEE–6809
Peoples Oil & Gas, DES–0174
Plastic Industries, DEE–6262
Puerto Rico Sun Oil, DXE–2139
Ray's Gulf, DEE–5658
6th & State Service, DEE–5334
Southern Fuel Distributers, Inc., DEE–2353; DES–2353
Strickland's Shell, DEE–5199
The Pop Shoppe, DEE–4729
Tindal Aviation, DEE–8004
Trans Oil Company, Inc., DEE–6309
U. S. S. Oil Company, DEE–3979
Village Mobil, DEE–7759
Wild Gas & Oil, DEE–2718; DES–2718; DST–2718
Crown Central Petroleum, DEE–6452
Doc Ferrell Gulf Distributor, DEE–5771
Ellsworth Oil Company, DEE–6342
Gene's Amoco, DEE–6972
Hill City Standard, DEE–6367
Indi Dellaripa, DEE–7653
J. Fleet Cowden, DEE–7651
Larry's Orangevale Tire #2, DEE–6166
Lee Arco Service, DEE–6829
Lynady Brothers, DEE–4901
Manglitz Automotive, DEE–6645
Nason's Corner Service, DEE–5425
North Country Gulf, DEE–2980
Pocahontas Fuel Stores, DEE–6361
R&R Gas-Low, DEE–5542
Rodney Havens, DEE–3587
Scotland Oil Company, DEE–6313
Shirley's Hirstyling Salon, DEE–7883
Stowe Machine Company, DEE–7707
Trail Amoco, DEE–6855
Vinnie's Texaco, DEE–6776
Wisconsin Industrial Fuel Oil, DEE–3152; DES–3152; DST–3152
Smoke Rise Chevron, DEE–2602
Springer-Eubank Oil, DEE–2443; DES–2443
System 99, DEE–6141
Thelen Oil Company, DEE–2657; DES–2657
Webber Oil Company, DEE–4325
Barstow Chevron, DEE–3412
Berberich Delivery, DEE–6134
Bi-State Co-Op, DEE–4122
Bob Foster, DEE–4217
Bonus International, DEE–2927; DST–2927
Dade Oil Company, Inc., DEE–2491; DES–2491
Dalle Oil Company, Inc., DEE–2261
Desbians Automotive, DEE–2402; DES–2402
Elanor Harris, DEE–5936
Fulbright & Jaworski, BFA–0021
Golden Gate Petroleum Company, DEE–4966
H. M. Petroleum Trans., DEE–3742
Madiros Torkian Chevron, DEE–3237
National Treasury Employees Union, BFA–0005
Nevada Refining Company, DSG–0057
Repauno Plant (E. I. DuPont), DEE–7882
Richard Parry, DEE–4971
Robert Stone, DEE–2893; DES–2893; DST–2893

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m. e.s.t., except Federal holidays. They are also available in *energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals

January 11, 1980

[FR Doc. 80–1748 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of October 29 Through November 2, 1979

Notice is hereby given that during the week of October 29 through November 2, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains in list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Surface Technology, Inc., Princeton, New Jersey, DFA–0648, freedom of information

Surface Technology filed an Appeal from a partial denial by the DOE Operations and Regional Office in Chicago, Illinois of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that portions of the documents which were initially withheld under Exemption 5 should be released to the public, but that the remainder had been properly withheld under Exemption 5. In addition, it was determined that portions of the documents should have been withheld under Exemption 4 as proprietary commercial information.

Truckstops Corporation of America, Miami, Florida, DFA–0662, freedom of information

Truckstops Corporation of America filed an Appeal from a partial denial by the Acting Director, Office of Petroleum Operations of the Department of Energy, Region V, of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that certain portions of a Supplemental Form 18 which were initially withheld under Exemption 4 should be released to the public.

Virginia Electric and Power Company, Washington, D.C., DFA–0002, freedom of information

The Virginia Electric and Power Company (VEPCO) appealed from a partial denial of an information request by the Director of the DOE Division of Freedom of Information and Privacy Act Activities (FOI Director). In its request VEPCO sought information concerning the DOE's preparation of environmental assessments and environmental impact statements in connection with Prohibitions Orders. In his determination, the FOI Director withheld five documents identified as responsive to VEPCO's request under Exemption 2 of the Freedom of Information Act (the FOIA) and 112 documents under Exemption 5 of the FOIA. In considering the Appeal, the DOE determined that the documents withheld under Exemption 2 of the FOIA were properly withheld. The DOE found that those documents related solely to internal practices of the agency and concerned matters of no genuine and significant public interest, and that expenditures of unreimbursible costs to the DOE in time and dollars for assembling and making these routine documents available to the public, when weighed against their minimal substantive contend, makes their release contrary to the public interest. The DOE further determined that the FOI Director's explanation for withholding documents in the public interest under Exemption 5 was inadequate and, in accordance with recent prior decision, consideration of the releasibility of the Exemption 5 documents in the public interest was remanded to the FOI Director.

Acomi Corporation, Marblehead, Massachusetts, DEE–2645, motor gasoline

Acomi Corporation filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increased allocation of motor gasoline and an assignment of a new supplier to provide the firm with that product. In considering the request, the DOE found that Acomi had made a number of serious misrepresentations of material fact to the DOE in connection with the exception proceeding and prior related proceedings. Under these circumstances, Acomi wa barred from obtaining further relief under the equitable doctrine of "unclean hands." The DOE further noted that the fact that the record was tainted by Acomi's misrepresentations prevented it from

finding that Acomi was in fact in need of additional supplies of motor gasoline. Accordingly, exception relief was denied.

Altex Oil Corp., Denver Colo., DXE–6625, crude oil

Altex Oil Corporation (Altex) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Altex to sell at upper tier ceiling prices 19.30 percent of the crude oil produced from the UPRR Anschutz Ranch No. 1 Well.

Farmland Industries, Inc., Kansas City, Mo., DEE–7731, motor gasoline

Farmland Industries, Inc. (Farmland) filed an Application for Exception with the Office of Hearings and Appeals of the Department of Energy. The Farmland requests, if granted, would relieve the firm of its obligation to supply motor gasoline to four refiners during the month of August 1979. Farmland contends that exception relief is necessary to ensure that its non-priority users, many of which are small retail outlets located in rural communities, receive sufficient supplies of motor gasoline. In considering the Farmland exception request, the DOE found that Farmland was able to purchase sufficient quantities of motor gasoline on the spot market to adequately supply both priority and non-priority users. Consequently, the DOE found that the firm failed to support its contention that the retail outlets it supplies or the communities they serve would suffer a serious hardship or gross inequity in the absence of exception relief. Accordingly, the firm's Application for Exception was denied.

James M. Forgotson, Sr., Washington, D.C., DXE–7166, crude oil

James M. Forgotson, Sr. (Forgotson) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request if granted, would permit Forgotson to sell at upper tier ceiling prices the crude oil which he produces from the Iota Nonunion Struma Sand Unit. In considering the exception application, the DOE found that the applicant expended funds for major well workovers as a result of discretionary business determinations based on its assessment of the risks involved and the potential revenues to be obtained at applicable ceiling price levels. Accordingly, the DOE determined that exception relief should be denied.

G & C Grocery and Standard Oil Co., Germfask, Mich., DXE–8323, motor gasoline

The G&C Grocery and Standard Oil Co. filed an Application for Exception from the provisions of 10 CFR, Subpart F in which the firm sought an increase in its monthly allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to prevent the imposition of a gross inequity on the citizens of Germfask, Michigan. Accordingly, exception relief was granted.

Gulf Oil Corp., Houston, Tex., DXE–7729, crude oil

Gulf Oil Corporation (Gulf) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Gulf to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Miriam Partlow, et al., Unit.

Koch Industries, Inc., Wichita, Kans., DXE–7272, crude oil

Koch Industries, Inc. (Koch) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Koch to sell at upper tier ceiling prices 73.79 percent of the crude oil produced from the Sink Draw ¶1 Lease.

Frank Lapinski, New Haven, Conn., DEE–3365, motor gasoline

Frank Lapinski filed an Application for Exception from the provisions of 10 CFR 211.102 in which he sought an increase in the base period allocation of motor gasoline for a retail outlet located in New Haven, Connecticut. In considering the request, the DOE found that Lapinski had not shown that his firm, which consists of several retail motor gasoline outlets, was suffering a serious financial hardship or a gross inequity. Accordingly, exception relief was denied. An important issue discussed in the Decision and Order was the ability of Lapinski to prevent losses from occurring at the New Haven outlet by redirecting gasoline from his other outlets.

Rudi's Kwik Gas n' Wash, Tulsa, Okla., DEO-0331, motor gasoline

Rudi's Kwik Gas N' Wash filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increase in its base period volume of motor gasoline. In considering the request, the DOE found that there was no anomalies in the firm's operations during the period November 1977 to October 1978 which distorted the use of those months as the firm's base period. In addition, the DOE found that the firm would not experience a serious hardship as a result of the regulatory program in the absence of exception relief. Accordingly, exception relief was denied.

Skelton Oil Co., Midland, Tex., DEE–1861, crude oil

The Skelton Oil Company (Skelton) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the working interest owners of the Lowe Lease located in Section 34, T–12–5, R–37–E of Lea County, New Mexico to sell a certain percentage of the crude oil produced from the lease at upper tier prices. In considering the exception request, the DOE observed that the data submitted by the applicant indicated that operating costs at the Lowe Lease had increased to the point where they exceeded the revenues received from the sale of crude oil produced at lower tier prices. The DOE also found that the abandonment of the lease by Skelton would result in the loss of a signficant quantity of otherwise recoverable crude oil. On the basis of the precedent established in a number of prior Decisions, the DOE approved exception relief which permitted Skelton to sell 30.07 percent of the crude oil produced from the Lowe Lease at upper tier prices for a period of approximately six months.

Anne Taines, Los Angeles, Calif., BEE–0221, temperature restrictions

Anne Taines filed an Application for Exception from 10 CFR, Part 490 in which she sought relief from the Emergency Building Temperature Restrictions to permit her to lower the minimum summer temperature in her place of employment to 69°F. In considering the request, the DOE found that exception relief was necessary to prevent a serioud health risk to the applicant. Accordingly, exception relief was granted.

Texaco, Inc., Denver, Colo., DXE–6974, crude oil

Texaco, Inc. (Texaco) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Texaco to sell at upper tier ceiling prices 63.44 percent of the crude oil produced from the V. F. Semlet "C" Lease.

Texaco, Inc., Denver, Colo., DXE–7602, Crude oil

Texaco, Inc. (Texaco) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Texaco to sell 67.20 percent of the crude oil produced for the benefit of the working interest owners from the Government T. F. Stroock NCT–1 Lease at market price levels not to exceed $22.03 per barrel and the remaining 32.80 percent of the production at upper tier ceiling prices.

Texaco, Inc., Denver, Colo., DXE–7166, crude oil

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling prices the crude oil which it produces from the A. S. Wisness Lease. In considering the exception application, the DOE found that the applicant would be able to operate the lease on a profitable basis if it sells the crude oil production at lower tier ceiling prices. Accordingly, the DOE determined that exception relief should be denied.

Group Finalization

On November 2, 1979, the Office of Hearings and Appeals of the Department of Energy issued an Order which finalized all the Proposed Decisions and Orders listed in Appendix B of that Order. These proposed decisions pertained to requests for increased allocations of motor gasoline or assignments of suppliers to furnish base period allocations of motor gasoline. Published with the Finalization Order are the Proposed Decisions and Orders which the Office of Hearings and Appeals considers to be of precedential importance. These decisions indicate the principles that have been utilzed by this Office in deciding Applications for Exception from the motor gasoline allocation regulations.

Request for Temporary Exception

Gulf Energy Refining Corp., Washington, D.C., BST–0002, BEL–0005, entitlements

Gulf Energy Refining Corporation filed an Application for Temporary Stay and an Application for Temporary Exception from the provisions of 10 CFR 211.67 (the

Entitlements Program). If granted, the request for stay would have resulted in an order staying the firm's October 1979 entitlements purchase obligations. If granted, the temporary exception request would have resulted in an order permitting Gulf Energy to sell entitlements for October 1979. The DOE convened a hearing in the matter and determined that, on the basis of testimony presented at the hearing, Gulf Energy might suffer irreparable injury if stay relief was not granted. The DOE also found that it lacked sufficient information at that time to rule on the temporary exception request. Accordingly, Gulf Energy's request for stay was granted and its temporary exception request was dismissed without prejudice.

Request for Stay

Pester Refining Co., El Dorado, Kans., BES–0007, BES–0018, motor gasoline

On October 5, 1979 and October 11, 1979, Pester Refining Company filed Applications for Stay with the Office of Hearings and Appeals. In one Application, Pester sought a Stay of both an Order issued to it on September 21, 1979 by ERA Region VII and an Interim Decision and Order issued by the OHA to Midland Energy Corporation on July 10, 1979. In its Applications, Pester contended that Stays should be issued because of the high likelihood that the firm would prevail on the merits of its Appeal of the Regional Order and on the merits of its Objections to a Proposed Decision and Order issued to Midland. In considering the Applications, the DOE determined that Pester had failed to demonstrate that the orders were invalid on their face or patently defective. Accordingly, the requests for Stay were denied.

Motion for Evidentiary Hearing

Gas Del Oro, Inc., Washington, D.C., DEH–1479, NGL's: NGLP's

On April 16, 1979, Gas del Oro, Inc. (Gas del Oro) filed a Motion for Evidentiary Proceeding in connection with its Statement of Objections to a Proposed Decision and Order which the DOE issued to Coastal States Gas Corporation (Gas Corporation) and Lo-Voca Gathering Company (Lo-Voca) on February 16, 1979. In its Motion Gas del Oro requested that Gas Corporation and Lo-Voca be required to answer twelve interrogatories concerning their base period supply obligations, their current supplies of product, and the marketing practices of Gas Corporation and Lo-Voca. In considering the Gas del Oro request, the DOE determined that, in view of the extensive record developed before the Office of Hearings and Appeals in the prior stages of the exception proceeding Gas del Oro had not raised material issues of fact to which the requested information would be relevant. However, the DOE also determined that it would be reasonable to require Coastal States to divulge the impact that the proposed exception relief would have on the prices that it will charge Gas del Oro. The Gas del Oro Motion was therefore granted in part and denied in part in a Decision issued by the DOE on October 31, 1979.

Supplemental Orders

Fina Jobbers Association, Inc., State of Georgia, BEX–0007, motor gasoline

On September 14, 1979, the DOE granted a temporary exception to a class consisting of branded jobbers of American Petrofina, Inc. (Fina). The administrative record developed subsequent to the issuance of the temporary exception indicated, however, that Fina had made no meaningful effort to comply with the provisions of the September 14 determination. In addition, the class receiving relief had not sought to have the Decision and Order enforced judicially. Accordingly, the DOE issued an Order to Show Cause why (i) the temporary exception should not be rescinded and (ii) the Application for Exception filed by Fina Jobbers Association, Inc. on July 13, 1979 should not be dismissed.

Mobil Oil Corp., New York, N.Y., BEX–0006, crude oil

Koch Refining Company, Inc. and Ashland Oil, Inc. filed a Motion for Full Evidentiary Hearing and a Motion to Require Mobile to Produce Data in connection with the evidentiary hearing on the Apeals filed by Mobil Oil Corporation from certain Canadian crude oil Allocation Notices. The State of Minnesota filed a Petition for Leave to Intervene or to Participate in the Mobile Appeal proceedings. In considering the Motions filed by Koch and Ashland, the DOE determined that evidence relating to the economic impact of a grant of the Mobil Appeals is more appropriately established through the use of written documentation. The Motions filed by Koch and Ashland were therefore denied. In considering the Petition filed by the State of Minnesota, the DOE determined that the State of Minnesota should be allowed to participate in the present proceeding but would be permitted to address only those issues that are designated by the DOE to be within the scope of the proceeding. The Petition filed by the State of Minnesota was therefore granted.

Interim Orders

U.S. Oil Co., Combined Locks, Wis., DEN–3174, motor gasoline

U.S. Oil Company filed two Applications for Exception from the provisions of 10 CFR 211.101. Those Applications, if granted, would result in the assignment of suppliers of lower-priced motor gasoline to the firm. In a Proposed Decision and Order issued on November 2, 1979, the DOE found that U.S. Oil's requests should be granted. In an Interim Order issued the same day, the DOE also found that unless the relief granted to U.S. Oil in the Proposed Decision and Order were effectuated immediately both U.S. Oil and its customers would incur irreparable harm. The DOE also found that implementing the proposed relief on an interim basis pending a final determination on U.S. Oil's exception requests was in the public interest and would not adversely affect other persons to a significant degree. As a result, the DOE concluded that the relief granted in the Proposed Decision and Order should be effective immediately.

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order.

Company Name, Case Number, and Location

F&P Market, DEN–8314, Decaturville, Tenn.
Indian Rock "66", DEN–5935, Largo, Fla.
Gary Keating's Village Texaco, DEN–7024, St. Ann, Mo.
Southern California Edison, BEN–0007, Rosemead, Calif.
Mt. Pleasant Arco, DEN–7070, Providence, R.I.
Phillip Sloan Oil Co., DEN–8280, North Miami Beach, Fla.
Union Oil of California, DEN–8021, Washington, D.C.

Protective Order

The following firm filed an Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following application and issued the requested Protective Order as the Order of the Department of Energy:

Company Name, Case Number, and Location

Mobil Oil Corp., BED–0002, Washington, D.C.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Stay, Temporary Stay and/or Interim Order from the provisions of the Motor Gasoline Allocation Regulations. The request, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company Name, Case Number, and Location

Browning's Exxon, DXE–8193, Hazelwood, N.C.
Kickapoo Oil Co., DEL–8220, Hillsboro, Wis.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case Number

Celebrity Beauty Academy, DEE–7802.
City Service Fuels, Inc., DEE–5358.
Exxon Co., U.S.A., DEA–0652.
Frito-Lay, Inc., DEE–3892.
Montross Logging, DEE–7846.
Murhpy's Ranch, DEE–6077.
National Association of Rehabilitation Facilities, DEE–7836.
Western Richardson Drug Co., DEE–7759.
William H. Lyman, DEE–7412.
Albert Manookian, DEE–4982.
Anchor Hocking, BEE–0041.
Appollo Mobil, DEE–4330.
Buy-Rite Oil Co., DEO–0398.
CP National, BEE–0213.
Cibolo Self Service, DEE–6351.
City of Douglas, BEE–0115.
City of Dublin, BEE–0108.
City of Summerville, BEE–0080.
Clear Creek Oil Co., DEE–2518.
Edwards Producing Co., DRO–0400.
Ellengsen-MacLean Oil, DEE–2342; DES–2342.
High Street Amoco, DEE–6444.
Hill'n Dale Service, DEE–4357.
Ingram & Matthews, DEE–2494.
Interstate Power Co., BEE–0053.
Kettle Moraine Standard, DEE–6133.
Kue-Bel Enterprises, DEE–7948.
Long Beach Gas Department, BEE–0082.
Mt. Vernon Amoco, DEE–3660.

Pendleton St. Shell, DEE–7642.
Piedmond Water, Gas & Sewer Board, DEE–6082.
Plainfield Auto Sales, DEE–7265.
Roland's Hair Works, DEE–7496.
Sandy Hook Automotive, DEE–4314.
Suburban Oil Co., DEE–2445; DES–2445.
Thomas F. Guthrie, DEE–5411.
West Texas Gas, Inc., BEE–0097.
Aureloio Rodrigues, DRO–0312.
Automatic Gas Dist., DEE–5102; DEE–5105.
E. N. Hershberger Co., DEE–4266.
Lyon Ready Mix, Inc., DEE–6119.
Mac's Exxon, DEE–7298.
Owen's Exxon, DEE–7377.
Wells Fargo Armored Service Corp., DEE–7501.
Clyde Beatty-Cole Brothers Circus, DEE–5884.
Duffy's Car Wash, DEE–4940.
Energy Users News, BRA–0016.
Hal-Sand, Inc., DEE–4552.
Hill City Standard, DEE–6367.
Lima Texaco, DEE–7160.
Macomb County Road Commission, DEE–6916.
Motherhood Maternity Shops, DEE–7917.
Olympic Industrial Clinics, DEE–5615.
Salon Del Rio, DEE–7775.
Service Oil Co., DEE–2261.
Southern Coal & Oil, DEE–4417.
Tlougan Oil Co., DEE–2611.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W. Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

January 11, 1980.

[FR Doc. 80–17–57 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

Notices of Objection To Proposed Orders; Week of December 24 Through December 28, 1979

Notice is hereby given that during the week of December 24, 1979 through December 28, 1979, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Within 20 days after publication of this notice, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). Within 30 days of the publication of this notice, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Issued in Washington, D.C.

January 11, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Proposed Remedial Orders

Canyon Marinas, Inc., New Braunfels, Tex., BRO–0566, motor gasoline

On December 27, 1979, Canyon Marinas, Inc., Star Route 2, Box 220, New Braunfels, Texas, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest Enforcement District of the Economic Regulatory Administration issued to the firm on November 19, 1979. In the Proposed Remedial Order, the Southwest District found that during the period August 1, 1979 through October 21, 1979, the firm committed pricing violations in its retail sales of motor gasoline. According to the Proposed Remedial Order, the Canyon Marinas, Inc. violations resulted in $825.96 of overcharges to its customers.

Otis Ainsworth, Laurel, Miss., BRO–0552, crude oil

On December 26, 1979, Otis Ainsworth, 807 West 15th Street, Laurel, Mississippi, 39440, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast Enforcement District of the Economic Regulatory Administration issued to him on November 15, 1979. In the Proposed Remedial Order the Southeast District found that during the period November, 1973 through December, 1977 Ainsworth committed pricing violations in his sales of crude oil. According to the Proposed Remedial Order, the Ainsworth violations resulted in $506,818.00 of overcharges to his customers.

[FR Doc. 80–1749 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

Week of December 10 Through December 14, 1979; Notices of Objection to Proposed Remedial Orders

Notice is hereby given that during the week of December 10 through December 14, 1979, the Notice of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before February 11, 1980, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, Feb. 7, 1979). On or before February 19, 1980, the Office of Hearings and Appeals will determine those persons who may participate in an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Issued in Washington, D.C.

Dated: January 11, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Harrison Gas & Oil, Inc., Los Angeles, California, BRO–0336, motor gasoline

On December 11, 1979, Harrison Gas & Oil, Inc., Los Angeles, California filed a Notice of Objection to (a Proposed Remedial Order) which the DOE Western District Office of Enforcement issued to the firm on October 25, 1979.

In the Western District found that during the period November 1, 1973, to May 31, 1976, Harrison Gas & Oil, Inc. improperly computed maximum legal selling prices in violation of 10 CFR, Part 212 and, as a result, sold motor gasoline to customers at prices which were in excess of the maximum legal selling prices.

According to the (PRO or IROIC), the Harrison Gas & Oil, Inc. violation resulted in $204,033.64 of overcharges.

[FR Doc. 80–1751 Filed 1–17–80; 8:45 am]

BILLING CODE 6450–01–M

December 10 Through December 14, 1979; Notice of Issuance of Proposed Decisions and Orders

Notice is hereby given that during the period December 10 through December 14, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and order in final form. Any

aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except federal holidays.

Dated: January 11, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Proposed Remedial Order

Ajo Improvement Company, Ajo, Arizona, BEE-0086, natural gas utility

Ajo Improvement Company filed an Application for Exception from the provisions of Section 13(b) of the Federal Energy Administration Act (the FEAA) of 1974. The exception request, if granted, would relieve the firm of any obligation to prepare and submit Form EIA-149. On December 13, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted in part.

Alpha Park Public Library, Bartonville, Illinois, BEE-0322, emergency building temperature restrictions

Alpha Park Public Library filed an Application for Exception from the provisions of 10 CFR Part 490. The exception request, if granted, would permit Alpha Park to raise the maximum heating temperature above 65° F in the areas of the library utilized by senior citizens and preschool children. On December 13, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Double Eagle Drilling Company, Dallas, Texas, DEE-8032, crude oil

Double Eagle Drilling Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Double Eagle to sell crude oil produced from wells that it plans to drill on the Vogler Lease at market price levels. On December 11, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Guld Oil Corporation, Houston, Texas, DEE-3447, crude oil

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Gulf to sell at upper tier prices the crude oil produced from the H. F. Hansen #1 Lease in Brazoria County, Texas. On December 12, 1979, the DOE issued a Proposed Decision and Order which determined that Gulf should be permitted to sell 100% of the crude oil produced and sold for the benefit of the working interest owners at upper tier ceiling prices.

Lawrence & Sons Oil Company, Panama City, Florida, BEE-0237, gasohol

Lawrence & Sons Oil Company, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would increase the firm's allocation of unleaded motor gasoline so that it could blend and sell gasohol. On December 13, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

M. J. Mitchell, Dallas, Texas, BXE-0342, crude oil

M. J. Mitchell filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Mitchell State Minnelusa Sand Unit for the benefit of the working interest owners at upper tier ceiling prices. On December 14, 1979, the DOE issued a Proposed Decision and Order which determined that an extension of exception relief should be granted.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception request, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No., and Location

American Car Wash Corp., DEE-5006, Annandale, VA
Dennis K. Burke, DEE-7672, Chelsea, MA
Fegley's Mini Mart, DEE-6289, Tamaqua, PA
H. L. Mills Pet., BXE-0139, Washington, DC
Kickapoo Oil Co., DEE-8220, Hillsboro, WI
Lake Oil Co., BEE-0150, Clear Lake, LA
Neil R. Feeley, DEE-7021, S. Yarmouth, MA
Onyx Corporation, BEE-0013, Creve Coeur, MO
W. Broward Phillips "66" Service, BXE-0311 Ft. Lauderdale, FL

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception request, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case No., and Location

C. L. Butler Garage, DEE-7485, Johnston, PA
Cleland Oil Co., DEE-4124, Wagoner, OK
Jenkins Gas Co., Inc., DEE-3318, Pollocksville, NC
King Pet. Co., BEE-3609, Bridgeview, IL
Midway Oil Co., DEE-4152, Milwaukee, WI
Smather's & Co., BEE-7441, Stanton, KY
Thomas L. Bowman, DEE-3391, Los Angeles, CA.

[FR Doc. 80-1752 Filed 1-17-80, 8:45 am]

BILLING CODE 6450-01-M

Week of December 17 Through December 21, 1979; Notices of Objection to Proposed Remedial Orders

Notice is hereby given that during the week of December 17, 1979 through December 21, 1979, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before February 11, 1980, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). On or before February 19, 1980, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Issued in Washington, D.C.

Dated: January 11, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Proposed Remedial Orders

Ancora-Citronelle Corporation, San Francisco, California, BRO-0434, crude oil

On December 18, 1979, William P. Johnson, Trustee for Former Shareholders of Ancora-Citronelle Corporation, 332 Pine Street, Suite 508, San Francisco, California, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast Enforcement District of the Economic Regulatory Administration issued to the firm on November 2, 1979. In the Proposed Remedial Order the Southeast District found that during the period September 1, 1973, through March 18, 1975, Ancora-Citronelle Corporation committed pricing violations in its sales of crude oil. According to the Proposed Remedial Order the Ancora-Citronelle violations resulted in overcharges of $861,497.13 to its customers.

Chana's Auto Service Center, Los Angeles, California, BRO-0458, motor gasoline

On December 19, 1979, Chana's Auto Service Center, 240 N. Virgil, Los Angeles, California, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on October 12, 1979. In the Proposed Remedial Order the Western District found that during the months of August and September, 1979, Chana's Auto Service Center committed pricing violations in its retail sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $1811.00 of overcharges to its customers.

[FR Doc. 80-1750 Filed 1-17-80; 8:45 am]

BILLING CODE 6450-01-M

Assistant Secretary for Conservation and Solar Energy

Approval of a Designated Energy Impact Area Under Section 601 of the Powerplant and Industrial Fuel Use Act

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: Title VI, section 601 of the Powerplant and Industrial Fuel Use Act (FUA) (Pub. L. 95-620) provides, *inter alia*, for the granting of financial assistance to any area designated by a Governor of a State as impacted by increased coal or uranium production development activities. Before the financial assistance may be provided, however, the Secretary of Energy (the Secretary), after consultation with the Secretary of Agriculture, must approve such designation. In accordance with section 601's requirements and the Department of Agriculture's implementing regulations (7 CFR Part 1948), the Secretary shall approve a Governor's designation of an energy impact area only if:

A. The Governor provides the Secretary in writing with the data and information on which such designation was made, together with any additional information which the Secretary may require for approval; and

B. The Secretary determines that the following criteria are met:

(1) During the most recent calendar year, the eligible employment in coal or uranium production development activities within the area has increased by eight percent or more from the preceding year, or such employment will increase by eight percent or more per year during each of the next three calendar years;

(2) This increase has required or will require substantial increases in housing or public facilities and services, or both, in the area; and

(3) Available State and local financial and other resources are inadequate to meet the public need for housing or public facilities and services at present or in the next three years.

Pursuant to 7 CFR 1948.70(e), DOE hereby gives notice that it has approved, effective November 1, 1979, the following area as an energy impact area:

Texas: An area consisting of Robertson County. A designated and approved area is eligible for planning grants and other assistance through the Farmers Home Administration, Department of Agriculture, provided that the further requirements of section 601 and 7 CFR 1948 are met.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald S. Leighton, Director, Community Systems Division, Office of Buildings and Community Systems, Mail Stop 2221-C, Office of Conservation and Solar Energy, 20 Massachusetts Avenue, N.W., Department of Energy, Washington, D.C. 20585, (202) 376-4714.

Issued in Washington, D.C., December 28, 1979.

Maxine Savitz,

Acting Assistant Secretary for Conservation and Solar Energy.

[FR Doc. 80-1621 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1394-5]

E. I. du Pont de Nemours & Co.; Final Determination

In the matter of the proceedings under Title I, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to E. I. du Pont de Nemours and Company (Du Pont), Seneca, Illinois.

On June 11, 1979, Du Pont submitted an application to the United States Environmental Protection Agency (U.S. EPA), Region V office, for an approval to modify their chemical process plant. The application was submitted pursuant to the regulations for PSD.

On July 3, 1979, Du Pont was notified that its application was complete and preliminary approval was granted.

On August 17, 1979, U.S. EPA published notice of its decision to grant a preliminary approval to Du Pont. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by Du Pont, the Company was notified on November 30, 1979, that U.S. EPA had determined that the proposed new construction in Seneca, Illinois would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by section 165 of the Act.

This approval to construct does not relieve Du Pont of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2090.

John McGuire,

Regional Administrator, Region V.

January 3, 1980.

Environmental Protection Agency, Region V

Approval to Construct EPA-5-A-80-7

In the matter of E. I. du Pont de Nemours and Company Chemical Process Plant, Seneca, Illinois; Proceeding Pursuant to the Clean Air Act, as amended.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et. seq.* (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The E. I. du Pont de Nemours and Company (Du Pont) proposes to modify their chemical process plant at Du Pont Road, Seneca, Illinois.

2. The area where Du Pont proposes the modification is a Class II area as determined pursuant to the Act and has been designated a non-attainment areas for ozone and attainment or unclassifiable for the other criteria pollutants pursuant to section 107 of the Act.

3. Emissions from the process are volatile organic compounds (VOC) which are precursors to the formation of ozone. Their sources include the predispersion tank, defoaming tank, and the various storage tanks.

4. The proposed installation of seven more tanks brings about a potential increase of hydrocarbon (HC) emission of 140 tons per year (TPY), the allowable emissions total 4.6 tons per year. The allowable rate is well under the 50 TPY cutoff for review under the

Offset Policy Interpretative Ruling (44 FR 3274, January 16, 1979), however, a review under PSD was still required.

5. The proposed control equipment includes the installation of a new surface condenser for the presdispersion tank and the continued use of an existing flare for the defoaming tank. Efficiencies claimed are 90 percent and 99 percent for the condenser and flare respectively. Both controls meet the exisitng Illinois limitation of either 8 pounds per hour or at least 85 percent equipment efficiency.

6. The DuPont Company submitted a PSD application to the U.S. Environmental Protection Agency (U.S. EPA) on June 11, 1979. On July 13, 1979, the application was determined to be complete and preliminary approval was granted.

7. On August 17, 1979, notice was published in the *Morris Daily Herald*. The notice sought written comment from the public on the Du Pont application and the U.S. EPA's preliminary approval of the proposed construction and operation. There were no public comments and no requests for a public hearing.

8. After review and analysis of the material submitted by Du Pont, the U.S. EPA has determined that emissions from the construction and operation of the modified chemical process plant will be controlled by the limitations imposed in the permit granted by the Illinois Environmental Protection Agency (IEPA).

Conditions

9. The HC emissions shall be restricted by the limitations imposed on the construction permit granted by IEPA. These limitations include a process weight rate of not more than 14,000 pounds per hour and an operating rate of not more than 271 days per year.

10. Upon operation of the completed modification, performance tests shall be conducted on the gas flare to establish control efficiency at its new operating conditions.

11. Prior to the tests on the gas flare, notification shall be made within 30 days to the U.S. EPA, who may choose to witness such tests at its option.

Conditions 9 through 11 are required in order to insure that Du Pont's chemical process plant modification will be constructed and operated in accordance with the description presented in their application for approval to construct.

12. Any change in Du Pont's proposed modification of the chemical process plant might alter U.S. EPA's conclusion, and therefore, any change must receive the prior written authorization of U.S. EPA.

Approval

13. Approval to modify the emulsion plant is hereby granted E. I. du Pont de Nemours & Company subject to the conditions expressed herein and consistent with the materials and data included in the application filed by the Company. Any departure from the conditions of this approval or the terms expressed in the application, must receive the prior written authorization of U.S. EPA.

14. The United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co.* vs. *Douglas M. Costle* (78-1006 and consolidated cases) which has significant impact on the EPA prevention of significant deterioration (PSD) program and approvals issued thereunder. Although the court has stayed its decision pending resolution of petitions for reconsideration, it is possible that the final decision will require modification of the PSD regulations and could affect approvals issued under the existing program. Examples of potential impact areas include the scope of best available control technology (BACT), source applicability, the amount of increment available (baseline definition), and the extent of preconstruction monitoring that a source may be required to perform. The applicant is hereby advised that this approval may be subject to reevaluation as a result of the final court decision and its ultimate effect.

15. This approval is effective immediately. This approval to construct shall become invalid, if construction or expansion is not commenced within 18 months after receipt of this approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA 5 days after construction is commenced.

16. This approval to construct does not relieve E. I. du Pont de Nemours & Company of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

17. A copy of this approval has been forwarded to the Seneca Public Library, 210 N. Main, Seneca, Illinois, for public inspection.

Dated: November 30, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 80-1703 Filed 1-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1394-3; EPA-5-A-79]

Rockwell Lime Co., Kossuth Township, Wis.; Final Determination

In the matter of the proceedings under Title I, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Rockwell Lime Company (Rockwell), Kossuth Township, Wisconsin.

On December 12, 1978, Rockwell submitted an application to the United States Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct a new rotary lime kiln (kiln #2). On February 19, 1979, additional information was submitted. The application was submitted pursuant to the regulations for PSD.

On April 5, 1979, Rockwell was notified that its application was complete and preliminary approval was granted.

On May 4, 1979, U.S. EPA published notice of its decision to grant a preliminary approval to Rockwell. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by Rockwell, the Company was notified on September 27, 1979, that U.S. EPA had determined that the proposed new construction in Kossuth Township, Wisconsin would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve Rockwell of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2090.

John McGuire,

Regional Administrator, Region V.

January 8, 1980.

In the Matter of Rockwell Lime Company, Kossuth Township, Wisconsin; Proceeding Pursuant to the Clean Air Act, as amended.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, (the Act), and the Federal regulations promulgated thereunder 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Rockwell Lime Company (Rockwell) proposes to construct a new rotary lime kiln (kiln No. 2) in Kossuth Township, Wisconsin.

2. The proposed construction of the new rotary lime kiln is subject to the

requirements of 40 CFR 52.21 and the applicable sections of the Act.

3. On December 12, 1978, Rockwell submitted a PSD application. The application was determined to be deficient on January 18, 1979. On February 19, 1979, additional information was submitted. The application was determined to be complete and preliminary approval was granted on April 5, 1979. On May 4, 1979, notice was published in the *Herald-Times Reporter* seeking comments from the public and giving an opportunity to request a public hearing on the application and U.S. EPA's review and preliminary determination to approve construction of the above-cited source. No comments or requests for a public hearing were received.

4. After a thorough review of all materials submitted by Rockwell, U.S. EPA has determined that emissions from the new rotary kiln will not violate the National Ambient Air Quality Standards nor will it violate the PSD air quality increments. The operation of the proposed lime kiln will be controlled by the application of the best available control technology (BACT).

5. A baghouse will be utilized to control particulate emissions from the kiln's exhaust gases. Fugitive particulate emissions from the kiln will be minimal. The coal will be unloaded into hoppers and conveyed underground to the main building. The lime will be transported by sealed screw conveyors to a sealed storage area.

6. The lime in the kiln and baghouse will absorb sulfur dioxide. In addition, a low sulfur coal with a maximum sulfur content of 1 percent will be used. If a low sulfur coal is not available a medium sulfur coal with a sulfur content not greater than 2.1 percent will be used.

7. The lime kiln is subject to the requirements of 40 CFR Part 60, Subpart HH, New Source Performance Standards for Lime Manufacturing Plants.

Conditions

8. Emissions of particulate matter from the baghouse shall not exceed 0.30 pound per ton of limestone feed.

9. Fugitive particulate matter emissions shall not exceed 5% opacity from any of the following sources:

a. Limestone conveying and storage.

b. Coal unloading and conveying.

c. Lime conveying and storage.

10. The sulfur content of the coal used to fire the kiln shall not exceed 2.1 percent on a 24-hour basis.

11. The exhaust gases from the baghouse shall not exceed 10% opacity.

Conditions 8 through 11 represent the application of BACT as required by Section 165 of the Act.

12. In accordance with 40 CFR Section 60.7(c) and 60.343(e), quarterly reports of all six-minute periods during which the average opacity of the plume is 10 percent or greater shall be submitted to U.S. EPA within 5 days of each occurrence.

Approval

13. This approval to construct does not relieve Rockwell of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable Implementation Plan, as well as all other applicable local, State and Federal requirements.

14. This approval is effective immediately. This approval to construct shall become invalid, if construction or expansion is not commenced within 18 months after receipt of this approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified. Written notification shall be made to U.S. EPA 5 days after construction is commenced.

15. A copy of this approval has been forwarded for public inspection to the Manitowoc Public Library, 808 Hamilton, Manitowoc, Wisconsin.

16. In addition, the United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co.* vs. *Douglas M. Costle* (78–1006 and consolidated cases) which has significant impact on the EPA Prevention of Significant Deterioration (PSD) program and approvals issued thereunder. Although the court has stayed its decision pending resolution of petitions for reconsideration, it is possible that the final decision will require modification of the PSD regulations and could affect approval issued under the existing program. Examples of potential impact areas include the scope of best available control technology (BACT), source applicability, the amount of increment available (baseline definition), and the extent of preconstruction monitoring that a source may be required to perform. The applicant is hereby advised that this approval may be subject to reevaluation as a result of the final court decision and its ultimate effect.

Dated: September 27, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 80-1701 Filed 1-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1394-5]

Science Advisory Board, Subcommittee on Toxic Substances; Open Meeting

Under Public Law 92–463, notice is hereby given that a one-day meeting of the Subcommittee on Toxic Substances of the Science Advisory Board will be held on March 21, 1980. The meeting will begin at 9:00 a.m. at EPA Headquarters in Waterside Mall, 401 M Street, SW., Washington, D.C. 20460, in Conference Room 2126 in the Mall area.

The Subcommittee will be meeting for the seventh time, the purpose being to review, with representatives of the Offices of Toxic Substances, the first test rules package developed as required in Section 4 of the Toxic Substances Control Act (TSCA), general policy considerations of the rules, highlights of chemical information systems utilized in support of the needs of TSCA and current research supported by the Office of Toxic Substances.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact Dr. Helene N. Guttman, Deputy Staff Director, Science Advisory Board (A–101), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 472–9444.

Richard M. Dowd,

Staff Director, Science Advisory Board.

January 8, 1980.

[FR Doc. 80-1702 Filed 1-17-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[FFIEC 002]

Quarterly Report of Condition To Be Submitted By All U.S. Branches and Agencies of Foreign and Puerto Rican Banks

Note.—This document supersedes the notice published at 45 FR 1153, January 4, 1980. Portions of that notice were inadvertently omitted; the entire text appears below.

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Final reporting form.

SUMMARY: The Federal Financial Institutions Examination Council has adopted a uniform report of condition to be filed quarterly by each U.S. branch and agency of foreign and Puerto Rican banks. The report will be used by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency in

carrying out their supervisory responsibilities under the International Banking Act of 1978 ("IBA"). The IBA gives the three federal bank supervisory agencies the authority to supervise the U.S. banking operations of all foreign banks regardless of the structure of their banking business in this country. Under the IBA, the three federal banking agencies share responsibility for supervising the operations of U.S. branches and agencies of foreign banks and the report, which is mandated by the IBA, will gather information necessary to carry out the supervisory and monetary policy responsibilities of the agencies. The report is patterned after relevant parts of the quarterly report of condition currently required of domestic banks, but differs in certain respects, reflecting organizational and portfolio differences between a U.S. chartered bank and a branch or agency of a foreign bank, and particular supervisory and regulatory needs applicable to the operations of the branches and agencies.

The individual reports submitted will be made available to the public on request, except for certain details on transactions with the respondent's own head office and other related institutions.

The Federal Reserve System will act as collecting and processing agent for the three federal supervisory agencies; each branch and agency, regardless of status, will submit its returns to the Federal Reserve Bank within whose district it is located. The Federal Reserve will also handle public requests for copies of the submitted returns.

DATE: The report is to be adopted by the three agencies named above and will be required of each U.S. branch and agency beginning with the report for the quarter ending June 30, 1980. It is anticipated that the report form as well as definitions and instructions for completing the report will be made available to the respondents approximately February 1, 1980. Each quarter's report must be submitted within 30 calendar days of the end of the quarter.

FOR FURTHER INFORMATION CONTACT: Stanley J. Sigel, Assistant to the Board (202/452–2696), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On August 14, 1979, the Federal Financial Institutions Examination Council published for comment a proposed uniform report of condition for U.S. branches and agencies of foreign banks (44 FR 47, 597). Comment was requested on the general characteristics of the proposed report and on specific features. About twenty letters of comment, including one from a trade association representing a large number of the foreign banks operating in the U.S., were submitted to the Council concerning the report. The Council has considered all comments received in light of the regulatory and supervisory purposes of the report and in a number of instances has modified the report in response to comments received, as indicated in several of the succeeding paragraphs. In other instances, such as in the case of public availability of individual reports, the Council felt that supervisory, regulatory, and policy considerations outweighed objections raised in the comments and approved features as proposed.

Implementation Date

The report will be required to be submitted beginning with the report for the quarter ending June 30, 1980. The implementation date adopted is later than that in the original proposal and reflects the Council's recognition of the burden considerations raised in several of the comments received. Some of these comments urged that the respondents have the instructions to the report at least six or nine months before the first reporting date in order to allow enough time for adapting accounting records and procedures. While the Council did not think it advisable to delay implementation of the statutorily mandated report beyond June 30, this date will allow a substantial lead time for the necessary preparation for reporting. It is anticipated that instructions will be made available to respondents approximately February 1.

Deadline for Reporting

The Council's original proposal would have required the report to be submitted within 20 days of the end of the quarter, which is 12 days longer than the deadline for the Monthly Report of Condition (FR 886a) currently submitted by the branches and agencies to the Federal Reserve. In response to comments on this proposed timing, the Council has adopted a 30 calendar day time period within which the report for the previous quarter must be submitted. This change conforms the time period for filing to that afforded U.S. banks. (Some U.S. banks whose consolidated reports include the operations of significant foreign branches or subsidiaries are permitted 45 days within which to file; since, under the new report, U.S. branches and agencies are required to report only the assets and liabilities of U.S. offices and not of any offices abroad, this 45-day provision is not applicable).

Reporting Unit

The Council has approved as the reporting unit each individual branch and agency. However, a foreign bank with multiple offices within a single city or metropolitan area can request permission to submit a consolidated report for these offices. Only one or two comments objected to individual office reporting by branches and agencies; these objections were on "national treatment" grounds and pointed out that U.S. banks do not file individual office reports for their U.S. branches. However, the IBA explicitly requires that *each* branch or agency of a foreign bank shall submit a report of condition as if *it* were a member bank of the Federal Reserve System. Moreover, the Council is of the opinion that such reporting is necessary to satisfy all the supervisory and policy needs that the branch and agency condition reports are designed to meet.

The accuracy of the report of a branch or agency will be attested to by a senior official of the reporting office rather than by directors of the bank as is required in the case of the comparable reports of U.S. banks.

Availability of Reports to the Public

The proposal indicated that the individual reports, with the exception of transactions with related institutions (schedule M), would be made available to the public on request. Many of the comments received strongly objected to disclosure of the reports on any basis on the grounds that public availability of such information would be inappropriate, misleading and competitively damaging. Such comments also viewed this as a departure from "national treatment" because U.S. banks are not required to disclose reports on the operations of their branches.

The Federal supervisory agencies have adopted the disclosure policy as proposed and the reports, with the exception of Schedule M, will be made available to the public on request on an individual office basis. In adopting this policy, the agencies conclude that public availability of the reports of condition of the branches and agencies is in the public interest and that such availability provides more comparable treatment of U.S. banks and foreign banks than would the absence of such availability. The supervisory agencies believe that this policy is in accord with the general policy of national treatment, that individual report availability is more appropriate than availability on a State or national basis, and that such

availability will not result in undue competitive harm to the reporting organizations. In this connection, the agencies note that most branches and agencies of foreign banks are currently filing some form of condition report and that in every State but New York and Pennsylvania these reports are made publicly available. Also, a majority of U.S. branches of foreign banks, including half of those in New York, are currently submitting semiannually to the FDIC, on a voluntary basis, the U.S. bank report of condition, and these reports are routinely made available to the public on request.

Allowance for Possible Loan Losses

The proposal provided that each branch and agency would be required to maintain an adequate allowance for possible loan losses appropriate to the risk characteristics of the loans on the books of the branch or agency. Most comments from the foreign banks strongly opposed the inclusion of this item in the report of condition, stating that such an item is meaningless, inappropriate and misleading on an individual office basis since such an allowance for loan losses relates to the entire organization and is intended to reflect the possibility of losses regardless of their point of origin within the institution, and violates the policy of "national treatment" because U.S banks are not required to maintain or report such allowances on an individual domestic branch basis.

The Council, after reviewing all comments, has decided to eliminate this item from the report. However, in doing so, it is the Council's intention that, in the examination process, due consideration will be given to the ability of each branch and agency to have adequate resources to protect against possible losses that might arise in connection with that office's loan portfolio.

Other Issues Raised in the Comments

Several comments were received on specific differences between the proposed report and the corresponding parts of the condition report for U.S. banks. In response to these comments, the Council has reconsidered all items that differ between the two reports and has decided to delete the following items that were contained in the proposed report:

(1) Items for contracts to buy and sell foreign exchange (memo items on face on the report);

(2) Under loans to individuals—detail on U.S./non-U.S. customers (items in Schedule A);

(3) Under holdings of acceptances—detail on own and other acceptances and detail on U.S./non-U.S. customers (memo items in Schedule A); total holdings of acceptances has been retained as a memo item in Schedule A; and

(4) Items for daily averages for nonbanking subsidiaries (item in part 2 of Schedule M).

The proposed 90-day averages for transactions with related banking offices (in part 1 of Schedule M) have been reduced to 30-day averages.

A memorandum item on the face of the report has been retitled to read: "Statutory or regulatory asset pledge requirement" and respondents will be required to check boxes to indicate if they are reporting amount of (a) asset maintenance, (b) asset pledge, (c) security or cash deposit, or (d) other.

In addition, the report restores an item for "unearned income on loans," which appears on U.S. bank condition reports but had been deleted from the proposed report. The instructions will state that the preferred treatment is to net unearned income out of each loan category but, to the extent that this is not feasible, to show any amounts not netted out of the individual categories in the item for unearned income. This will provide maximum flexibility and minimum burden with respect to this item.

Apart from the changes described above, all other items remain as originally proposed.

Relation to Current Reporting

The new required quarterly report of condition for the branches and agencies will replace the following condition statements that the branches and agencies are currently submitting to the Federal supervisory agencies:

(1) The voluntary monthly report of condition submitted by all branches and agencies to the Federal Reserve on form FR 886a; [1]

(2) The U.S. bank report of condition submitted semiannually by a majority of the branches on a voluntary basis to the FDIC; and

(3) The quarterly U.S. bank report of condition required to be submitted by U.S. branches of Puerto Rican banks.

Thus, to a large extent, the new report constitutes revised rather than new reporting, with reduction in frequency of reporting and, in some cases, elimination of duplicative reporting. The changes from the current reports to the new requirements were adopted in light of the federal supervisory authorities new responsibilities under the IBA, to bring the branch and agency reporting into closer conformance with the reports required of U.S.-chartered banks, and to eliminate some duplicative reporting.

The various state banking authorities also currently require reports from the branches and agencies, with many of them utilizing the FR 886a form. The Council has been in communication with the state authorities and will shortly provide the branches and agencies with a summary statement of the relation of the state requirements to the new federal report of condition. The branches and agencies should consult directly with the relevant state authorities with regard to the specifics of the state requirements.

Federal Financial Institutions Examination Council, December 27, 1979.

David K. Schweitzer,

Deputy Executive Secretary.

[FR Doc. 80-1337 Filed 1-17-80; 8:45 am]

BILLING CODE 6722-01-M

[1] The monthly FR 886a will continue to be collected until the new report is implemented, that is through the report for May, 1980.

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than February 4, 1980.

A. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

ST. JOSEPH BANK & TRUST COMPANY, South Bend, Indiana (mortgage banking activities; Indiana): to engage through its subsidiary, St. Joseph Mortgage Co., Inc., South Bend, Indiana in originating, acquiring, selling and servicing of residential, commercial and industrial mortgage loans. These activities will be conducted from an office in Fort Wayne, Indiana, serving Allen County, Indiana.

B. *Federal Reserve Bank of Kansas City* (John F. Zoellner, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

FIRST OKLAHOMA BANCORPORATION, INC. (trust company activities; Oklahoma): to continue to engage in activities that may be carried on by a trust company including activities of a fiduciary, investment advisory, agency, or custodian nature. This activity will be conducted from an office in Oklahoma City serving Oklahoma. Comments on this application must be received by January 31, 1980.

C. *Federal Reserve Bank of San Francisco* (Henry B. Jamison, Vice President) 400 Sansome Street, San Francisco, California 94120:

UTAH BANCORPORATION, Salt Lake City, Utah (mortgage banking activities; Utah, Idaho): to engage through its subsidiary, Valley Mortgage Corporation, in making, acquiring and servicing loans and other extensions of credit secured by real estate mortgages. The activities would be conducted from offices located in Salt Lake City, Utah; Centerville, Utah and Boise, Idaho and these offices would serve Salt Lake County, South Davis County, North Davis County and Ada County all in Utah, except for portions of Ada County which include Boise, Idaho.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 4, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1589 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 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 February 4, 1980.

A. *Federal Reserve Bank of Philadelphia* (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

FIRST PENNSYLVANIA CORPORATION, (financing and insurance activities; Ohio): to engage, through its subsidiary, Investors Mortgage Corporation, in making or acquiring, for its own account or the account of others, loans and other extensions of credit, servicing loans and other extensions of credit, and selling the following types of insurance in connection with its loans and other extensions of credit; credit life insurance, credit accident and health insurance, and property damage and liability insurance as part of a package of insurance relating to physical damage or collateral. These activities would be conducted from an office to be relocated from Columbus, Ohio, to Reynoldsburg, Ohio.

B. *Federal Reserve Bank of Atlanta,* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

SOUTHWEST FLORIDA BANKS, INC., Fort Myers, Florida (expansion of insurance activities; Florida): to expand the market area of its insurance agency, Southwest Financial Services, Inc., which engages in the activity of selling credit life and credit accident and health insurance directly related to extensions of credit made by subsidiary banks of Applicant. These expanded activities would be conducted from offices of subsidiary banks located in Port Charlotte, Madeira Beach, and Palmetto, Florida, serving Charlotte, Pinellas, and Manatee Counties in Florida.

C. *Federal Reserve Bank of St. Louis,* (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

CITIZENS FIDELITY CORPORATION, Louisville, Kentucky (leasing activities; Ohio): to engage through its subsidiary, Citizens Fidelity Leasing Corporation, in the leasing of personal property and equipment and acting as agent, broker or advisor in the leasing of such property, in a manner such that the leasing would serve as the functional equivalent of an extension of creidt, in accordance with the Board's Regulation Y. These activities would be conducted from an office in Columbus, Ohio, serving the state of Ohio.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 3, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-1590 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities; Correction

This notice corrects a previous Federal Register document (FR Doc. 79-39906) appearing at page 82 in the third column of the issue for Wednesday, January 2, 1980.

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(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 the 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.

The application may be inspected at the offices of hte Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and request 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 January 24, 1980.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (finance and leasing activities; Pennsylvania, West Virginia): to engage through its subsidiary, Manufacturers Hanover Leasing Corporation, in leasing real and personal property on a full payout basis, and acting as agent, broker or advisor in leasing of such property in accordance with the Board's Regulatoion Y and making and acquiring for its own account or for the account of others, loans and other extensions of credit with respect to such property and servicing such leases, loans or other extensions of credit. These activities would be conducted from an office in Independence, Ohio, serving the following counties: OHIO (Cuyahoga, Lucas, Summit, Stark, Lake, Mohoning, Lorain, Trumbull, Richland, Medina, Columbiana, Portage, Ashtabula, Allen, Tuscarawas, Wayne, Wood, Geauga, Sandusky, Erie, Hancock, Huron, Crawford, Fulton, Williams, Ashland, Seneca, Belmont, Ottawa, Holmes, Jefferson, Hency, Coshocton, Defiance, Van Wert, Knox, Putman, Wyandot, Paulding, Carroll, Harrison); PENNSYLVANIA (Allegheny, Westmoreland, Erie, Washington, Beaver, Bulter, Crawford, Lawrence, Fayette, Mercer, Vanago, Greene); and WEST VIRIGINIA (Hancock, Brooke, Ohio and Marshall).

Board of Governors of the Federal Reserve System, January 4, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1591 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

Bucklin Bankshares, Inc.; Formation of Bank Holding Company

Bucklin Bankshares, Inc., Bucklin, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Farmers State Bank of Bucklin, Bucklin, Kansas. 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 Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 3, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-1592 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council; Meeting

Notice is hereby given that the Consumer Advisory Council will meet on Monday, January 28, and Tuesday, January 29. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The January 28 session will begin at 1 p.m. and will continue until 5 p.m. The January 29 session will begin at 9 a.m. and will conclude at 3:30 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities with regard to consumer credit legislation and regulation. It is anticipated that, time permitting, the January 28–29 meeting of the Council will include consideration of the following topics:

1. *Relationship Between Truth in Lending and Electronic Fund Transfer Acts.* Recommendations for statutory and regulatory amendments to integrate provisions relating to consumer liability for unauthorized use and error resolution.

2. *Application of Equal Credit Opportunity Act to Credit Scoring Systems.* Background presentation on credit scoring systems and discussion of their operation under Regulation B, which implements the Equal Credit Opportunity Act.

3. *Enforcement of the Community Reinvestment Act.* Discussion of the Board's policy and procedures regarding compliance with the Community Reinvestment Act.

4. *Legislative Update.* Presentation by Board's staff on the legislative outlook for 1980.

Other matters previously considered by the Council or initiated by Council members or by the Board.

Persons wishing to submit to the Council their view regarding any of the above topics may do so by sending written statements to Ms. Kay Oliver, Secretary, Consumer Advisory Council, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452–3204.

Board of Governors, January 14, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-1598 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

First National Hayes Center Corp.; Formation of Bank Holding Company

First National Hayes Center Corp., Hayes Center, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The First National Bank of Hayes Center, Hayes Center, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 4, 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, January 3, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-1593 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

First State Financial Corp.; Formation of Bank Holding Company

First State Financial Corporation, East Detroit, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank of East Detroit, East Detroit, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 11, 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, January 10, 1980.

Theodore E. Allison,

Acting Deputy Secretary of the Board.

[FR Doc. 80-1594 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

MPS Investment Co.; Proposed Retention of Farmers & Merchants Insurance Agency

MPS Investment Company, Appleton, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C.1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain its general insurance business d/b/a Farmers & Merchants Insurance Agency, Appleton, Minnesota, a community with a population not exceeding 5000.

Applicant states that it would engage in the activities of a general insurance business, including the sale of property, casualty, liability, life, accident, health and all other insurance usually offered by a general insurance agency. These activities would be performed from offices of Applicant in Appleton, Minnesota, and the geographic areas to be served are Appleton and the surrounding area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 4, 1980.

Board of Governors of the Federal Reserve System, January 4, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1595 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

Republic National Bancshares, Inc.; Acquisition of Bank

Republic National Bancshares, Inc., has applied for the Board's approval under section 3(c)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Willowbrook National Bank, Harris County, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 4, 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, January 3, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-1596 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

Town & Country Bancorporation, Inc.; Formation of Bank Holding Company

Town & Country Bancorporation, Inc., Newport, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of Town & Country State Bank of Newport, Newport, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 4, 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, January 4, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1597 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and

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, interest 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 February 11, 1980.

A. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President). 1455 East Sixth Street, Cleveland, Ohio 44101:

Pittsburgh National Corporation, Pittsburgh, Pennsylvania (mortgage banking activities; Colorado, California): to engage, through its subsidiary, The Kissell Company, in making, acquiring and servicing loans and other extensions of credit secured by real estate mortgages. These activities would be conducted from offices in Englewood and Arvada, Colorado, and Oakland, California, serving the southwest and northwest areas of Denver, and the northwest part of California.

B. *Federal Resrve Bank of Chicago* (Franklin D. Dreyer, vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Continental Illinois Corporation, Chicago, Illinois (financing activities; Houston, Texas): to engage through a *de novo* subsidiary, Continental Illinois Energy Development Corporation CIEDC) in making and acquiring and servicing for its account and for the account of others, secured and unsecured loans and other extensions of credit primarily for energy development companies. In addition to direct lending and loan servicing activities, CIEDC will make equity investments in unaffiliated energy development and exploration companies pursuant to section 4(c)(6) of the Bank Holding Company Act. These activities will be conducted from an office located in Houston, Texas, serving Colorado, Kentucky, Louisiana, Montana, Ohio, Oklahoma, Pennsylvania, Texas, West Virginia, and Wyoming.

C. *Federal Reserve Bank of Kansas City* (John F. Zoellner, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

El Paso Bancshares, Inc., Monument, Colorado (general insurance activities; Colorado): to engage, through it subsidiary, El Paso Insurance, Inc., in the sale of insurance to its banking subsidiary; and in operating a general insurance agency in a community having a population not exceeding 5,000. These activities will be conducted from an office in Monument, Colorado serving the northern portion of El Paso county, Colorado.

D. *Federal Reserve Bank of San Francisco* (Henry B. Jamison, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. Wells Fargo & Company, San Francisco, California (finance, leasing, and insurance activities; western United States): to engage, through its subsidiary, Wells Fargo Credit Corporation, in making or acquiring loans and other extensions of credit, including consumer installment loans originated by others and commercial loans secured by a borrower's or a guarantor's assets; servicing loans for the account of others; making full pay-out leases of personal property in accordance with the Board's Regulation Y; and acting as agent for credit life or accident and health insurance related to its extensions of credit. These activities would be conducted from an office in Colorado Springs, Colorado serving Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, and Colorado.

2. Security Pacific Corporation, Los Angeles, California (finance and credit-related insurance activities; Louisiana): to engage through its subsidiary American Finance Corporation of Louisiana, Inc., in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small business and other extensions of credit such as would be made by a factoring company or a consumer finance company, and acting as broker or agent for the sale of credit-related life, accident and health insurance and credit-related property and casualty insurance. These activities would be conducted from an office of American Finance Corporation of Louisiana, Inc., serving the State of Louisiana.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 11, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1713 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

First National Bancorporation, Inc.; Acquisition of Bank

The First National Bancorporation, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Buckingham Square National Bank, Aurora, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 11, 1980. Any comment on an application tht requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 11, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1711 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

NCNB Overseas Corp.; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as NCNB Overseas Corporation, Charlotte, North Carolina. NCNB Overseas Corporation would operate as a

subsidiary of North Carolina National Bank, Charlotte, North Carolina. The factors that are considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. 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 January 30, 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, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 14, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1710 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

Republic of Texas Corp.; Proposed Acquisition of Fort Sam Life Insurance Co.

Republic of Texas Corporation, Dallas, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), and in connection with its application, pursuant to section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Fort Sam Houston Bankshares, Inc., San Antonio, Texas, for permission to acquire voting shares of Fort Sam Life Insurance Company, San Antonio, Texas.

Applicant states that the proposed subsidiary would engage in the activity of underwriting credit life and credit accident and health insurance directly related to extensions of credit by subsidiary banks of Fort Sam Houston Bankshares, Inc. These activities would be performed from offices of Applicant's subsidiary in San Antonio, Texas, and the geographic area to be served is the San Antonio SMSA. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 11, 1980.

Board of Governors of the Federal Reserve System, January 11, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1712 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

Republic of Texas Corp.; Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Fort Sam Houston Bankshares, Inc., San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 11, 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, January 11, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1714 Filed 1-17-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 79D-0465]

Human and Veterinary Drugs; Availability of Draft Guideline for use of Limulus Amebocyte Lysate

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces the availability of a draft guideline pertaining to the use of Limulus Amebocyte Lysate (LAL) test for batch release purposes as the final pyrogen test for human and veterinary injectable drugs. A draft guideline prepared by the Food and Drug Administration is being made available to enable the agency to obtain comments before issuing the final guideline. When a final guideline is available, a manufacturer of an injectable drug for human or veterinary use may use the LAL test as an alternative test for pyrogenicity if the conditions set forth in the guideline are followed.

DATE: Comments by March 18, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Requests for a single copy of the draft guideline should be sent to the Hearing Clerk at the same address.

FOR FURTHER INFORMATION CONTACT: Terry E. Munson, Bureau of Drugs (HFD-334), Food and Drug Administrtation, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3790.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 12, 1973 (38 FR 1404), the agency announced that Limulus Amebocyte Lysate (LAL), prepared from the circulating blood cells (amebocytes) of the horseshoe crab (*Limulus polyhemus),* is a biological product subject to license under section 351 of the Public Health Service Act (42 U.S.C. 262). Since 1973, LAL has proved to be a sensitive indicator of the presence of bacterial endotoxins (pyrogens) and can be of value in preventing the administration of drugs and other products which, if containing

bacterial endotoxins, may produce fever, shock, and death. A pyrogen test is a test designed to limit to an acceptable level the risks of febrile reaction in the patient to the administration, by injection, of a drug product. The only pyrogen test now recognized in the United States Pharmacopeia (U.S.P.) and National Formulary (NF) is the rabbit pyrogen test. Products subject to a pyrogen test include those products recognized in the official U.S.P. of NF whose monograph requires the product to be pyrogen free; products subject to premarket approval whose application specifies, as one of the required control procedures, that each batch be pyrogen free; and products whose control specifications require the final product to be pyrogen free.

When the 1973 notice was published the available data and experience with LAL supported its suitability for only in-process testing and did not support its use as a complete alternative to the accepted "rabbit" pyrogen test. Accordingly, the 1973 **Federal Register** notice permitted marketing of LAL without a license, provided that its use was limited, among other things, to the in-process testing of drugs, and that its labeling state that the test was not suitable as a replacement for the rabbit pyrogen test.

Since January 1973, however, production techniques have been standardized, consistently yielding LAL with a pyrogen sensitivity over 100 times greater than that previously possible. Moreover, the LAL test is faster, more economical, and requires a smaller volume of product for testing than the rabbit pyrogen test. In addition, a large number of tests can be performed by one person in a single day. At least five firms are now licensed to manufacture and market LAL.

A notice published in the **Federal Register** of November 4, 1977 (42 FR 57749) stated that LAL could be used as the final pyrogen test for licensed biological products and medical devices provided certain conditions were met. The notice indicated that the use of LAL for other human drugs would be the subject of a future publication.

The agency has determined that its formal position on the use of the LAL test as the final pyrogen test for injectable drugs for human and veterinary use, other than licensed biologicals, should be in the form of a guideline. Prior to establishing a final guideline a draft guideline is being made available for comment. The agency believes that manufacturers, especially those that have used the LAL test in conjunction with the rabbit pyrogen test, may have information that could be helpful in preparing the final guideline. After receiving comments, and if the agency concludes that suitable procedures can be established to permit the LAL test to be used as an alternative to the rabbit pyrogen test, a final guideline will be promulgated under § 10.90(b) (21 CFR 10.90(b)). The availablility of a final guideline will be announced by a notice in the **Federal Register.**

A guideline issued under § 10.90(b) (21 CFR 10.90(b)) establishes procedures of general applicability that are not legal requirements but are acceptable to the agency. A person may also choose to use alternative procedures even though they are not provided for in the guideline. A person who chooses to use procedures not set forth in the guideline runs the risk that those procedures will be unacceptable to FDA. Therefore, manufacturers are encouraged to use this opportunity to submit comments on the draft guideline if they have information on other methods of validating the LAL test, or any other suggestions for revising the draft guideline.

Under the draft guideline, before being use as an alternative the rabbit pyrogen test, it will be necessary that the LAL test be validated by each manufacturer for each product to be tested using LAL. This validation procedure would require the manufacturer to determine (1) the sensitivity of the LAL reagent in its laboratory, (2) the lack of product inhibition or activation of the test for each drug product formulation, and (3) the presence or absence of any nonendotoxin pyrogens in the drug product formulation. Moreover, because of the many years of experience using the rabbit pyrogen test, and the fact that LAL will be acceptable only if properly validated, a change from the rabbit pyrogen test to the LAL test will be considered a material change in the control procedures for an injectable drug product subject to the draft guideline. Therefore, a manufacturer of an injectable drug for human or veterinary use that is the subject of a new drug application, an abbreviated new drug application, a new animal drug application, or an antibiotic Form 5 or Form 6 would not be permitted to use the LAL test as an alternative to the rabbit pyrogen test for batch release purposes until a supplement is submitted and approved by the agency. The supplement should contain sufficient data to validate the test, either as specified in the guideline or by an alternative procedure.

A manufacturer of an injectable drug for human or veterinary use that is not subject to premarket approval would be able to use the LAL test as an alternative to the rabbit pyrogen test after the issuance of the final guideline without obtaining approval from the agency. The manufacturer must have, however, necessary data on file to validate the LAL test for each such product for which it is being used. The FDA may obtain these validation data under the inspection authority of section 704 of the Federal Food, drug, and Cosmetic Act (21 U.S.C. 374).

Interested persons may submit written comments on the draft guideline to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857. Four copies of all comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the hearing Clerk docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Hearing Clerk's office, between 9 a.m. and 4 p.m., Monday through Friday. requests for a single copy of the guideline should be sent to the Hearing Clerk.

Dated: January 11, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–1607 Filed 1–15–80; 12:27 pm]

BILLING CODE 4110–03–M

[Docket No. 79N–0338; DESI 4681]

Adiphenine Hydrochloride and Phenobarbital Tablets; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice reclassifies the combination adiphenine hydrochloride and phenobarbital tablets to lacking substantial evidence of effectiveness, proposes to withdraw approval of the new drug application, and offers an opportunity for a hearing on the proposal.

DATE: Hearing requests due on or before February 19, 1980.

ADDRESSES: Communications in response to this notice should be identified with the reference number DESI 4681 and the Docket number appearing in the heading of this notice, and addressed to the appropriate office named below:

Requests for Hearing: Hearing Clerk, Food and Drug Administration (HFA–

305), Rm. 4–65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

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 (DESI 4681) published in the **Federal Register** of October 21, 1970 (35 FR 16422), the Food and Drug Administration announced its conclusion that the drug product described below is possibly effective for certain of its labeled indications and lacking substantial evidence of effectiveness for its other indications. The possibly effective indications were spastic colitis and mucous colitis, spastic dysmenorrhea, facilitating examinations of uterus and fallopian tubes, and tenesmus of the bladder.

NDA 4–681; Trasentine-Phenobarbital Tablets containing adiphenine hydrochloride and phenobarbital; previously marketed by Ciba Pharmaceutical Co., Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901.

Pursuant to the June 30, 1972 notice, Ciba submitted the results of three studies (Brown, Balding, and Breen) for the indication "spastic dysmenorrhea" and one study (Finegold) for the indication "in facilitating examination of the uterus and fallopian tubes as in the Rubin test". For the Brown and Balding studies Ciba acknowledged that there were no statistically significant differences among the four treatment groups in the efficacy measurement employed in the studies. For the Breen study Ciba stated that statistical tests were not applied to the data since the sample sizes were so small and that in each treatment group the unsuccessful result predominated. The Finegold study showed no difference in efficacy for each of the treatment groups. Both Ciba and FDA agreed that these studies failed to show effectiveness of adiphenine hydrochloride and phenobarbital in the treatment of spastic dysmenorrhea and in facilitating examination of the uterus and fallopian tubes as in the Rubin test. Ciba subsequently deleted these two indications but retained other possibly effective indications, i.e., as adjunctive therapy in spastic colitis and mucous colitis, for relief of pain and discomfort due to spasm; no data were submitted in support of these indications.

In a notice published in the **Federal Register** of November 11, 1975 (40 FR 52644), antispasmodic drugs, such as adiphenine hydrochloride, alone and in combination with a sedative or minor tranquilizer, such as phenobarbital, were temporarily exempted from the time limit established for completing certain phases of the Drug Efficacy Study (DESI) program. The notice classified adiphenine hydrochloride as probably effective and adiphenine hydrochloride with phenobarbital as possibly effective, in the treatment of the irritable bowel syndrome (irritable colon, spastic colon, mucous colitis) and acute enterocolitis, and permitted continued marketing provided studies were conducted to determine effectiveness of these indications. Because drug products containing adiphenine hydrochloride were not recognized to be anticholinergics, they were not permitted to retain a peptic ulcer indication.

Following the November 11, 1975 notice, Ciba conducted a multicenter, double-blind, randomized, placebo-controlled study by 11 investigators, involving 202 patients, to compare the efficacy of adiphenine hydrochloride alone, phenobarbital alone, the combination of adiphenine hydrochloride and phenobarbital, and placebo in the treatment of patients with irritable bowel syndrome. Ciba summarized the results of the study as follows: "Perusal of the data among the 202 patients does not show the superiority of Transentine-Phenobarbital over its components and placebo. Since a numerical trend was not noted, a statistical analysis was not performed." A review of the study showed that of the 183 patients evaluated, those that reported good to excellent improvement were 67 percent of those taking phenobarbital, 62 percent of those taking Transentine-Phenobarbital, 61 percent of those taking placebo, and 50 percent of those taking Transentine.

This was a well-designed study of substantial size and failed to show that Trasentine-Phenobarbital Tablets or Transentine Tablets were effective in the treatment of irritable bowel syndrome. Therefore, this indication is reclassified to lacking substantial evidence of effectiveness. Because no data providing substantial evidence of effectiveness have been submitted for any of the other less-than-effective indications, they are also reclassified to lacking substantial evidence of effectiveness. Accordingly, the temporary exemption granted by the November 11, 1975 notice, as it pertains to adiphenine hydrochloride alone and in combination with a sedative or minor tranquilizer, is being revoked in a notice appearing elsewhere in this issue of the **Federal Register.**

On the basis of all of the information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 300.50 and 21 CFR 314.111(a)(5) that demonstrates the effectiveness of the drug.

Therefore, notice is given to the holder of the new drug application and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application and all amendments and supplements thereto on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder of the new drug application specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers a drug product that the person manufacturers 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).

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt

from part of all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, contained in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962 or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons subject to this notice under 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application should not be withdrawn and an opportunity to raise for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related or similar drug products.

An applicant or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing, shall file (1) on or before February 19, 1980, a written notice of appearance and request for hearing, and (2) on or before March 18, 1980, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice under 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate. Such submissions except for information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued 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 the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: December 27, 1979.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 80-1633 Filed 1-17-80; 8:45 am]

BILLING CODE 4110-03-M

[79D-0448]

Medical Devices; Petition Guidelines on Exemption or Variance From the Good Manufacturing Practice (GMP) Regulation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a guideline prepared by the Bureau of Medical Devices on exemptions or variances from the medical device good manufacturing practice regulaton. Comments on the guideline are invited.

ADDRESSES: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857. Copies of the guidelines are available from the Division of Compliance Programs (HFK–132), Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: W. Fred Hooton, Bureau of Medical Devices (HFK–132), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7194.

SUPPLEMENTARY INFORMATION: FDA announces the availability of a guideline prepared by the Bureau of Medical Devices outlining procedures to be followed by persons who seek to apply for exemptions or variances from part or all of the medical device good manufacturing practice (GMP) regulation (21 CFR Part 820). The document gives a detailed descripton of the criteria and conditions that govern the submission and approval of such petitions submitted in accordance with the provisions of section 520 (f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j (f)(2)).

In all cases, persons who contemplate filing for GMP exemptions or variances are advised first to consult informally with the Bureau of Medical Devices. Interested persons may also comment at any time on the guideline. Coments will be reviewed to determine whether amendments to the guideline are necessary.

Dated: January 10, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-1631 Filed 1-17-80; 8:45 am]

BILLING CODE 4110-03-M

Health Services Administration

Grants Review Maternal and Child Health Research Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of February 1980:

Name: Maternal and Child Health Research Grants Review Committee
Date and Time: February 6–8, 1980, 9:00 a.m.
Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Open February 6, 9:00 a.m.–10:00 a.m.
Closed for remainder of meeting.
Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.
Agenda: The Committee will be performing the review of grant applications for Federal assistance. This meeting will be open to the public from 9:00 to 10:00 a.m., February 6 for the Opening remarks. The remainder of the meeting will be closed to the public for the review of grant applications, in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and the determination by the Administrator, Health Services Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of the members, minutes of meeting, or other relevant information should contact Gontran Lamberty, Dr. P.H., Bureau of Community Health Services, Health Service Administration, Room 7–

15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–2190.

Agenda items are subject to change as priorities dictate.

Dated: January 10, 1980.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 80–1634 Filed 1–17–80; 8:45 am]

BILLING CODE 4110–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgement of Existence as an Indian Tribe

January 4, 1980.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Haliwa—Saponi Indian Tribe, Inc., c/o Mr. W. R. Richardson, Post Office Box 66, Hollister, North Carolina 27844—has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe.

The petition was received by the Bureau of Indian Affairs on November 27, 1979. The petition was forwarded and signed by Mr. W. R. Richardson.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242.

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80–1599 Filed 1–17–80; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[Serial No. C–12610]

Colorado; Hearing on Proposed Withdrawal of Public Lands

Notice is hereby given that a public hearing will be held at 7:30 p.m., Tuesday, March 18, 1980, in the Soil Conservation Office, 312–5th St., Walden, Colorado, pertaining to the request by the U.S. Fish and Wildlife Service (Colorado 12610) for withdrawal from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to valid existing rights, of the lands described hereafter for use by the U.S. Fish and Wildlife Service for use as part of the Arapaho National Wildlife Refuge as set forth in the Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal, published in the **Federal Register** on September 6, 1979, Vol. 44.

Sixth Principal Meridian

T. 7 N., R. 79 W.,
- Sec. 4, Lot 4, SW¼NW¼, and W½SW¼;
- Sec. 6, Lot 1, SE¼NE¼, and E½SE¼;
- Sec. 7, E½ and E½W½;
- Sec. 9, SE¼NW¼, and SW¼SE¼;
- Sec. 14, SW¼SW¼;
- Sec. 15, SW¼NE¼;
- Sec. 17, SW¼NW¼, and NE¼SW¼.

T. 8 N., R. 79 W.,
- Sec. 3, SW¼SW¼;
- Sec. 4, SW¼NE¼, and N½SE¼;
- Sec. 5, Lot 4;
- Sec. 6, Lot 7;
- Sec. 7, SW¼NE¼, SE¼NW¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
- Sec. 8, E½NW¼, and S½;
- Sec. 9, S½;
- Sec. 17, All;
- Sec. 18, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
- Sec. 19, Lots 2, 3, and 4, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
- Sec. 20, N½NE¼, SW¼NE¼, and NW¼;
- Sec. 21, W½SE¼;
- Sec. 28, W½NE¼;
- Sec. 30, Part E½E½ east of Highway 125;
- Sec. 31, Part E½NE¼ east of Highway 125, and E½SE¼;
- Sec. 33, W½W½.

T. 8 N., R. 80 W.,
- Sec. 11, NE¼NE¼, SW¼NE¼, N½SW¼, and SW¼SW¼;
- Sec. 12, NE¼, N½NW¼;
- Sec. 15, N½NE¼, and E½NW¼.

T. 9 N., R. 79 W.,
- Sec. 32, W½E½ and E½E½SW¼;
- Sec. 33, SW¼SW¼.

The area described aggregates 5,372.98 acres.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to proponents of the withdrawal who may explain its purpose, intent and extent, and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements, should file notice thereof not later than March 10, 1980, with the District Manager, Bureau of Land Management, 455 Emerson St., Box 248, Craig, Colorado 81625.

Marvin W. Pearson,

District Manager.

[FR Doc. 80–1600 Filed 1–17–80; 8:45 am]

BILLING CODE 4310–84–M

Idaho; Filing of Plats of Survey

January 9, 1980.

1. Plats of survey of the lands described below will be officially filed at the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective at 10:00 a.m. on February 24, 1980:

Boise Meridian, Idaho

T. 5 S, R. 3 W.
- Sec. 6, lots 28 thru 100, inclusive.

T. 7 N., R. 1E
- Sec. 14, 15, 21, 22, 23, 27 and 28.

2. A plat in three sheets representing the survey of irregular lots 28 through 100, section 6, T. 5 S., R. 3 W., Boise Meridian, Idaho, under Group 522, accepted October 15, 1979.

3. A plat, in two sheets, representing dependent resurvey of a portion of the subdivisional lines and the subdivisions of sections 14, 15, 21, 23, 27 and 28, the adjusted and new meanders of the Payette River in sections 14, 15, 21, 22, 23 and 28, the survey of partition lines in sections 14, 15, 21, 23 and 28, and the survey of the Montour Valley Acquisition Boundary in T. 7 N., R. 1 E., Boise Meridian, Idaho, under Group No. 516, Idaho and accepted May 14, 1979.

Inquires concerning the lands should be addressed to the Chief, Branch of Records, Bureau of Land Management, Boise, Idaho.

Sharron Deroin,

Chief, Branch of Records, Boise, Idaho.

[FR Doc. 80–1601 Filed 1–17–80; 8:45 am]

BILLING CODE 4310–84–M

[OR 11331 (Wash.)]

Washington; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Bureau of Land Management, Department of the Interior, on March 14, 1975, filed application Serial No. OR 11331 (Wash) for a withdrawal in relation to the following described lands:

Willamette Meridian

T. 39 N., R. 26 E.,
- Sec. 18, lot 7.

The area described contains 24.65 acres in Okanogan County, Washington.

The applicant desires that the land be reserved for the Palmer Lake Recreation Site.

A notice of the proposed withdrawal was published in the **Federal Register** on March 24, 1975, Vol. 40, page 13012, FR Doc. 75–7569.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before February 20, 1980. Notice of the public hearing will be published in the **Federal Register**, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 20, 1980.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 4, 1980.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80–1602 Filed 1–17–80; 8:45 am]

BILLING CODE 4310–84–M

[OR 12170 (Wash.)]

Washington; Opportunity for Public Hearing and Amended Notice of Proposed Withdrawal

The Forest Service, U.S. Department of Agriculture, on February 11, 1974, filed application Serial No. OR 12170 (Wash.) for the withdrawal of approximately 4,920 acres of land within the Gifford Pinchot National Forest for recreation use. A notice of the proposed withdrawal was published in the **Federal Register** on June 25, 1974, Vol. 39, page 22969, F.R. Doc. 74–14492.

Subsequent to publication of the notice, the Forest Service amended their original request as to the lands described in Section 19, T. 8 N., R. 8 E.; and correction of the official protraction diagrams in T. 9 N., R. 9 E., and T. 9 N., R. 10 E., resulted in a changed aggregate acreage. The lands proposed for withdrawal are described as follows:

Willamette Meridian

Gifford Pinchot National Forest

Big Creek Falls Management Unit

T. 7 N., R. 7 E., unsurveyed,
Sec. 14, W½W½NE¼ and NW¼.

Curley Creek Campground

T. 7 N., R. 7 E., unsurveyed,
Sec. 29, SE¼.

Lewis River Management Unit

T. 8 N., R. 7 E., unsurveyed,
Sec. 24, NE¼SE¼ and S½SE¼;
Sec. 25, N½NE¼, SW¼NE¼, NW¼, and W½SW¼.
T. 8 N., R. 7½ E., unsurveyed,
Sec. 13, E½SE¼;
Sec. 24, NE¼, SE¼NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 25, W½NW¼.
T. 8 N., R. 8 E., unsurveyed,
Sec. 18, SW¼ and W½SE¼;
Sec. 19, N½NW¼.

Midway Management Unit

T. 9 N., R. 9 E., unsurveyed,
Sec. 12, S½SW¼;
Sec. 13, E½ and N½NW¼.
T. 9 N., R. 10 E., unsurveyed,
Sec. 3, E½SW¼ and W½SE¼;
Sec. 5, W½E½ and W½;
Sec. 6, NE¼ and S½;
Sec. 7, N½N½, SE¼NE¼, and E½SE¼;
Sec. 8, W½E½ and W½;
Sec. 18, W½W½.
T. 10 N., R. 10 E., unsurveyed,
Sec. 33, S½N½ and S½;
Sec. 34, SW¼NE¼ and S½NW¼.

The total area described aggregates approximately 4,795 acres in Skamania County, Washington.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before February 20, 1980. Notice of the public hearing will be published in the **Federal Register** giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 20, 1980.

The above described lands are temporarily segregated from the operation of the mining laws to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 21, 1979.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80–1604 Filed 1–17–80; 8:45 am]

BILLING CODE 4310–84–M

Preplanning Activities for Resource Management Plan; Kremmling Resource Area, Craig District, Colorado.

Pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA), the Bureau of Land Management, Craig District has begun preparation for a resource management plan to guide and control future management actions on the public lands within the Kremmling Resource Area.

The Kremmling Resource Area is located in north-central Colorado, covering some 1,222,880 acres in Grand and Jackson Counties, and small portions of Summit, Eagle and Larimer Counties. The 1,222,880 acres include 57 percent privately owned land, 9 percent state owned land, 33 percent (398,275 acres) public land administered by BLM, and 1% administered by other Federal agencies. The resource area is bounded on the north by the state of Wyoming, on the west by Routt National Forest, on the south by Grand Junction District BLM and Arapaho National Forest, and on the east by Roosevelt and Arapaho National Forest, and Rocky Mountain National Park.

The resource management plan (RMP) is a comprehensive land use plan that will establish land areas for limited, restrictive, designated or exclusive uses within the resource area, including designation of areas of critical environmental concern. It will also identify lands for potential transfer from BLM administration. The RMP will identify allowable resource uses and levels of production or use to be maintained, resource condition goals, program constraints, and general management practices needed to achieve these objectives. The RMP will also establish a sequence of implementation, support action necessary, and the need for more detailed or specific plans.

Public involvement will be an essential component of the RMP process. As a public resource management agency, BLM will make every effort to insure that attitudes, interests, and desires of local, regional and national groups are considered throughout the decision-making process. Public information meetings will be called as needed and/or requested. A newsletter will be published at least twice a year to inform the public of planning progress; dates, times and locations of meetings; and the availability of planning documents and related information.

In order to focus the direction of the RMP at the outset of the process, the public, other Federal agencies, state and local governments are encouraged to assit in identifying the issues and planning criteria that should be addressed by the RMP. Public meetings will be held in February, 1980 for this purpose. The dates and locations of these meetings are given below and will be announced by local news media and a BLM newsletter. Future meetings will be announced by the media and newsletters as they are scheduled.

Date, Time, and Location

February 20, 1980, 7 p.m., Kremmling, Colorado, Grand County Extension Building, Grand County Fairgrounds.
February 21, 1980, 7 p.m., Walden, Colorado, Soil Conservation Service Building, Basement Room, 5th and Logan Streets.
February 26, 1980, 7 p.m., Denver, Colorado, Ramada Inn Foothills, 11595 W. 6th Avenue, Lakewood.

The general issues that will be addressed by the RMP include: rangeland uses, present and future demands for minerals, land development, forestry mangement, recreation use, cultural resources, wilderness and wildlife areas, social and economic conditions, access rights-of-way, and soil, water and air quality.

An interdisciplinary team has been established to prepare the RMP, ensuring the integrated use of the natural and social sciences and the environmental design arts. Disciplinary specialists represented on this team will include:

Geologist
Realty Specialist
Forester
Range Conservationist
Archaeologist
Sociologist
Economist
Fire Management Specialist
Watershed Specialist
Hydrologist
Wildlife Biologist
Fisheries Biologist
Recreation Specialist
Soils Scientist
Air Quality Specialist
Engineer
Access Specialist
Other Management and Support Positions

If you wish to discuss, review, or obtain copies of planning documents for the Kremmling Resource Area you may write, call, or visit BLM offices at the addresses below:

Marvin Pearson, District Manager, BLM, Craig District Office, P.O. Box 248, 455 Emerson Street, Craig, Colorado 81625, telephone (303) 824-3417

or

Roger Zortman, Area Manager, BLM, Kremmling Resource Area Office, P.O. Box 68, U.S. Route 40, Kremmling, Colorado 80459, telephone (303) 724-3438.

David F. Walter,

Assistant District Manager.

[FR Doc. 80-1659 Filed 1-17-80; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

[IMT DES 80-1]

Availability of Alternative Policies for Protecting Barrier Islands Along the Atlantic and Gulf Coast of the United States andaft Environmental Statement

Pursuant to the President's 1977 Environmental Message and Section 102 (2)(C) of the National Environmental Policy Act of 1969, the Department has prepared draft alternative policies and a draft environmental statement for a plan to protect barrier islands along the Atlantic and gulf coasts of the United States. In addition to programs and policies which already provide a measure of protection, the plan examines Federal programs which, through grants, loans, permits, and other means, encourge and/or subsidize the development of barrier islands. The islands which are the subject of the proposals stretch in a narrow band from Maine to the tip of Texas. The draft report is being made available for a 45 day public review and comment period.

Copies are available for review at the following locations:

- Office of Public Affairs, Office of Secretary, Department of the Interior, Washington, D.C. 20240;
- Office of Public Affairs, Heritage Conservation and Recreation Service, Pension Building, 440 G Street, N.W., Washington, D.C. 20243;
- Heritage Conservation and Recreation Service, William J. Green, Federal Office Building, Room 9310, 600 Arch Street, Philadelphia, Pennsylvania 19106;
- Heritage Conservation and Recreation Service, Richard B. Russell, Federal Building, 75 Spring Street, Atlanta, Georgia 30303; and
- Heritage Conservation and Recreation Service, 5000 Marble, N.E., Room 211, Albuquerque, New Mexico 87110.

A limited number of single copies are available and may be obtained by writing to the Division of Natural Resource Systems Planning or the Division of Public Affairs, Heritage Conservation and Recreation Service, Pension Building, 440 G Street, N.W., Washington, D.C. 20243.

Dated: January 2, 1980.

James H. Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 80-1661 Filed 1-17-80; 8:45 am]

BILLING CODE 4310-03-M

INTERNATIONAL TRADE COMMISSION

[AA1921-210]

Certain Marine Radar Systems From the United Kingdom; Determination of No Injury

Determination

On the basis of information developed during the course of investigation No. AA1921-210, the Commission unanimously determines that an industry in the United States is not being injured, is not likely to be injured, and is not prevented from being established, by reason of the importation of certain marine radar systems from the United Kingdom provided for in item 685.60 of the Tariff Schedules of the United States, which the Department of the Treasury has determined are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Procedural Background

On August 17, 1979, the United States International Trade Commission received advice from the Department of the Treasury that certain marine radar systems from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. Accordingly, on August 27, 1979, the Commission voted to institute investigation No. AA1921-210 under section 201(a) of said act, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

In connection with the investigation, a public hearing was held in Washington, D.C., on October 10, 1979. Notice of the institution of the investigation and the public hearing was given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and by publishing the notice in the **Federal Register** of August 31, 1979 (44 FR 51348).

The Treasury Department instituted its investigation after receiving a complaint filed on October 12, 1978, from counsel acting on behalf of the Raytheon Marine Co. Treasury's notices of withholding of appraisement and determination of sales at less than fair value were published in the **Federal Register** of May 17, 1979 (44 FR 28907) and August 22, 1979 (44 FR 49322), respectively.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties and information adduced at the hearing as well as information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

Statement of Reasons of the Commission

In order for the Commission to find in the affirmative in an investigation under the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), it is necessary to find that an industry in the United States is being or is likely to be injured, or is prevented from being established,[1] *and* the injury or likelihood thereof must be by reason of imports at less than fair value (LTFV).

On the basis of the evidence developed during the course of the investigation, we determined that an industry in the United States is not being and is not likely to be injured by reason of the importation of certain marine radar systems from the United Kingdom which the Department of the Treasury (Treasury) has determined are being, or are likely to be, sold at LTFV

The Imported Articles and the Domestic Industry

For the purpose of Treasury's investigation, the term "certain marine radar systems" was defined as—

> X-band radar systems provided for in item 685.60 of the Tariff Schedules of the United States designed principally for boat or ship installation with direct current power supply from 6 to 60 volts, having a maximum viewable display dimension of less than 11 inches, and having an antenna assembly with transmitter-receiver permanently affixed, and parts thereof; all the foregoing, whether such radar system components are imported together as units or separately.

The marine radar systems included in the scope of this investigation are used principally for navigational purposes on recreational craft (both sailboats and powerboats) and small commercial vessels; they are not designed primarily for ocean-going ships, although their use is not inherently restricted to small craft. The Raytheon Marine Co., Manchester, N.H., is the only domestic producer of the marine radar systems covered here.

LTFV Sales

Since virtually all imports of the subject merchandise from the United Kingdom during June 1–November 30, 1978, were exported to the United States by Decca Radar, Ltd., and Electronic Laboratories, Ltd., Treasury limited its investigation to sales by those two firms. Fiar-value comparisons were made on all U.S. sales by the two producers during the period of investigation. LTFV margins ranged from 3.2 percent to 25.8 percent were found on sales made by Decca Radar, Ltd.; the weighted averge margin for the total sales compared for that firm was approximately 4.4 percent. No LTFV margins were found on sales made by Electronic Laboratories, Ltd.[2]

No Injury by Reason of LTFV Sales

Treasury determined that three different models of marine radar systems within the definition of "certain marine radar systems" set forth above were being sold at LTFV by Decca Radar, Ltd., through its affiliate ITT Decca Marine, Inc., (IDM). During this proceeding, however the petitioner directed its allegations principally to one imported model. It alleged that the Decca model 060 was the principal cause of injury to it, specifically because of its impact on petitioner's model 3100. In its brief, the petitioner stated that it "considers its 3100 and the Decca 060 to be the radar systems among all those in the class of merchandise involved to be of closest comparability from a performance, reliability, and capability viewpoint." [3] The information gathered during the investigation has established, however, that petitioner's models 2600 and 2700, both of which are imported from Japan and marketed by Raytheon, are also of critical importance in this investigation because they are far more competitive with the Decca 060 in terms of specifications and performance than the Raytheon 3100.

Set forth below is a table indicating the Aug.–Sept. 1978 and current list prices to end users and certain specifications for the four models:

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[1] Prevention of the establishment of an industry is not an issue in this investigation and will not be discussed further.

[2] The **Federal Register** notice of Treasury's Determination of Sales at Less Than Fair Value (44 FR 49322) stated that a margin of 7.3 percent was found on 72 percent of the sales made by Electronic Laboratories, Ltd.; the weighted average margin for all sales compared for that firm was 5.2 percent. However, on Oct. 31, 1979, the Commission was informed by Treasury that—Information lacking at the time of the final determination with respect to Electronic Laboratories has recently been verified and analyzed by the Customs Service. Treasury has determined that an adjustment of the margins calculated is appropriate based on that evidence. Consequently, we now wish to inform the Commission that Electronic Laboratories has *not* been found to have sold marine radar systems in the United States at less than fair value.

[3] Post hearing brief of petitioner, p. 12.

Seller and model	List price	Display size (inches)	Peak power (kilowatts)	Antenna size (feet)	Maximum range (miles)
August-September 1978: [1]					
Raytheon:					
3100	$4,295	7	7	2.5	32
[2]2700	3,795	7	5	2.5	24
[2]2600	2,995	6	3	2.5	24
Decca 060 [3]	2,995	6	3	2.5	24
August 1979: [4]					
Raytheon:					
3100	4,495	7	7	2.5	32
[2]2700	3,995	7	5	2.5	24
[2]2600	3,245	6	3	2.5	24
Decca 060 [3]	3,695	6	3	2.5	24

[1] Third and fourth months of the period investigated by Treasury.
[2] Model is imported from Japan by Raytheon and resold in the United States.
[3] Model is the most comparable model produced in the United Kingdom and exported to the United States at LTFV prices to models produced and sold in the United States by Raytheon.
[4] Most recent month for which price data are available by questionnaire.

Although all four models are competitive with each other to some extent, the similarities between the Raytheon 2600 and the Decca 060 are apparent.

During this investigation, the Commission obtained information from Raytheon and IDM with respect to their published list prices and the quarterly weighted average prices each firm received from sales to dealers of the four models listed above.[4] This information shows that in the first quarter of 1976 the Decca model 060 undersold the petitioner's model 3100 by $935. By the last quarter of 1977, this margin of underselling had narrowed to about $450 as a result of the gradual decline in the price of the 3100 and an increase in the price of the 060. Notwithstanding this change in the comparative price relationship between the two models, domestic shipments of the 3100 declined in 1977 as they had in 1976. Shipments of the Decca 060 also declined in 1977 as both models lost market share to the model 2700 which Raytheon was importing from Japan and which had been reduced in price by about 15 percent from the last quarter of 1976 to the last quarter of 1977.

The petitioner does not allege that it suffered injury by reason of LTFV imports prior to 1978. In its brief, Raytheon stated that until early 1978 it "believed the 3100 was holding its market position adequately despite the significant percentage and dollar amount . . . by which the 060 undersold the 3100.[5] Thus, the petitioner has focused its allegations on market developments during 1978.

The major market development in 1978 was the introduction in February 1978 by Raytheon of the model 2600 which it imported from Japan and sold at a list price of $2795. The list price for the 2600 was more than $200 below the list price for the Decca 060 (even though the list price of the 060 had been reduced $550) and $1200 and $700 below the list price of the Raytheon models 3100 and 2700, respectively.

The competitive effect of the introduction of the model 2600 can be seen in the pricing relationship and market penetration of the four models. During 1978, the list price of the Decca 060 declined from $200 above that of the Raytheon 2600 to the point where it was the same as the model 2600, its closest competitor. There were sharply increased sales of both models. It is clear that the Decca 060 was being priced to meet its competitor, the model 2600, which was rapidly gaining market acceptance. The prices of Raytheon's models 2700 and 3100 increased in 1978. Sales of both models increased, however, notwithstanding the price increases and the lower price of the Decca 060.

While shipments of domestically made "certain marine radar systems" increased slightly in 1978, sales by Raytheon of the model 2600 imported from Japan caused total domestic shipments to double from 1977 to 1978. Data on total U.S. consumption are not available because of lack of information from sources other than the United Kingdom. It is likely, however, that Raytheon maintained or increased its market share through shipments of the model imported from Japan.

During the period January-August 1979, the list price of the Decca 060 increased and by the end of this period it was about 14 percent above the 2600. In the same period, the difference between the list price and the average weighted price of the Decca model 060 and those of the 3100 narrowed from the prevailing 1978 prices, but shipments of the Raytheon model 3100 decreased. Thus, the increase in the price of the IDM model 060, relative to the 3100, was not accompanied by any increase in shipments of the latter. Instead, both have lost market share to the model 2600 which has continued the upward trend in market penetration begun in 1978 and is now clearly the most important source of competition for domestically produced "marine radar systems."

Further evidence of the model 2600's impact on sales of the Raytheon 3100 is shown by information regarding alleged lost sales. Raytheon alleged it had lost sales of its domestically produced model 3100 to LTFV imports from the United Kingdom. Of the 9 firms contacted by the Commission regarding these allegations, none had reduced purchases of the 3100 to purchase the LTFV models. In fact, none of them carried the Decca line. While some of the dealers indicated their firms had allegedly lost sales to firms handling Decca, they also pointed out that sales of the model 2600 had adversely affected the sales picture for the 3100.

On the basis of these factors, we have made a negative determination.

Issued: November 19, 1979.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-1732 Filed 1-17-80; 8:45 am]

BILLING CODE 7020-02-M

[4] Although the weighted average prices received by Raytheon and IDM may be more indicative of competitive price levels, such data follow similar trends to those of list prices. Since the weighted average prices are confidential list prices are discussed in the following paragraphs.

[5] Post hearing brief of petitioner, pp. 12-13.

INTERSTATE COMMERCE COMMISSION

Fourth Section Application for Relief

January 15, 1980.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of this notice.

FSA No. 43787, Southwestern Freight Bureau, Agent No. B-38, clam and oyster shells, in carloads, from Houston, TX to stations in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia, in supp. 31 to its tariff ICC SWFB 4974, effective February 9, 1980. Grounds for relief—need for additional revenue.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-1653 Filed 1-17-80; 8:45 am]

BILLING CODE 7035-01-M

Transportation of Used Household Goods in Connection With a Pack-and-Crate Operation on Behalf of the Department of Defense; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of used household goods, for the account of the United States Government, incident to the performance of a pack-and crate service on behalf of the Department of Defense under the Direct Procurement Method or the Through Government Bill of Lading Method under the Commission's regulations (49 CFR 1056.40) promulgated in "Pack-and-Crate" operations in Ex Parte No. MC-115, 131 M.C.C. 20 (1978).

An original and one copy of verified statement in opposition (limited) to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before February 7, 1980. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the **Federal Register**, subject to its tariff publication effective date.

HG-48-79 (Special Certificate—used household goods), filed December 17, 1979.

Applicant: A. A. Star Transfer, Aberdeen, WA 98520.

Representative: George LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104.

Authority sought: Between points in Gray's Harbor, Pacific, Mason, Thurston, and Kitsap Counties, WA, serving the Naval Supply Center-Puget Sound, at Bremerton, WA, and the Thirteenth Coast Guard District, at Seattle, WA.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-1651 Filed 1-17-80; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 160]

Assignment of Hearing—Correction

January 11, 1980.

MC 136828 (Sub-No. 28F), Cook Transports, Inc., appearing page 1723, January 8, 1979, 3rd column, 6th full paragraph, is corrected as follows:

MC 136828 (Sub-No. 29F), Cook Transports, Inc., now vacating dismissal order.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-1652 Filed 1-17-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Meeting

Notice is hereby given that the Advisory Committee of the former National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, now the National Institute of Justice will meet on February 7, 1980 from 9:00 A.M. to 5:00 P.M. and on February 8, 1980 from 9:00 A.M. to 12:00 P.M. at the Holiday Inn, 480 King Street, Old Towne, Alexandria, Virginia.

The major topics of discussion will concern the Transition Plan for the Office of Justice Assistance, Research and Statistics, and the Final Report of the NILECJ Advisory Committee.

For further information, please contact Harry M. Bratt, National Institute of Justice, U.S. Department of Justice, Washington, D.C. 20531 (301/492-9108).

Harry M. Bratt,

Primary and Principal Assistant to the Acting Director, NIJ.

[FR Doc. 80-1660 Filed 1-17-80; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C. this 14th day of January 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending January 19, 1980

Name of applicant and location of enterprise	Principal product or activity
GCM Mills, Inc. Gloversville, New York.	Manufacture of circular knit fabrics for sportswear, dress, coatings, linings, and industrial fabrics

[FR Doc. 80-1623 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-79-217-C]

Double D Enterprises, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Double D Enterprises, Inc., Box 600, Lebanon, Virginia 24226, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 2 mine located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns illumination in the petitioner's mine during use of self-propelled mining equipment.

2. The petitioner states that the equipment is 27 to 32 inches high, and that seam heights are frequently 30 to 40 inches.

3. The petitioner further states that installation of lighting equipment on the side of its equipment will blind miners or require adjustment to illumination changes, or both, impairing their vision and imposing a safety hazard.

4. The petitioner further states that for these reasons installation of required lighting equipment will result in a diminution of safety to miners.

5. The petitioner, therefore, requests variance from application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before February 19, 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: January 9, 1980.

Frank A. White,

Director Office of Standards, Regulations and Variances.

[FR Doc. 80-1762 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-32-M]

Kerr-McGee Chemical Corp.; Petition for Modification of Application of Mandatory Safety Standard

Kerr-McGee Chemical Corporation, P.O. Box 610, Hobbs, NM 88240, has filed a petition to modify the application of 30 CFR 57.11-50 (escapeways) to its Hobbs Potash Facility located in Eddy County, New Mexico. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns provisions of escapeways in underground mines.

2. The petitioner proposes to provide a refuge chamber as an alternate escapeway instead of conforming to the requirements of the standards.

3. The petitioner's proposed refuge chamber would be designed to accommodate 45 persons (46,410 cubic feet), would contain various survival supplies, and would be located within 1200 feet of the shaft.

4. The petitioner states that the proposed chamber would achieve the same degree of safety afforded under the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before February 19, 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: January 9, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-1761 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-43-M

Petitions for Modification of Application of Mandatory Safety Standard

The following companies have filed Petitions for Modification of 30 CFR 75.1719 (illumination). All petitions are filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977. The petitions have been filed to modify the application of that standard for all the mines listed below.

The following five companies are doing business as Hite Preparation Company, have the same mailing address (Box 47, Drift, Kentucky 41619) and are located in Floyd County, Kentucky.

White Deer Coal Co., G-2 Mine, Docket No. M-79-190-C.
Hattie Jarrell, B-55 Mine, Docket No. M-79-192-C.
Arkansas Coal Co., G-16 Mine, Docket No. M-79-199-C.
White Deer Coal Co., G-4 Mine, Docket No. M-79-202-C.
White Deer Coal Co., G-6-2 Mine, Docket No. M-79-203-C.

The following two companies are doing business as Hite Preparation Company, have the same mailing address (Box 368, Martin, Kentucky 41649), and are located in Floyd County, Kentucky.

Switchback Coal Co., BB-43 Mine, Docket No. M-79-194-C.
Switchback Coal Co., BB-42 Mine, Docket No. M-79-195-C.

The following three companies have the same mailing address (Box 47, Drift, Kentucky 41619) and are located in Floyd County, Kentucky.

Columbia Coal, dba Carry Back Coal Company, L-51 Mine, Docket No. M-79-187-C.
Ella Ruth Evans dba Ligon Preparation Co., I-120 Mine, Docket No. M-79-189-C.
T&T Coal Co., dba Ligon Preparation Co., I-210 Mine, Docket No. M-79-219-C.

The following two companies are located in Floyd County, Kentucky.

Mink Branch Coal Co., No. 1 Mine, Box 15, Grethel, Kentucky 41631, Docket No. M-79-227-C.

B. J. & L. Coal Co., Mine No. 1, General Delivery, Craynor, Kentucky 41614, Docket No. M-79-228-C.

1. These petitions concern the installation of lighting on the petitioners' mining machines.

2. All petitioners state that due to the thinness of the seams there is not sufficient clearance between the top of the equipment and the mine roof to allow for installation of lighting.

3. The miners crawl on their hands and knees and always have their heads close to the roof. If the lighting were installed, it would have a blinding effect, thus resulting in a dimunition of safety to those involved.

4. For these reasons, the petitioners request relief from the application of the standard.

Request for Comments

Persons interested in these petitions may furnish written comments on or before February 19, 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 petitions are available for inspection at that address.

Dated: January 9, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-1768 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 4(a) of Executive Order 11807 of September 28, 1974 (39FR 35559), Occupational Safety and Health Programs for Federal Employees, will meet on February 5 starting at 10:00 a.m. in Room S4215 A, B, and C, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. Call to order and approval of minutes—Anthony Ingrassia, Vice Chairperson.
II. Announcements—Clinton M. Wright.
III. Reappointments.
IV. Reports:
A. Standing Committee on Safety and Health Conferences.
B. Standing Committee Field Federal Safety and Health Councils.
C. Standing Committee on Occupational Noise.
D. Inter-agency Task Group on Federal Employee Medical Records.
V. New Business.

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business February 1, 1980, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business February 1, 1980. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to Ms. Annie Asensio, Executive Secretary, FACOSH, Department of Labor, OSHA, Room N3423, 200 Constitution Ave., N.W., Washington, D.C. 20210, telephone (202) 523-8677.

Signed at Washington, D.C. this 15th day of January, 1980

Eula Bingham,

Assistant Secretary.

[FR Doc. 80-1759 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

[TA-W-6369]

A & W Products Co., Inc.; Notice of Negative Determination 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 the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on November 15, 1979 in response to a worker petition received on November 6, 1979 which was filed by the Teamsters Local Union #445 on behalf of workers and former workers producing school and office supplies at A & W Products Company, Incorporated, Port Jervis, New York. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Department survey of customers which reduced purchases from A & W Products Company in 1979 compared to 1978 established that only two customers had increased imports of articles like or directly competitive with products manufactured by the firm. Increased imports by these customers accounted for an insignificant portion of the total decline in company sales of domestically-manufactured products from 1978 to 1979. Moreover, several major customers reported increased purchases of school and office supplies from other U.S. firms and a reduction in business with foreign suppliers in 1979 compared to 1978.

Company imports of compasses, rulers, and erasers declined significantly in 1979 compared to 1978. During the same two-year period, A & W Products Company did not import thumb tacks, clip boards, protractors, or templates. These products accounted for a large portion of both total sales and labor usage at the company's Port Jervis plant. Although A & W Products Company imports most or all of its requirements for several other product lines, the firm has not manufactured most of these products for at least two years.

Conclusion

After careful review, I determine that all workers of A & W Products Company, Incorporated, Port Jervis, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of January 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-1764 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6048]

Bethlehem Steel Corp.; Negative Determination Regarding Application for Reconsideration

By letter of December 26, 1979, the President of the United Steelworkers of America, Local Union #1208, requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of the Bethlehem Steel Corporation, Seattle, Washington. The determination was published in the **Federal Register** on November 30, 1979, (44 FR 69045).

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.

In his letter, the local union president claims that employment at the plant fell in August with some 70 employees currently in layoff and added that he has indications that steel imports on the West Coast are higher than they have ever been.

A review of the case file indicates that through the first nine months of 1979, production and sales of reinforcing bars, carbon steel plate, railroad spikes and industrial fasteners at the Seattle plant increased compared to the same period in 1978. A further review indicated that the average number of production workers for the same nine-month period was 12 percent higher in 1979 than in the same period in 1978. Separations which occurred in August, 1979, according to company officials, related to the 12 inch mill where a group of employees work when the mill is producing structural shapes but do not work when it is producing reinforcing bars. The latter involve a less labor intensive process. These spells of unemployment reflect normal business fluctuations. Average employment in September, 1979 exceeded employment in September, 1978 and 1977.

While it may be true that in certain product lines, West Coast imports represent a relatively higher share of total imports in the first nine months of 1979 compared to 1978, overall, U.S. imports in each of the categories of concrete reinforcing bars, carbon steelplate, industrial fasteners and railroad spikes decreased both absolutely and relative to domestic shipments in the first six months of 1979 compared to the same period in 1978. Under the Trade Act of 1974, it is aggregate imports into the United States rather than imports into any single region which are relevant for purposes of meeting the test of "increased imports" in either an absolute sense or relative to domestic production.

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 9th day of January 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-1767 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W- 6273 to 6279]

Big Smith Manufacturing Co.; Notice of 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 the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on October 29, 1979 in response to a worker petition received on October 9, 1979 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing overalls, coveralls, shirts, jeans, and jackets at the following facilities of Big Smith Manufacturing Company: Carthage, Missouri; Neosho, Missouri; Webb City, Missouri; St. Joseph, Missouri; Columbus, Kansas; Oskaloosa, Iowa, and Lamar, Missouri. In the following determinations, without regard to whether any of the criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Department survey of big Smith's customers revealed that none of the surveyed customers who decreased purchases from the subject firm increased purchases of imported men's and boys' work clothing in 1978 or during January–October 1979 compared to the same period in the preceding year. Most of the surveyed customers who purchased men's western clothes from Big Smith did not purchase any imported western clothing during the 1977–1979 period. Customers who increased purchases of imported western clothes in the January–October 1979 period compared to the same period in 1978 increased their overall domestic purchases to a greater extent than their foreign purchases.

Conclusion

After careful review, I determine that all workers of Big Smith Manufacturing Company, Carthage, Missouri; Neosho, Missouri; Webb City, Missouri; St. Joseph, Missouri; Columbus, Kansas; Oskaloosa, Iowa; and Lamar, Missouri are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of January 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-1768 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6575]

Campbell "66" Express, Inc.; Negative Determination 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 the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 10, 1979, in response to a worker petition received on December 4, 1979, which was filed on behalf of workers and former workers of Campbell "66" Express, St. Louis, Missouri, engaged in the pick-up and delivery of any type of product. The investigation revealed that the legal title of the firm is Campbell "66" Express, Incorporated.

Campbell "66" Express, Incorporated, St. Louis, Missouri is engaged in providing the service of transporting general commodities from the seller to the customer.

Thus, workers of Campbell "66" Express, Incorporated, St. Louis, Missouri 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 Campbell "66" Express, 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.

Campbell "66" Express, 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 general commodities at Campbell "66" Express, Incorporated, St. Louis, Missouri are employed by that firm. All personnel actions and payroll transactions are controlled by Campbell "66" Express, Incorporated. All employee benefits are provided and maintained by Campbell "66" Express, Incorporated. Workers are not, at any time, under employment or supervision by customers of Campbell "66" Express, Incorporated. Thus, Campbell "66" Express, Incorporated, and not any of its customers, must be considered to be the "workers' firm."

Conclusion

After careful review, I determine that all workers of Campbell "66" Express, Incorporated, St. Louis, Missouri are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of January 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-17-69 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6375]

D & R Coat Co., Inc.; Negative Determination 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 the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on November 15, 1979 in response to a worker petition received on November 6, 1979 which was filed on behalf of workers and former workers producing women's coats at D & R Coat Company, Incorporated, Hoboken, New Jersey. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that the manufacturer which contracted a substantial volume of orders from D & R Coat Company, Incorporated decreased orders from the subject firm because of a product change. D & R Coat Company, Incorporated was not able to produce the new product, nylon coats and jackets, since it was equipped to produce wool coats and jackets.

Conclusion

After careful review, I determine that all workers of D & R Coat Company, Incorporated, Hoboken, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of January 1980.

James F. Taylor,

Director, Office Management Administration and Planning.

[FR Doc. 80-1770 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6346]

E. R. Moore Co.; Certification 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 the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on November 8, 1979 in response to a worker petition received on November 5, 1979 which was filed on behalf of workers and former workers producing ladies' fashions, adult's and children's warm-up shorts at the Osceola, Arkansas plant of the E. R. Moore Company. The investigation revealed that the plant produces ladies' blouses, tops, skirts, slacks and dresses, adult's and youth's warm-up suits and gym shorts. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses', and children's blouses and shirts increased absolutely in each year from 1975 through 1978 compared to the preceding year and increased relative to domestic production in 1978 compared to 1977.

U.S. imports of women's, misses', and children's slacks and shorts increased absolutely and relative to domestic production in each year from 1974 through 1978 compared to each preceding year.

U.S. imports of women's, misses' and children's suits increased absolutely and relative to domestic production in 1978 compared to 1977.

U.S. imports of men's and boys' outer coats and jackets increased absolutely in each year from 1975 through 1977 and increased absolutely in 1978 compared to the average of the three previous years.

U.S. imports of men's and boys' dress and sport trousers and shorts increased absolutely and relative to domestic production in each year from 1974 through 1978 as compared to the preceding year.

Warm-up suits and ladies' fashions, which include blouses, skirts, slacks and dresses, constitute the major product lines produced at the Osceola, Arkansas plant of E. R. Moore Company. A Departmental survey was conducted with the manufacturer who decreased its purchases of ladies' blouses from E. R. Moore in 1978 compared to 1977 and in the first ten months of 1979 compared to the same period of 1978. The survey revealed that this manufacturer increased its contract work with foreign contractors for the production of blouses during these same time periods.

A survey was also conducted with the major customer who decreased purchases of warm-up suits from E. R. Moore in the first ten months of 1979 compared to the same period of 1978. This customer increased its purchases of warm-up suits from foreign sources in 1979 compared to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with warm-up suits and ladies' blouses produced at the Osceola, Arkansas plant of E. R. Moore Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Osceola, Arkansas plant of E. R. Moore Company who became totally or partially separated from employment on or after October 23, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of January 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-1771 Filed 1-17-80; 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 Secretay 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 January 28, 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 January 28, 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 9th day of January 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
Allied Chemical Corp., Semet-Solvay Div., Shannon Branch Mine (workers).	Capels, Va	12/31/79	12/24/79	TA-W-6,732	Metallurgical coal.
Allied Chemical Corp., Semet-Solvay Div., Shannon Branch Preparation Plant (workers).	Capels, Va	12/31/79	12/24/79	TA-W-6,733	Cleaning of coal.
Bethlehem Steel Corp. (workers)	Seattle, Wash	1/2/80	12/27/79	TA-W-6,734	Reinforcing bars, rolled carbon steel bars, carbon steel plates, railroad spikes.
Crompton & Knowles Corp., Worcester Division (USWA).	Worcester, Mass	1/2/80	1/2/80	TA-W-6,735	Textile parts and textile machinery.
Culmo-Larkin Chrysler Plymouth, Inc. (company).	Thomaston, Conn	1/2/80	12/10/79	TA-W-6,736	Dealership of Chrysler-Plymouth automobiles.
Heatherton (workers)	New York, N.Y	12/21/79	12/10/79	TA-W-6,737	Knitted dresses and suits and blouses.
Raritan Sportswear (ACTWU)	Perth Amboy, N.J	12/27/79	12/18/79	TA-W-6,738	Boys' and men's apparel.
Steel Parts Corp. (workers)	Tipton, Ind	1/2/80	12/26/79	TA-W-6,739	Automotive stampings.
Underwood Electric (company)	Jasonville, Ind	1/2/80	12/7/79	TA-W-6,740	Compression mica trimmer.
U.S. Steel Corp., South Works (workers)	Chicago, Ill	1/7/80	12/26/79	TA-W-6,741	Steel rods, also plates, structural, wire, rod, and piling.

[FR Doc. 80-1765 Filed 1-17-80; 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 January 28, 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 January 28, 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, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of January 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
Aretta Hall Manufacturing Co., Inc. (ACTWU)..	New York, N.Y	12/20/79	12/11/79	TA-W-6,742	Tailored clothing.
Bay Textile Corp. (ACTWU)	Johnston, R.I	12/20/79	12/13/79	TA-W-6,743	Textile yarns.
Birnbaum Brothers (ACTWU)	New York, N.Y	12/20/79	12/11/79	TA-W-6,744	Leather and shearling coats.
Chanin Clothing Corp. (ACTWU)	New York, N.Y	12/20/79	12/11/79	TA-W-6,745	Tailored clothing.
Claremont Clothing, Inc. (ACTWU)	New York, N.Y	12/20/79	12/11/79	TA-W-6,746	Tailored clothing.
Clinton Swan Clothing, Inc. (ACTWU)	New York, N.Y	12/20/79	12/11/79	TA-W-6,747	Tailored clothing.
Cooper Sportswear Manufacturing Co., Inc. (ACTWU).	Newark, N.J	12/20/79	12/13/79	TA-W-6,748	Men's and boys' outerwear.
DeLuca Sportswear, Inc. (ACTWU)	Philadelphia, Pa	12/20/79	12/17/79	TA-W-6,749	Contractor of men's and boys' clothing.
Excelled Sheepskin & Leather Coat Co. (ACTWU).	South Edison, N.J	12/20/79	12/11/79	TA-W-6,750	Leather apparel.
Harry Irwin, Inc. (ACTWU)	New York, N.Y	12/20/79	12/11/79	TA-W-6,751	Tailored men's clothing.
Highlander Sportswear (ACTWU)	Newark, N.J	12/20/79	12/17/79	TA-W-6,752	Leather coats.
Martin Greenfield Clothiers, Ltd. (ACTWU)	Brooklyn, N.Y	12/20/79	12/17/79	TA-W-6,753	Men's tailored clothing.
Nu-Car Carriers (IBOT)	Edison, N.J	12/20/79	12/13/79	TA-W-6,754	Deliver cars to the dealers.
Universal Sportswear (ACTWU)	Elizabeth, N.J	12/20/79	12/11/79	TA-W-6,755	Contractor of men's outerwear.

[FR Doc. 80-1766 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6451]

Sportscoach of America; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on November 27, 1979 in response to a worker petition received on November 14, 1979 which was filed on behalf of workers formerly producing motor homes at Sportscoach of America, Chatsworth, California. The investigation revealed that the petitioning workers were drivers who formerly transported class "A" luxury homes to recreational vehicle dealerships for Sportscoach of America. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Industry, Department, and other U.S. Government sources indicated that U.S. imports of class "A" motor homes were negligible during the 1977–1979 period. Class "A" luxury motor homes are not like or directly competitive with other, less expensive, recreational vehicles. All class "A" motor homes and most other recreational vehicles which are sold domestically are manufactured in the United States.

Conclusion

After careful review, I determine that all drivers who formerly transported class "A" luxury motor homes for Sportscoach of America, Chatsworth, California, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of January 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-1772 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6383]

Timex Corp.; Negative Determination 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 the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 15, 1979 in response to a worker petition received on October 12, 1979 which was filed on behalf of workers and former workers performing administrative work at the corporate headquarters of Timex Corporaton in Middlebury, Connecticut. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Workers at the corporate headquarters of Timex Corporation in Middlebury, Connecticut perform company-wide administrative functions for all of Timex's domestic and international operations. They are not involved in individual plant administration. Total domestic sales at Timex Corporation increased in 1978 compared with 1977 and increased in the first ten months of 1979 compared with the same period of 1978.

Conclusion

After careful review, I determine that all workers at the corporate headquarters of Timex Corporation in Middlebury, Connecticut are denied eligibility to apply for adjustment

assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of January 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-1773 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 80-]

Exemption From the Prohibitions for Certain Transactions Involving the Southern Illinois Division Chapter, NECA-IBEW Local 702 Joint Apprenticeship and Training Fund (Exemption Application No. L-1249)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption retroactively permits the Southern Illinois Division Chapter NECA-IBEW Local 702 Joint Apprenticeship and Training Fund (the Plan) to purchase a certain parcel of improved real property located on Route 3, Country Club Road, West Frankfort, Illinois (the Property) from Dean L. Hammers and Ramona K. Hammers (the Sellers), who are contributing employers with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: R. F. Nuissl of 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, (202) 523-6916. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 6, 1979 notice was published in the Federal Register (44 FR 64157) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a)(1) (A) and (D) of the Employee Retirement Income Security Act of 1974 (the Act) for the purchase on January 10, 1977 of the Property by the Plan from the Sellers for a total cash purchase price of $112,000, provided that this amount did not exceed the fair market value of the Property at the time of the transaction. A correction with respect to the notice was published on November 27, 1979 (44 FR 67736). The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. The applicant has represented that it provided notification to all interested persons of the pendency of the proposed exemption. No public comments were received by the Department.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. These provisions include 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 or her 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.

(2) This exemption does not extend to transactions prohibited under section 406(a)(1) (B), (C) or (E) or 406(b) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a)(1) (A) and (D) of the Act shall not apply, effective January 10, 1977, to the purchase of the Property by the Plan from the Sellers for an aggregate cash consideration of $112,000, provided that this amount did not exceed the fair market value of the Property at the time of the transaction.

The availability of this exemption is subject to the express condition 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 exemption.

Signed at Washington, D.C., this 10th day of January, 1980.

Ian D. Lanoff,

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

[FR Doc. 80-1738 Filed 1-17-80; 8:45 am]

BILLING CODE 4510-29-M

MARINE MAMMAL COMMISSION

Marine Mammal Commission and Committee of Scientific Advisors on Marine Mammals; Meetings

Notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on February 21, 22, and 23, 1980, at the Tampa Airport Resort Hotel, 2222 North Westshore Boulevard, Tampa, Florida 33607.

On February 21, from 10:30 a.m. to 5:00 p.m., the Commission and Committee will meet together in public session to discuss and consider the status of activities and problems affecting marine mammals, including matters related to:

(1) The endangered Hawaiian monk seal and steps being taken or needed to encourage its recovery;

(2) The tuna-porpoise situation;

(3) Preparations for the next meeting of the International Whaling Commission;

(4) Review of certain Commission-sponsored studies;

(5) Plans for Commission-sponsored studies and actions relating to the West Indian manatee, the Hawaiian monk seal, and cetaceans in FY 1980; and

(6) Such other matters as may be appropriately come before the meeting.

On February 22, from 9:00 a.m. to 5:00 p.m., the Commission and Committee will meet together in public session to discuss and consider a broad range of issues bearing on the protection and recovery of the endangered West Indian manatee. The entire day will be devoted to discussions of this species with special emphasis on the recovery plan being developed by the U.S. Fish and Wildlife Service.

The remainder of the meeting will consist of executive sessions of the Commission and Committee to be held on February 21 from 9:00 a.m. to 10:30

a.m. and on February 23 from 9:00 a.m. to 12:00 noon. These sessions will be devoted to the exchange of opinions and deliberations concerning internal personnel rules and practices, budget, interagency liaison, proposed policies and actions relating to international negotiations, proposed agency policies and actions, and the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications and competence of the proposers, their potential contribution to the research program, and information given to the Commission and Committee in confidence. These sessions are concerned with matters listed in 5 U.S.C. Sec. 552b(c) (2), (3), (4), (6), and (9)(B), and therefore will not be open to the public.

John R. Twiss, Jr.,

Executive Director, Marine Mammal Commission.

January 11, 1980.

[FR Doc 80-1605 Filed 1-17-80; 8:45 am]

BILLING CODE 6820-31-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-3)]

NASA Advisory Council; Meeting

The NASA Advisory Council (NAC) will meet on Feburary 5 and 6, 1980, in room 7002, Federal Building 6, 400 Maryland Avenue SW, Washington, DC 20546. Except as noted below, the meeting will be open to the public up to the seating capacity of the room (approximately 60 persons, including Council members and other participants). Visitors will be requested to sign a visitor's register.

The meeting will be closed to the public from 3:00 p.m. to 4:00 p.m. on Feburary 6, 1980, for a discussion of the qualifications of candidates for membership on the Council and for participation in the 1980 New Directions Symposium. Such a discussion would invade the privacy of the candidates and other individuals involved. Since this session will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this session should be closed to the public.

The NASA Advisory Council was established as an inter-disciplinary group to advise NASA senior management on NASA's aeronautics and space programs. The Council is concerned with providing advice in the substantive areas of aeronautics, life sciences, space and terrestrial applications, space science, space systems and technology, and history as they relate to aeronautics and space programs. The Council is chaired by Dr. William A. Nierenberg and is composed of a total of twenty members. Standing committees containing additional members report to the Council.

The following list sets forth the approved schedule for the meeting. For further information, contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area Code 202-755-8383, NASA Headquarters, Washington, DC 20546.

Agenda

February 5, 1980

8:30 a.m.—Introduction
8:45 a.m.—Fiscal Year 1981 Budget and Five Year Planning
11:25 a.m.—NASA Response to NAC 1979 Innovation Study Recommendations
1:00 p.m.—NASA Energy Research and Technology Support
2:00 p.m.—Space Shuttle Program Status
3:00 p.m.—Status of 1980 New Directions Symposium
3:30 p.m.—Approaches to Handling Unconventional Ideas
4:30 p.m.—Adjourn

February 6, 1980

8:30 a.m.—Committee Reports
11:00 a.m.—Policies and Practices on Dissemination of New Technology
1:00 p.m.—Plans for National Oceanic Satellite System
2:00 p.m.—General Discussion/New Business
3:00 p.m.—Executive Session (NAC Membership)
4:30 p.m.—Adjourn

Russell Ritchie,

Deputy Associate Administrator for External Relations

January 11, 1980.

[FR Doc. 80-1627 Filed 1-17-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice (80-4)]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC), Informal Ad Hoc Advisory Subcommittee on Propulsion/Airframe Integration; Meeting

The Informal Ad Hoc Advisory Subcommittee on Propulsion/Airframe Integration of the NAC AAC will meet on February 12, 1980, in Room 625, NASA Headquarters, 600 Independence Avenue SW., Washington, D.C. 20546. The meeting will be open to the public up to the seating capacity of the room (approximately 48 persons including the members and participants).

The Subcommittee was formed to assess NASA programs in propulsion/airframe integration. The members will receive a report by specialists from the NASA centers and then prepare a detailed assessment of the NASA programs, including specific needs, objectives and recommendations for additional activities necessary to address critical problem areas and to achieve progam balance. The Chairperson of the three-person Subcommittee is Mr. George Kaler. Following is the approved agenda for the meeting.

Agenda

February 12, 1980

8:30 a.m.—Introductory Remarks/Subcommittee Business
9:00 a.m.—Presentations by NASA Personnel
10:30 a.m.—Questions and Answers
11:00 a.m.—Subcommittee Discussion and Preparation of Draft Report Material
4:30 p.m.—Adjourn

For further information, contact Mr. Jack Suddreth, Code RJH-2, NASA Headquarters, Washington, D.C. 20546 (Telephone 202/755-2366).

Russell Ritchie,

Deputy Associate Administrator for External Relations.

January 8, 1980.

[FR Doc. 80-1628 Filed 1-17-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice (80-6)]

NASA Advisory Council (NAC), Aeronautics Advisory Committee, Informal Advisory Subcommittee on Rotorcraft Technology; Meeting

The Informal Advisory Subcommittee on Rotorcraft Technology of the NAC Aeronautics Advisory Committee will meet February 20-22, 1980, in Room 217, Building 200, NASA Ames Research Center, Moffett Field, California. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including Subcommittee members and participants).

The Subcommittee was established to assist the NASA in assessing the current adequacy of rotorcraft technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program in rotorcraft aerodynamics, acoustics, structures, dynamics, propulsion system components, flight control, and avionics. The Chairperson is Mr. William B. Peck, and there are nine other members of the Subcommittee.

For further information, contact Mr. John F. Ward, Executive Secretary of the Subcommittee, Code RJL-2, NASA Headquarters, Washington, D.C. 20546 (202/755-2375). Following is the approved agenda for the meeting:

Agenda

February 20, 1980

9:00 a.m.—Introductory Remarks
9:30 a.m.—Summary of NASA Rotorcraft R&T Program; FY 1979 Accomplishments, FY 80–81 Plans

February 21, 1980

8:15 a.m.—Continuation of Summary of NASA Rotorcraft Program Plans
9:45 a.m.—Proposed Unified Analysis of Helicopter Airframe
10:30 a.m.—Proposed Rehabilitation of NASA-Lewis Altitude Wind Tunnel
1:00 p.m.—Discussion of NASA FY 1980–81 Rotorcraft R&T Program Plans; Draft Recommendations

February 22, 1980

8:30 a.m.—Preparation of Subcommittee Final Recommendations on NASA FY 1980–81 Rotorcraft R&T Program Plans, Other Conclusions
11:30 a.m.—Adjourn

Russell Ritchie,

Deputy Associate Administrator for External Relations.

January 11, 1980.

[FR Doc. 80-1630 Filed 1-17-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice (80-2)]

NASA Advisory Council (NAC), Space and Terrestrial Applications Advisory Committee (STAAC), Ad Hoc Informal Executive Subcommittee; Meeting

The Ad Hoc Informal Executive Subcommittee of the NAC–STAAC will meet on February 4, 1980, at NASA Headquarters, Room 226A, Federal Building 10B, 600 Independence Avenue SW, Washington, DC 20546. The meeting is open to the public. Members of the public will be admitted to the meeting on a first-come, first-served basis and will be required to sign a visitors' register. The seating capacity of the meeting room is for 35 persons.

This Subcommittee, chaired by Dr. John W. Firor, is comprised of the chairpersons of each of the other six subcommittees and is convened to review and discuss the findings of each subcommittee to determine if any common concerns or problems exist and what significant conclusions or recommendations should be reported to the NAC by Dr. Firor.

The approved agenda for the meeting is as follows:

February 4, 1980

Time and Topic

8:30 a.m.—Chairperson's Remarks; Report by *ad hoc* Informal Advisory Subcommittee Chairperson on the Findings, Conclusions and Recommendations of their Respective Subcommittee:
9:00 a.m.—Geodynamics and Geology
9:45 a.m.—Agriculture, Land Cover and Hydrology
10:45 a.m.—Weather, Climate and Oceans
11:15 a.m.—Satellite Communications Applications
1:00 p.m.—Technology Transfer
1:30 p.m.—Materials Processing in Space
2:00 p.m.—Strengths, Weaknesses and Issues: Specific Findings to be reported to NAC
3:00 p.m.—Adjourn

For further information concerning the meeting, please contact Louis B. C. Fong, Executive Secretary of the Subcommittee, NASA Headquarters, Washington, DC 20546, telephone (202) 755–7450.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

January 11, 1980.

[FR Doc. 80-1626 Filed 1-17-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice (80-5)]

Space Science Steering Committee, Solar Terrestrial Theory Program Ad Hoc Advisory Subcommittee; Meeting

The Solar Terrestrial Theory Program Ad Hoc Advisory Subcommittee of the Space Science Steering Committee will meet at NASA Goddard Space Flight Center at Greenbelt, MD, on February 4–6, 1980. The meeting will be held in Room 200 of Building 26 from 8:30 a.m. to 4:30 p.m. on each day. the Subcommittee will discuss and evaluate the proposals submitted to NASA as a result of the Space Science Notice of July 6, 1979, calling attention to the new Solar Terrestrial Theory Program. Public discussion of the professional qualifications of the proposers and their potential scientific contributions to Space Science would invade the privacy of the proposers and the other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), as described above, it has been determined that the sessions should be closed to the public.

For further information, please contact Dr. George P. Newton, NASA Headquarters, Washington, D.C. telephone 202/755–3767.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

January 10, 1980.

[FR Doc. 80-1629 Filed 1-17-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL INSTITUTE OF CORRECTIONS

Development of Staff Training Materials; Special Announcement

This announcement, the second in a planned series of seven, continues Program Solicitation SD–20, "Development of Staff Training Materials," originally published in the National Institute of Corrections' Annual Program Plan for Fiscal Year 1979, subsequently withdrawn, and then reinstated in October, 1979.

The Institute is at this time soliciting proposals for development of information and training materials packages/manuals, including basic curricula, in the area of writing skills for correctional personnel.

Designed for use by correctional agency trainers, the materials and manuals developed by grantee are to be tailored to the writing needs of staff with different levels of responsibilities within correctional organizations, including policy writers, technical writers, line personnel, etc.

Maximum funds available for this project are $35,000. Estimated length of project is four months.

Applicants should prepare a concept paper—maximum of five pages (doubled spaced), one of which contains budget information—entitled, "Writing Skills for Correctional Personnel," and submitted in six copies to: National Institute of Corrections 320 First Street, N.W. Washington, D.C. 20534.

The deadline for submission is March 15, 1980. If further information is needed, please contact William Wilkey or Mary Lou Commiso of the Institute's staff at 202–724–3106.

Robert L. Smith,

Acting Assistant Director.

[FR Doc. 80-1625 Filed 1-17-80; 8:45 am]

BILLING CODE 4410-36-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-458]

Gulf States Utilities Co., River Bend Station, Unit 1; Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

Note.—This document originally appeared in the Federal Register for Friday, January 11, 1980. It is reprinted in this issue at the request of the agency.

Gulf States Utilities Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed on October 26, 1979, information requested

by the Attorney General for antitrust review as required by 10 CFR Part 50, Appendix L. This information adds Cajun Electric Power Cooperative, Inc. and Sam Rayburn G&T, Inc. as co-owners of the River Bend Station, Unit 1.

The information was filed by Gulf States Utilities Company in connection with their application for construction permits and operating licenses for the River Bend Station, Units 1 and 2. The site for this plant is located in West Feliciana Parish, Louisiana.

The original antitrust portion of the application was docketed on September 24, 1973, and Notice of Receipt of Application for Construction Permits and Operating Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters, was published in the **Federal Register** on October 23, 1973 (38 F.R. 29245). The Notice of Hearing was published in the **Federal Register** on October 23, 1973 (38 F.R. 29243).

Copies of the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Audubon Library, West Feliciana Branch, Ferdinand Street, St. Francisville, Louisiana 70775.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

Any person who wishes to have his views on the antitrust matters with respect to Cajun Electric Power Cooperative, Inc. and Sam Rayburn G&T, Inc., presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission on or before March 10, 1980.

Dated at Bethesda, Md., this 26th day of December 1979.

For The Nuclear Regulatory Commission.

L. S. Rubenstein,

Acting Chief, Light Water Reactors Branch No. 4, Division of Project Management.

[FR Doc. 80-897 Filed 1-10-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

Dairyland Power Cooperative (La Crosse Boiling Water Reactor) (Spent Fuel and Full-Term Operating License); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for these proceedings to consist of the following members: Alan S. Rosenthal, Chairman, Dr. Lawrence R. Quarles, Thomas S. Moore.

Dated: January 10, 1980.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 80-1662 Filed 1-17-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-482-SP]

Kansas Gas & Electric Co. and Kansas City Power & Light Co. (Wolf Creek Generating Station, Unit No. 1); Construction Permit Amendment; Order Dismissing Proceeding

The Missouri Public Service Commission (MPSC), which had been the only petitioner for leave to intervene, filed a document, dated December 21, 1979, stating that it has no intention of amending its 10 CFR 2.715(c) petition, so as to intervene as a § 2.714 party, or to raise any specific aspect upon which a hearing should be held. It intervened as an interested State, because of its jurisdiction over Kansas City Power & Light Company, a one-half owner of the Wolf Creek facility, solely for the purpose of being placed on the service list and receiving all documents in the matter before the Board.

This clarification of MPSC's intervention removes the need and occasion for evidentiary hearings, since there is no issue to be heard by the Board. Dismissal of this proceeding would be consistent with the Commission's requirements which do not contemplate a hearing on an application for an amendment to a construction permit in the absence of any matters in controversy or any requests for hearing by interested persons, 10 CFR 2.104, 2.105, 2.714 and 50.58(b), and would be consistent with the general powers of the presiding officer under 10 CFR 2.718.

It is ordered that this proceeding which was begun with the establishment of the Atomic Safety & Licensing Board on November 14, 1979, as published at 44 FR 66716 (Nov. 20, 1979), is hereby dismissed.

Board members Glenn O. Bright and Dr. Richard F. Cole concur in this Order.

By Order of the Board.

Dated at Bethesda, Maryland this 14th day of January, 1980.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman.

[FR Doc. 80-1663 Filed 1-17-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Status Report on the Evaluation of Licensee's Compliance With the NRC Order Dated August 9, 1979

The U.S. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, has issued its "Status Report on the Evaluation of Licensee's Compliance with the NRC Order Dated August 9, 1979" for the Three Mile Island Nuclear Station, Unit 1 (TMI-1), located in Londonderry Township, Dauphin County, Pennsylvania.

Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees) are holders of Facility Operating License No. DPR-50 which authorizes the operation of TMI-1. The facility is a Babcock & Wilcox designed pressurized water reactor.

By Order dated July 2, 1979, the NRC ordered that TMI-1 remain in a cold shutdown condition until further order of the Commission. By Order dated August 9, 1979, the Commission specified the basis for its concern about the restart of TMI-1 and the procedures governing further proceedings in the matter. The Commission ordered that satisfactory completion of short-term actions to be determined as necessary and sufficient will be required to provide reasonable assurance that the facility can be operated without endangering the health and safety of the public. The Order identified those short-term actions which the Director of Nuclear Reactor Regulation had recommended be required of the licensee to resolve the Commission's concerns and permit a finding of reasonable assurance that the facility can safely resume operation.

The Commission further ordered that reasonable progress will be required prior to restart, toward the completion of additional long-term actions to be determined, in order to provide reasonable assurance that the facility can be operated safely over the long term. The Order identified those long-term actions which the Director of NRR had recommended be required of the licensee to permit a finding of reasonable assurance of the safety of long-term operation.

A report on the status of the NRC's evaluation of the licensee's compliance

with the short-term and long-term items of the Order is provided in the subject report.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126 and the York College of Pennsylvania, Country Club Road, York, Pennsylvania.

Dated at Bethesda, Maryland, this 11th day of January 1980.

For the Nuclear Regulatory Commission.

Richard H. Vollmer,

Director, TMI-2 Support, Office of Nuclear Reactor Regulation.

[FR Doc. 80-1698 Filed 1-17-80; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.59, "Standard Format and Content for a Licensee Physical Security Plan for the Protection of Special Nuclear Material of Moderate or Low Strategic Significance," identifies the information needed by the staff in its review of licensees' physical security plans for protection of special nuclear material of moderate or low strategic significance and provides an acceptable format for its submission. In addition, the guide provides information on the intent of the various provisions of amendments to Part 73 of the Commission's regulations published July 24, 1979, as an aid to the licensee in developing the plan. A draft regulatory guide on this subject (Task MP 711-4) was issued for public comment in July 1979.

Since the draft guide was issued, the Commission has identified a need for additional clarification of the intent of portions of these amendments. Accordingly, some changes were made in Chapters 1 and 2 of Parts I and II of this guide to fulfill this need. Comments on regulatory guides are encouraged at all times, but comments on the changes in Chapters 1 and 2 of Parts I and II will be particularly helpful to the NRC staff in evaluating the need for an early revision to this guide. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 14th day of January 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-1700 Filed 1-17-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-8728]

Teton Exploration Drilling Co., Inc.; Negative Declaration Regarding and Issuance of a Source and Byproduct Materials License for Operation of the Leuenberger Project in Converse County, Wyo.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Issuance of the Negative Declaration and a Source and Byproduct Materials License to Teton Exploration Drilling Company, Inc. (40-8728).

SUMMARY: The U.S. Nuclear Regulatory Commission (the Commission) is issuing a license to own, use, and possess source and byproduct materials for an R&D in situ leach uranium extraction and recovery operation by Teton Exploration Drilling Company, Inc. near Glenrock, Wyoming in Converse County. The Division of Waste Management staff has prepared an environmental impact appraisal stating that there will be no significant environmental impact attributable to the action.

The environmental impact appraisal and license are available for public inspection and copying at the Commission's Public Document Room at 1717 H Street, NW., Washington D.C. 20555.

SUPPLEMENTARY INFORMATION: Teton Exploration Drilling Company, Inc. requested a license to receive, possess, use and transfer source and byproduct materials in the course of research and development work associated with in situ extraction of uranium. The purpose of this license is to determine if extraction of ore at the Leuenberger site is economically and environmentally feasible.

The Division of Waste Managment staff reviewed the proposed license and determined that because there would be no significant environmental impact attributable to this action a source and byproduct materials license would be issued. Documents concerning this review are available for public inspection in the Commission's Public Document Room.

Dated at Silver Spring, Md., this 9th day of January, 1980.

For the Nuclear Regulatory Commission.

Ross A. Scarano,

Chief, Uranium Recovery Licensing Branch, Division of Waste Managment.

[FR Doc. 80-1699 Filed 1-17-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-16481; File No. SR-NYSE-79-51]

New York Stock Exchange, Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 5, 1979, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Exchange's Statement of Terms of Substance of the Proposed Rule Change

The following is a summary of the proposed rule changes proposed by the NYSE. The text of the proposed rule changes is attached as Exhibit I-A of this filing.

The proposed rule change rescinds the required reporting to the Exchange of members' and allied members' unsecured non-capital borrowings in excess of $20,000 and relieves member organizations from informing the Exchange of such borrowings.

The Exchange's Statement of Purpose of Proposed Rule Change

The purpose of the proposed rule change is to rescind an unnecessary reporting requirement which no longer serves a regulatory purpose. If approved, personal borrowings by members and allied members which are for non-capital purposes would no longer be reported to the Exchange. Reporting of capital borrowings remains unaffected and would still be required.

The Exchange believes that the extent to which a member organization wishes to keep abreast of the ongoing financial situation of its associated members and allied members is an internal matter that is properly defined by each member organization.

The Exchange's Statement of Basis Under the Act for Proposed Rule Change

The proposed rescissions of Rules 420(2) and .60 are consistent with Section 6(b)(5) of the Act in that they remove a reporting requirement for non-capital borrowings which does not relate to the purposes of the Act or the Administration of the Exchange.

(i) Inapplicable.
(ii) Inapplicable
(iii) Inapplicable.
(iv)
(v) Inapplicable. Inapplicable.
(vi) Inapplicable.
(vii) Inapplicable.

The Exchange's Statement on Comments Received From Members Participants or Others on Proposed Rule Changes

Comments were not solicited or received on this proposal.

The Exchange's Statement on Burden on Competition

This proposal will not impose any burden on competition.

On or before February 22, 1980, or within such longer period of time (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 8, 1980.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

January 11, 1980.

[FR Doc. 80-1734 Filed 1-17-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16485; File No. SR-NYSE-79-55]

New York Stock Exchange, Inc.; Proposed Rule

Pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on December 28, 1979, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission a proposed rule change as follows:

NYSE's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would eliminate the provision in the New York Stock Exchange, Inc.'s "Guidelines for Floor Conduct and Safety" ("Guidelines") which states:

"Failure by a member to return a visitor's badge on the same day of use will result in a $100 fine."

NYSE's Statement of the Purpose of the Proposed Rule Change

The purpose of the proposed amendment is to eliminate a provision in the Guidelines which provides for the assessment of a $100 fine against any member for the failure of such member to return a Floor visitor's badge on the same day of use. The reason for this provision is to enable the Exchange to maintain control over the number of visitors that are on the Trading Floor at any one time.

Recently, the Market Performance Committee (the "Committee") approved the use of a new type of Floor visitor's badge which is designed to be kept by the guest as a souvenir of his or her visit to the Trading Floor. The new badges, which bear the date of their issuance, enable the Exchange to continue to maintain control over the number of visitors on the Floor. Since the badges, by design, are not intended to be returned, the need for the provision in the Guidelines discussed in the preceding paragraph is no longer appropriate. Accordingly, on November 8, 1979, the Committee agreed to eliminate the provision calling for the assessment of a fine for the failure to return a badge.

NYSE's Statement of the Basis Under the Act for the Proposed Rule Change

The proposed amendment does not affect the Exchange's ability to control the number of visitors on the Trading Floor. Its purpose is merely to rescind a provision which has become outmoded. Accordingly, the proposed amendment is also consistent with Section 6(b)(5) of the Act, the Section under which the Guidelines were adopted.

NYSE's Statement on Comments Received From Members, Participants or Others on the Proposed Rule Change

No comments were solicited by the Exchange on the proposed rule change nor have any written comments been received.

NYSE's Statement Concerning Burden on Competition

The Exchange has determined that no burden on competition will be imposed by the proposed rule change.

The foregoing rule change has become effective, pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing, with respect to the foregoing and of all written submissions, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW, Washington, D.C. Copies of such filing will also be available for

inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 8, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

January 14, 1980.

[FR Doc. 80-1735 Filed 1-17-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16482; File No. SR-NYSE-79-46]

New York Stock Exchange, Inc.; Proposed Rule

Pursuant to Section 19(b) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on December 28, 1979 the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Exchange's Statement of the Terms of Substance of the Proposed Rule Change

Deletions [bracketed], *Additions italicized*

Monthly Charges for—		
NYSE Bond Ticker (1):		
Cont'l. USA First Unit (2)	[$60-80]	*$65-86*
Additional Unit	[$50]	*$54*
NYSE Bond Ticker Display (1)(3):		
Cont'l. USA First Unit (2)(4)	[$50-60]	*$54-65*
Additional Unit (5)	[$3.50]	*$3.75*
Delayed Prices Service:		
Cont'l. USA	[$120]	*$130*
Daily Charges for—		
Magnetic Tape Service:		
Equity Total Transaction Tape	[$20]	*$22*
Bond Bid-Asked Tape		*$20*
Closing Price Tape		*$15*
Range Tape		*$25*

NOTES

(1) Charges are "per location" and do not include one time installation, relocation and other miscellaneous charges where applicable, which are generally a direct pass through from communications common carriers to subscribers.

(2) Dependent upon geographical area.

(3) Charges by vendor furnishing equipment are in addition to these charges.

(4) Only one first unit charge applies in an office subscribing to units from two or more vendors.

(5) Plus charges, if any, for interconnecting facilities required in connection with additional units.

The Exchange's Statement of Purpose of Proposed Rule Change

The purpose of the approximately 8% rate increase is to recover a portion of the increased operating expenses associated with providing the services since the last rate increases to the NYSE Bond Ticker, Ticker Display and Delayed Prices Service were effected in January, 1975. The Equity Total Transaction Tape fee has been in effect since 1971. The Closing Price Tape and Range Tape have been available since 1971. Since there have never been any subscribers these fees have not been changed. The new Bond Bid-Asked Tape fee was developed in line with prices for similar magnetic tape services, when interest was expressed in this type of service. There are no subscribers to the Bond Bid-Asked Tape at this time.

The Exchange's Statement of Basis Under the Act for Proposed Rule Change

The basis under the Act for the proposed rule change is the Exchange's authority under § 6(b)(4) of the Securities Exchange Act of 1934 to have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities.

The Exchange's Statement of Comments Received From Members, Participants or Others on Proposed Rule Change

The Exchange has not formally solicited comments regarding this proposed rule change, nor has the Exchange received any unsolicited written comments from members or other interested parties.

The Exchange's Statement of Burden on Competition

None.

The foregoing rule change has become effective January 1, 1980 pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934, as amended. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number SR-NYSE-79-46 and should be submitted within 21 days of the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

January 11, 1980.

[FR Doc. 80-1736 Filed 1-17-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region VI Advisory Council Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Lower Rio Grande Valley, Texas, will hold a public meeting from 3:30 p.m. to 5:30 p.m., Tuesday, February 5, 1980, at the Harlingen Country Club, 5500 El Camino Real, Harlingen, Texas 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 J. Harold Sears, District Director, U.S. Small Business Administration, 222 East Van Buren, Harlingen, Texas 78550—(512) 423-8934.

Dated: January 11, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-1620 Filed 1-17-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 701]

Privacy Act of 1974; Systems of Records; Annual Publication

The Privacy Act of 1974 (5 U.S.C. 552a (e)(4)) requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The Department of State last published the full text of its systems of records at 42 FR 49699, September 27, 1977.

A document published at 43 FR 45957, October 4, 1978, further updated the systems of records. Since that time the following systems of records have been published: (1) STATE-51 (new) March 14, 1979 (44 FR 15554); (2) STATE-25 (revised) March 16, 1979 (44 FR 16060); and (3) STATE-36 (amended) April 20, 1979 (44 FR 23618). For the convenience of the public, these systems are republished below.

The full text of the Department of State systems of records also appears in

Privacy Act Issuances, 1978 Compilation, Volume III, page 233. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price of this volume is $10.25.

Dated: December 7, 1979.

Ben H. Read,

Under Secretary for Management.

STATE-51

SYSTEM NAME:

Classification/Declassification Center Part-Time Employee Records.

SYSTEM LOCATION:

Department of State, 2201 C Street NW., Washington, D.C. 20520.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired Foreign Service Officers who are part-time employees and prospective employees of the Classification/ Declassification Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name; address; identification number; telephone number; areas of expertise; pay schedule; work schedule.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 811a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in this file is used for scheduling the work of part-time employees and is used solely by the Classification/Declassification Center Staff for such scheduling and determining work availability. Also see "Routine Uses" paragraphs of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer media.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

All employees of the Department of State have undergone a background security investigation. All records containing personal information on a computerized data base are accessible only through cathode ray tubes placed in restricted areas to which access is limited to authorized personnel. Access to computerized files is password protected and under the direct supervision of the system manager.

RETENTION AND DISPOSAL:

Retention of these records is indefinite because of a need to maintain a record of work availability over an extended period of time. The record is destroyed when the part-time employee who is the subject of the record is no longer employed by the Classification/ Declassificiation Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Mandatory Review, Classification/Declassification Center, Room 1239, Department of State, 2201 C Street NW., Washington, D.C. 20520.

NOTIFICATION PROCEDURE:

Individuals who have cause to believe that the Classification/Declassification Center might have records pertaining to them should write to the Information and Privacy Coordinator, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW., Washington, D.C. 20520. The individual must specify that he/she wishes the records of the Classification/ Declassification Center to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or amend records pertaining to themselves should write to the Information and Privacy Coordinator, Foreign Affairs Document and Reference Center (address above).

CONTESTING RECORD PROCEDURES:

(See above).

RECORD SOURCE CATEGORIES:

The individual, Department of State Retirement Records.

STATE-25

SYSTEM NAME:

Overseas Records.

SYSTEM LOCATION:

United States Embassies, Consulates, and Missions overseas.

A list of overseas posts can be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Government employees assigned to the post; individuals seeking or obtaining consular or passport services; individuals living or visiting abroad who have registered their place of residence at the embassy or consulate; businessmen who have had official contacts with embassy economic and commercial sections; seamen; persons who are overseas on U.S. cultural or education grants; individuals working overseas under U.S. government contracts; officials of Federal, State, or local governments, members of their staff or delegation travelling overseas on official business; individuals involved in the discussion, establishment, execution, or definition of United States foreign policy; military personnel; Members of legislative or judicial branches of government; individuals employed by or seeking employment with international organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records maintained in the overseas records system are primarily information of working copies of records already on file at the Department of State and are described in the other system notices published in this issue of the **Federal Register.**[1]

Among those categories of records maintained at the Department's overseas establishments which may not be on file in the Department of State are:

1. Consular records used in the protection and assistance of individuals abroad including;

a. Address registration lists of U.S. citizens visiting or residing overseas;

b. Visa applications;

c. Educational and Cultural Grantee Records;

d. Assistance to Americans Records;

2. Administrative records including;

a. Travel Records;

b. Shipment, importation, licensing, registration and sale of property records;

c. Customs duties records;

d. Change of address records;

e. Blood donor lists;

f. Bad check records;

g. Accommodations exchange records;

h. Personnel locator records;

i. Individual work order requests;

j. Time and attendance cards;

k. W-2 forms;

l. Employment applications and related data;

m. Post diplomatic personnel lists;

n. Post administrators and technical personnel list;

o. Visual identification records;

p. Marriage records;

q. Allowance records;

r. General properties inventory records;

s. Commissary records;

t. Protection of Property files (complaints regarding damage to and seizure of property);

u. Restitution claims records;

[1] See 42 FR 49699, September 27, 1977.

v. Headstone records;
3. Commercial records including:
a. Procurement/Contract records;
b. Registration lists of U.S. businessmen;
c. Trade promotion records;
d. Trade complaint records;
e. Lists of American attorneys abroad;
f. Trust fund records;
4. Political records including:
a. Congressional delegation and important visitor recorders;
b. Registration cards for refugee and migration programs;
c. Mutual security records;
5. Ambassadorial records including:
a. Host government requests for jurisdiction in legal matters involving U.S.;
b. Records involving other legal matters (deportation, letters rogatory, subpoenas);
c. Clemency records;
d. Selective Service records;

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The authorities for maintaining this record system are the following: 8 USC 1101–1503; Status of Forces Agreements; 28 USC 1781–1784; 50 App. USC 543; Presidential Proclamation 4313, September 16, 1974; 22 USC 501, 811a, 1131–1159, 1431, 1621–1643, 2054–2057, 2451–2458, 2601–2605.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These correspond to the "Routine Uses" appearing in the other system notices appearing in this issue of the **Federal Register.**[2]

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy, microfilm, magnetic computer media.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

All employees of the Department of State and of overseas posts have undergone a background security investigation. All records containing personal information are maintained in secured file cabinets or in restricted areas, access to which is limited to authorized personnel. All records containing personal information on a computerized data base are accessible only through computer media under Department of State jurisdiction and placed in restricted areas access to which is limited to authorized personnel. Access to computerized files is password protected and under the direct responsibility of the system manager. The system manager has the capability of printing aduit trails of access from the computer media thereby permitting regular or *ad hoc* monitoring of computer usage.

RETENTION AND DISPOSAL:

These records are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Information and Privacy Coordinator, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, D.C. 20520.

SYSTEM MANAGER(S) AND ADDRESS:

The ambassador, principal officer, deputy principal officer, or consular officer at each overseas post.

NOTIFICATION PROCEDURE:

Individuals who have reason to believe that an Overseas Record System might have information pertaining to them should write to the Information and Privacy Coordinator, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, D.C. 20520. The individual must specify which embassy, consulate, or mission, he/she wishes to be checked. Or, the individual may contact the verseas post(s) directly. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the specific post which the individual believes might have a record of him/her, the approximate dates when the record might have been created; a brief description of the circumstances which would have led to the creation of a record.

Examples of the kinds of information which would assist the Department of State in determining whether or not an overseas record system contains a record on an individual are: the individual's approximate dates of travel or residency in a foreign country or the approximate dates and nature of an individual's contact with a U.S. diplomatic or consular post.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or amend records pertaining to them should write to the specific overseas post or to the Information and Privacy Coordinator, Foreign Affairs Document and Reference Center (address above). Access to routine unclassified administrative records may be granted at the overseas establishment. Requests involving other records will be referred to the Information and Privacy Coordinator, Foreign Affairs Document and Reference Center (address above).

CONTESTING RECORD PROCEDURES:

(See above).

RECORD SOURCE CATEGORIES:

These correspond to the "Sources" described in the other system notices appearing in this issue of the **Federal Register.**

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f). See Department of State Rules published in the **Federal Register.**

STATE-36

SYSTEM NAME:

Security Records.

SYSTEM LOCATION:

Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of the Department of State; applicants for Department employment who have been or are presently being investigated; contractors working for the Department; recipients of Cultural Grants; individuals requiring access to the official Department of State premises who have undergone or are undergoing security clearance; individuals involved in matters of passport and visa fraud, munitions control, unauthorized access to classified information, and alien prospective spouses of American personnel of the Department of State; individuals whose activities have a potential bearing on the security of Departmental or Foreign Service operations. In addition, security files contain information needed to provide protective services for the Secretary of State and visiting foreign dignitaries and heads of state, and to protect the Department's official premises. There are also information copies of investigations of individuals conducted abroad at the request of Federal agencies. Finally, security files contain documents and reports furnished to the Department by other agencies concerning individuals whose activities the other agencies believe may have a bearing on U.S. foreign policy interests.

[2] Also see "Routine Uses" paragraphs in the Prefatory Statement.

CATEGORIES RECORDS IN THE SYSTEM:

Investigatory material relating to any category of individual described above; applications for employment; agent availability for special protective assignments; intelligence reports; fingerprints; photographs; internal memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7311 and 7531–33; 8 U.S.C. 1104; 18 U.S.C. 111, 112, 201, 202, 1114, 1116, 1117, 1541, 1542, 1543, 1544, 1545, 1546; 22 U.S.C. 211a, 846, 911, 2454, and 2667; Executive Order 10450; Executive Order 12065; Executive Order 10855; 22 CFR Subchapter M.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The principal users of this information outside the Department of State are: Department of Treasury; U.S. Office of Personnel Management; Agency for International Development; International Communications Agency; Arms Control and Disarmament Agency; U.S. Secret Service; Immigration and Naturalization Service; Department of Defense; Central Intelligence Agency; Department of Justice; National Security Agency; Drug Enforcement Administration; and other Federal agency inquiring pursuant to law or Executive Order in order to make a determination of general suitability for employment or retention in employment, to grant a contract or issue a license, grant, or security clearance; any other Federal, state, of municipal law enforcement agency for law enforcement purposes; any other agency or Department of the Federal government pursuant to statutory intelligence responsibilities or other lawful purposes; any other agency or Department of the Executive Branch having oversight or review authority with regard to its investigative responsibilities; to the extent necessary to identify the individual adequately, to any other record custodian in order to obtain information relevant to a legitimate investigative or intelligence interest of the Department of State. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see "Routine Uses" of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy; microfilm; microfiche; computer media.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

All employees of the Department of State have undergone a thorough security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in restricted areas, access to which is limited to authorized personnel.

RETENTION AND DISPOSAL:

Retention of these records varies, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Information and Privacy Coordinator, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary for Security, Room 2513, Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

NOTIFICATION PROCEDURE:

Individuals who wish to find out if the Office of Security has records pertaining to them should write to the Information and Privacy Coordinator, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or amend records pertaining to themselves should write to the Information and Privacy Coordinator, Foreign Affairs Document and Reference Center (address above).

CONTESTING RECORD PROCEDURES:

(See above).

RECORD SOURCE CATEGORIES:

The individual; persons having knowledge of the individual; persons having knowledge of incidents or other matters of investigative interest to the Department; pertinent records of other Federal, state, or local agencies or foreign governments; pertinent records of private firms or organizations; public sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Certain records contained within this system of records are exempted from 5 U.S.C. 552a(c)(3); (d), (e)(1), (e)(4)(G), and (H), and (I), and (f). See Department of State Rules published in the **Federal Register**. Pursuant to Section (j)(2) of the Act, records compiled by the Special Assignments Staff and the Passport and Visa Fraud Branch of the Office of Security may be exempted from the requirements of any part of the Act except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) to the extent necessary to assure the effective completion of the investigative and judicial processes.

[FR Doc. 80-1794 Filed 1-17-80; 8:45 am]
BILLING CODE 4710-05-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on February 11, 1980 at 9:30 a.m., the St. Paul VA Center Station Committee on Educational Allowances shall at Room 114B, Federal Bldg., Fort Snelling, St. Paul, Minnesota 55111 conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Minneapolis Community College (formerly known as Metropolitan Community college), at 1501 Hennepin Avenue, Minneapolis, Minnesota 55403 should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

January 9, 1980.

Morris Nooner, Jr.,

Director, VA Center, Federal Bldg., Ft. Snelling, St. Paul, MN 55111.

[FR Doc. 80-1606 Filed 1-17-80; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 13
Friday, January 18, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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[M–264, Amdt. 2; Jan. 16, 1980]

CIVIL AERONAUTICS BOARD.

Addition of items to the January 15, 1980, meeting.

TIME AND DATE: 9:30 a.m., January 15, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

14. Docket 34396, Request of Braniff Airways for a discussion authorization under § 412 and an antitrust exemption under § 414. Braniff has asked that the Board sanction discussions, as it has done in the past, aimed at controlling arrivals at the International Arrival Building at Kennedy Airport during its summer peak period (Memo 9423, BDA, OGC).

15. Domestic Fare Policy (BDA, OEA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

SUPPLEMENTARY INFORMATION: Item 14 was added to the January 15th meeting because discussions for which authorization is requested are scheduled to begin January 21, 1980, and this is the last scheduled Board meeting before that date. The Board felt that Item 15 should be added to the agenda because of the great concern about the need for additional fare flexibility and should be discussed as soon as possible. Accordingly, the following Members have voted that agency business requires the addition of items 14 and 15 to the January 15, 1980 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S–106–80 Filed 1–16–80; 3:47 pm]

BILLING CODE 6320–01–M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, January 22, 1980.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Office Building, 2401 E Street N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Freedom of Information Act Appeal No. 79–12–FOIA–420, concerning a request for the entire file on a charge filed by a Federal employee.

2. Freedom of Information Act Appeal No. 79–11–FOIA–412, concerning whether or not an attorney representing a third party should have access to a charge file.

3. Several proposed sole source contracts for services needed in connection with court cases.

4. Report on Commission Operations by the Executive Director.

Closed to the Public

Litigation authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634–6748.

This notice issued January 15, 1980.

[S–107–80 Filed 1–16–80; 3:47 pm]

BILLING CODE 6570–06–M

3

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OR MEETING: 9:30 a.m., Wednesday, January 16, 1980.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Commission Open Meeting.

CHANGES IN THE MEETING: The following item has been deleted:

Agenda, Item No., and Subject

General—1—Title: Notice of Proposed Rule Making to implement changes in the frequencies, operating procedures and other criteria relating to radiotelephony in the band 4,000–23,000 kHz in the maritime mobile service adopted at the World Maritime Administrative Radio Conference, Geneva, 1974. Summary: The FCC is proposing to finalize the frequencies now assigned in the temporary assignment plan and make changes which will redefine the classes of stations to separate radiotelegraphy and radiotelephony stations and define the radiotelephony stations by the frequency band assigned. There will be a temporary requirement for coast stations to submit utilization data on all frequencies assigned to assist us in evaluating the frequency assignments to satisfy the operational requirements of the maritime mobile service.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632–7260.

Issued: January 15, 1980.

[S–100–80 Filed 1–16–80; 12:24 pm]

BILLING CODE 6712–01–M

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, January 22, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meetings following Oral Arguments.

MATTERS TO BE CONSIDERED: The Commission will hold two closed meetings Tuesday, January 22, 1980 for the purpose of issuing instructions to the staff following scheduled oral arguments.

Oral Arguments, which are open to the public are scheduled to start at 9:00 a.m. (renewal application of Janus Broadcasting Company, WGNE and WGNE–FM, Panama City Beach, Florida, Docket Nos. 20952 and 20953, and followed by West Coast Media, Inc., KDIG–FM, San Diego, California, Docket No. 20971) in Room 856, 1919 M Street NW., Washington, D.C. (see Orders, FCC 80 M–73 and FCC 80 M–75).

The closed meetings will take place at the same location after the conclusion of the oral arguments.

These meetings may be continued the following day to allow the Commission to complete appropriate actions.

If additional information is required concerning these meetings it may be obtained from Edward Dooley, FCC Public Affairs Office, Telephone Number (202) 632-7260.

Issued: January 15, 1980.

[S-101-80 Filed 1-16-80; 12:24 pm]

BILLING CODE 6712-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 2993.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., January 16, 1980.

CHANGE IN MEETING: The following item has been added:

Item No., Docket No. and Company

CAP-7. ER77-6 and ER77-7, Otter Tail Power Company.

Kenneth F. Plumb,

Secretary.

[S-105-80 Filed 1-16-80; 3:01 pm]

BILLING CODE 6450-01-M

6

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., January 23, 1980.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Bank Membership—Western New York Savings Bank, Buffalo, New York.

Applications for Bank Membership and Insurance of Accounts—49er Savings & Loan Association, Oakhurst, California.

Application for Insurance of Accounts—Little River Savings & Loan Association, Ashdown, Arkansas.

Application for Insurance of Accounts—Investors Savings & Loan Association of El Reno, El Reno, Oklahoma.

Permission to Organize a New Federal Association—Horace Richter, *et al.*, Hamilton, Georgia.

Concurrent Branch Office Applications—First Federal Savings & Loan Association of Eau Claire, Eau Claire, Wisconsin and Barron County Federal Savings & Loan Association, Barron, Wisconsin.

Further Extension of Time to Open a Branch Office—Joliet Federal Savings & Loan Association, Joliet, Illinois.

Merger—Tri-County Savings & Loan Association of Hudson, Hudson, Wisconsin into First Federal Savings & Loan Association of La Crosse, La Crosse, Wisconsin.

Conversion to a State-Chartered Mutual Association—Smithville, Federal Savings & Loan Association, Smithville, Texas.

Application to Convert from the Federal Stock Form of Organization—Germania Federal Savings & Loan Association of Alton, Alton, Illinois.

Application for Permission to Convert to a Michigan Chartered Stock Association-Metropolitan Savings & Loan Association, Farmington Hills, Michigan.

No. 310, January 16, 1980.

[S-104-80 Filed 1-16-80; 3:01 pm]

BILLING CODE 6720-01-M

7

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10:00 a.m., January 22, 1980.

PLACE: Hearing Room 1, 1100 L Street, N.W., Washington D.C. 20573.

STATUS: Open.

MATTER TO BE CONSIDERED: Informal Docket No. 653(I): *J. T. Baker Company* v. *Yamashita-Shinnihon Line*—Review of Settlement Officer Decision.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-99-80 Filed 1-16-80; 11:26 am]

BILLING CODE 6730-01-M

8

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Wednesday, January 23, 1980.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed interpretation of section 2(g)(3) of the Bank Holding Company Act regarding whether certain routine extensions of credit will not be regarded as indebtedness for the purposes of this section.

Discussion Agenda

1. Proposed regulation to implement the Electronic Fund Transfer Act dealing with documentation of transfers, preauthorized transfers to a consumer's account, error resolution, and services offered by financial institutions not holding consumer's accounts. (Proposed earlier for public comment; docket No. R-0251.)

2. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-96-80 Filed 1-15-80; 4:34 pm]

BILLING CODE 6210-01-M

9

INTER-AMERICAN FOUNDATION.

TIME AND DATE: 2:30 p.m., January 29, 1980.

PLACE: Board Room, Inter-American Foundation, 1515 Wilson Blvd., Arlington, Va. 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Chairman's Report.
2. President's Report.
3. Financial Report.
4. Project Summaries.

CONTACT PERSON FOR MORE INFORMATION: Lawrence E. Bruce, Jr. (703) 841-3812.

[S-103-80 Filed 1-16-80; 3:01 pm]

BILLING CODE 7025-01-M

10

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisons of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of January 21, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, January 22, 1980, at 9:00 a.m. and immediately following the 10:00 a.m. open meeting, and on Thursday, January 24, 1980 at 10:00 a.m. and immediately following the 2:30 p.m. open meeting. Open meetings will be held on Tuesday, January 22, 1980 at 10:00 a.m. and 3:00 p.m. and Thursday, January 24, 1980 at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5

U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (4), (8), (9)(i), and (10).

Chairman Williams and Commissioners Evans and Pollack determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, January 22, 1980, at 9:00 a.m., will be:

Administrative proceeding of an enforcement nature.
Litigation matter.

The subject matter of the closed meeting scheduled for Tuesday, January 22, 1980, immediately following the 10:00 a.m. open meeting, will be:

Formal order of investigation.
Institution of administrative proceeding of an enforcement nature.
Regulatory matter bearing enforcement implications.

The subject matter of the closed meeting scheduled for Thursday, January 24, 1980, at 10:00 a.m., will be:

Formal orders of investigation.
Freedom of Information Act appeal.
Institution and settlement of administrative proceedings of an enforcement nature.

The subject matter of the closed meeting scheduled for Thursday, January 24, 1980, immediately following the 2:30 p.m. open meeting, will be:

Post oral argument discussion.

The subject matter of the open meeting scheduled for Tuesday, January 22, 1980, at 10:00 a.m., will be:

1. Consideration of whether to issue and order, pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934, granting permanent approval of a plan governing the implementation and operation of the consolidated quotation system. For further informaton, please contact Bruce Beatt at (202) 272–2888.

2. Consideraton of whether to issue a release announcing the filing of, and requesting comments with respect to, a proposed plan, filed under Section 11A(a)(3)(B) of the Securities Exchange Act by the five national securities exchanges trading options, which if approved by the Commission would authorize those exchanges to act jointly in the development and operation of system for the reporting of consolidated options last sale reports and quotation information. For further informaton, please contact Willam Muller at (202) 272–2415.

3. Consideration of whether to issue a release proposing to amend Form N–1 [17 CFR 239.15, 274.11] under the Securities Act of 1933 [15 U.S.C. 77a–77aa] ("Securities Act") and the Investment Company Act of 1940 [15 U.S.C. 80a–1–80a–52], and Rule 434d [17 CFR 230.434d] under the Securities Act. The amendments would require money market funds to include in their prospectuses a yield quotation and a description of the method by which yield is computed. The amendments would require that the yield computations be made according to a standardized method for use both in regular prospectuses and advertisements use pursuant to Rule 434d. The Commission will also consider the withdrawal of a prior proposal to standardize quotations of yield by money market funds. For further information, please contact Anthony A. Vertuno at (202) 272–2107.

The subject matter of the open meeting scheduled for Tuesday, January 22, 1980, at 3:00 p.m., will be:

Meeting with the American Society of Corporate Secretaries.

The subject matter of the open meeting scheduled for Thursday, January 24, 1980, at 2:30 p.m., will be:

The Commission will hear oral argument on appeals by Robert Berkson, Secretary of the former brokerage firm of Packer, Wilbur & Co., Inc., and the Division of Enforcement from the initial decision of an administrative law judge. The law judge concluded that Berkson should be barred from association with any broker-dealer with the provision that, after 18 months, he may become so associated in a non-proprietary and non-supervisory capacity, upon an appropriate showing of adequate supervision. For further informaton, please contact Herbert V. Efron at (202) 272–2754.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Granda at (202) 272–2091.

January 15, 1980.

[S–97–80 Filed 1–15–80; 4:34 pm]

BILLING CODE 8010–01–M

federal register

Friday
January 18, 1980

Part II

Department of Health, Education, and Welfare

Food and Drug Administration

Medical Devices; Procedures for Investigational Device Exemptions

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Parts 16, 20, 809 and 812

[Docket No. 76N-0324]

Medical Devices; Procedures for Investigational Device Exemptions

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule sets forth the procedures and conditions under which investigations of medical devices involving human subjects may be exempt from certain requirements of the Federal Food, Drug, and Cosmetic Act, in accordance with the Medical Device Amendments of 1976. The rule sets out the procedures to obtain an investigational device exemption (IDE); it delineates the responsibilities of sponsors, institutional review boards, and clinical investigators with respect to clinical investigations of medical devices; and the rule also prescribes informed consent requirements and specifies recordkeeping and reporting requirements.

EFFECTIVE DATE: The reporting and recordkeeping requirements contained in this rule have been submitted for approval by the Office of Management and Budget (OMB) in accordance with the Federal Reports Act of 1942. This regulation will become effective July 16, 1980, provided that approval of the OMB is received by that date. If OMB does not approve, without change, the reporting and recordkeeping requirements contained in the rule, FDA will revise the rule as necessary to comply with the decision of OMB. FDA will publish a notice in a future issue of the **Federal Register** concerning OMB's decision on these requirements.

FOR FURTHER INFORMATION CONTACT: Joseph L. Hackett, Bureau of Medical Devices (HFK-403), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8162.

SUPPLEMENTARY INFORMATION: The Medical Device Amendments of 1976 (Pub. L. 94-295), referred to here as "the amendments," amended the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq. (21 U.S.C. 201 et seq.)), referred to here as "the act." Section 520(g) of the act (21 U.S.C. 360j(g)) sets out requirements that apply to investigational use of medical devices.

Section 520(g) authorizes the exemption of devices from provisions of the act that relate to misbranding, registration, premarket notification, performance standards, premarket approval, banned devices, recordkeeping and reporting requirements, restrictions on distribution of devices, good manufacturing practice requirements, and use of color additives, to permit devices to be shipped for clinical investigations to determine their safety and effectiveness.

An investigation is considered approved and may begin 30 days after an application for an IDE is submitted to the Food and Drug Administration (FDA), unless FDA notifies the applicant within 30 days that the application is not approved. An application for an IDE for a banned device must be approved by FDA in writing before the investigation may begin.

FDA will enforce this regulation under section 301(q) of the act (21 U.S.C. 331(q)), which prohibits failure or refusal to comply with a requirement prescribed under section 520(g). Section 301(q)(2) also prohibits the submission of reports that are materially false or misleading. In addition, a device is adulterated under section 501(f) and (i) of the act (21 U.S.C. 351(f) and (i)) if the device fails to comply with applicable requirements of the IDE regulation. Adulterated devices may be seized under section 304 (21 U.S.C. 334).

Prior Federal Register Documents and Public Hearing

In the **Federal Register** of August 20, 1976 (41 FR 35282), FDA proposed regulations on IDE's (the original proposal). The proposal was finalized with respect to intraocular lenses (IOL's), but not with respect to other medical devices, by regulations published in the **Federal Register** of November 11, 1977 (42 FR 58874) and codified in Part 813 (21 CFR Part 813). Paragraph 34 below discusses the regulations that now apply to IOL investigations.

Because of the heavy volume of comments and the desire to increase public participation in the development of the IDE regulation, FDA issued a reproposal in the form of a tentative final regulation in the **Federal Register** of May 12, 1978 (43 FR 20726) (the reproposal). A **Federal Register** notice of October 6, 1978 (43 FR 46321), extended the deadline for comments from September 11, 1978, to December 5, 1978. This extension was in response to several requests to allow comments on the relation of the reproposal to two related proposed rules published by FDA on August 8, 1978, that is, Standards for Institutional Review Boards for Clinical Investigations (43 FR 35186) and Obligations of Clinical Investigators of Regulated Articles (43 FR 35210), and to the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (the Commission) on Institutional Review Boards and Informed Consent. (See the **Federal Register** of November 30, 1978 (43 FR 56174).)

A public hearing on the reproposal was held in Rockville MD, on August 7, 1978. Fourteen persons made presentations at the hearing. A transcript of the hearing is on file in the office of the Hearing Clerk, FDA, Rockville, MD. Comments offered at the hearing were considered in preparing this final regulation.

Decision To Publish Regulation as a Final Rule

A comment on the reproposal requested that revisions made in the reproposal be published as another reproposal rather than as a final regulation, to allow more public participation.

FDA has elected to publish a final regulation. The changes made in this document are consistent with, and generally are in response to, the written comments received on the original proposal or the reproposal and comments at the public hearing. FDA believes that this final regulation is based on sufficient public participation and that an additional reproposal is neither legally required nor desirable as a policy matter.

Relationship to Sponsor/Monitor, Institutional Review Board, Clinical Investigator, and Informed Consent Regulations

In the original proposal, Subparts C, D, and E set forth responsibilities of sponsors, institutional review boards (IRB's) and investigators, respectively. The reproposal did not repropose Subparts D and E and portions of Subparts C. FDA did not withdraw these provisions in the original proposal, but stated its intention that the agency-wide bioresearch monitoring regulations, discussed below, would apply to these aspects of device investigations when those regulations became final. FDA has concluded that the conduct of clinical investigations of drugs, devices, and biologics are sufficiently similar to warrant uniform, agency-wide regulations. For drugs and biologics, these regulations will be revisions of existing requirements in Part 312 (21 CFR Part 312). For devices, the only present requirements for clinical investigations are those in § 809.10(c) (21 CFR 809.10(c)) for in vitro diagnostic

products, Part 813 for IOL's, the notice in the Federal Register of March 9, 1973 (38 FR 6419) for acupuncture devices, and Part 312 for devices formerly considered new drugs or antibiotic drugs.

The Federal Register of September 27, 1977 (42 FR 49612), contained a proposed regulation on obligations of sponsors and monitors of clinical investigations. In the Federal Register of August 8, 1978, FDA issued proposed regulations on standards for institutional review boards for clinical investigations (43 FR 35186) and obligations of clinical investigators of regulated articles (43 FR 35210). In part because of the report on these matters by the Commission (see discussion above) on August 14, 1979, FDA reproposed regulations on institutional review boards (44 FR 47699) and a new proposal on informed consent (44 FR 47713).

These proposed agency-wide bioresearch monitoring regulations have not yet been published as final rules. FDA has concluded that the time required to prepare agency-wide regulations for final publication would entail unacceptable delays in the application of regulatory safeguards to device development. FDA is concerned about preventing unreasonable risks to subjects of investigations, providing guidance to sponsors who are required to submit premarket approval applications, and avoiding further nonadherence to the statutory timetable for the IDE regulation in section 520(g)(2)(A) of the act. Accordingly, rather than allowing further delay in publication of the final IDE regulation until publication of the final agency-wide regulations, FDA is making final the requirements for sponsors, IRB's, and investigators in Subparts C, D, and E of Part 812 in this document (21 CFR Part 812). Adequate notice and opportunity for comment on these requirements were afforded in the original IDE proposal and, on some matters, in the reproposal as well.

To reduce administrative burdens on affected parties, FDA has conformed this final regulation closely to FDA's anticipated final regulations on obligations of sponsors and monitors, and investigators. An exception to this general rule is that this regulation does not contain provisions that were not parts of previous proposals on which public comments have been received. If the final bioresearch monitoring regulations differ from the IDE final regulation, FDA will make conforming changes in the IDE regulation. The IRB and informed consent requirements in this regulation do not reflect many of the provisions present in the August 14, 1979 proposals. The agency stresses that the differences between the final IDE regulation and the August 14, 1979 proposals should not be taken as indications of the agency's decision on the form of final IRB and informed consent regulations. The public comments on the August 14, 1979 proposals are being analyzed, and the final orders will reflect a full consideration of those comments. The IRB and informed consent requirements in this regulation represent relatively basic provisions that are generally consistent with current practice and statutory requirements.

FDA recognizes that there may be some inconvenience if the final IDE regulation is changed to conform to the final bioresearch monitoring regulations. FDA has concluded, however, that any such inconvenience is outweighed by the advantages, discussed above, of having the IDE regulation in effect.

Comments on the Reproposal

Many comments were received from academic sources, industry, private practitioners, and a public interest group. The comments were constructive and often complex. A summary of the comments and FDA's responses to them follow.

Effect on Research

1. Several comments stated that few investigators and IRB's will be willing to continue participation in device investigations, in view of the administrative burdens imposed by the IDE regulation.

FDA is sensitive to this concern and has changed the final regulation to limit paperwork to essential requirements. Moreover, the final regulation's applicability to investigations of preamendments devices has been restricted, as discussed below in paragraph 21. Of those investigations now subject to the regulation, only those involving significant risk devices are subject to all requirements of the regulation. A sponsor of an investigation that does not involve a significant risk device ("a nonsignificant risk device investigation") does not need to submit an IDE application to FDA or obtain FDA approval before beginning an investigation, unless FDA notifies the sponsor that approval is required. The sponsor must, however, properly label the device, obtain and maintain IRB approval, ensure that investigators document informed consent, maintain certain basic records, evaluate and submit reports concerning such vital matters as unanticipated adverse device effects, and comply with requirements for monitoring studies, prohibitions against commercialization, and undue prolonging of investigations.

A sponsor of a significant risk device investigation must submit an IDE application to FDA. The elements of an application have been simplified. A sponsor need not routinely submit background information on investigators or complete copies of the investigational plan. The general record retention period has been reduced from 5 to 2 years following the later of two dates: The date when the investigation is terminated or completed, or the date when the investigation is no longer needed to support an application for premarket approval or a notice of completion of a product development protocol.

FDA believes that these and other modifications will reduce the cost of investigating a device without weakening the controls required by section 520(g) of the act. The agency has retained requirements that are critical to protection of subjects in all investigations, e.g., informed consent, institutional review, and reporting of unanticipated adverse device effects.

2. Several comments argued that the reproposal was written in confusing legal jargon.

The final regulation is in plain and simple language consistent with legal requirements.

3. A few comments suggested that regulation of clinical investigations should be controlled at the local level and would be better supervised if the control were university based rather than supervised at the Federal level.

Section 520(g) of the act requires a sponsor to submit an application to FDA. Therefore, control over significant risk device investigations cannot be, and is not, vested solely in local officials. Local IRB's will, however, play an important role in the control of all device investigations, especially those that do not involve significant risk devices, as discussed further in paragraph 17 of this preamble.

Economic Impact

4. Many comments argued that FDA did not properly consider the economic impact of the regulation and that costs to industry will exceed $100 million.

FDA does not have definitive data on costs to industry because hard data on costs were not submitted in support of these comments. FDA believes that the final regulation will not have a major economic impact, given the changes in the regulation summarized in paragraph 1.

5. A number of comments stated the reproposal would increase the direct costs of developing a medical device.

One comment estimated the incremental cost to be from $250,000 to $500,000 per device, but did not explain how this estimate was derived. Another comment expressed concern about the unit cost of a product, if the cost of IDE requirements is applied to a device that is produced in limited quantities. Many comments expressed a general concern about the expected cost burdens of the administrative requirements. Other comments observed, however, that the incremental cost is impossible to estimate because it depends on the extent to which current investigational practices satisfy the regulation's requirements.

The changes in the regulation summarized in paragraph 1 will greatly reduce incremental costs of compliance.

6. Several comments addressed the long-range economic impact of the IDE regulation. These comments predicted that the cumulative effect of the regulation would be to discourage medical device research and development in the United States. One comment predicted that the regulation would drive device research and development abroad. It was argued that the regulation would discourage participation of investigators and IRB's, reduce sponsor incentives to develop devices of limited commercial value, discourage noncommercial research (that is, much of the research conducted at universities), and would affect adversely the development of improvements in already marketed medical devices.

FDA believes that the implementation of the final IDE regulation will not discourage medical device research and development in the United States. Even the requirements for clinical studies of significant risk devices do not require significant deviation from current research practices in the scientific community. Because of the changes in the regulation summarized in paragraph 1 above, there should be little, if any, change in the willingness of investigators and IRB's to participate in medical device research and little, if any, reduction in sponsors' incentives to develop devices of limited commercial value or to make improvements in already-marketed devices.

7. A number of comments expressed concern that the reproposal may have a disproportionate impact on small businesses, and these comments imputed a general anticompetitive tendency to the IDE reproposal.

To minimize such effects, FDA's Office of Small Manufacturers Assistance is available to guide small firms through the IDE process or to assist them in preparing the investigational phase of a product development protocol (PDP) under section 515(f) of the act (21 U.S.C. 360e(f)). Moreover, FDA believes that changes made to simplify the IDE regulation will reduce the burden on small business.

8. Several comments questioned the assumptions in FDA's original inflation impact assessment. The original assessment assumed that the average costs for clinical investigations of significant risk devices would be increased by $125,000 over a 3-year period for each of 150 devices already on the market, and it projected an increase of $125,000 a year for 3 years for each of the estimated 10 to 20 new devices developed each year. (The estimated number of new devices each year was derived from the number of annual FDA determinations, in response to premarket notifications under section 510(k) of the act (21 U.S.C. 360(k)) and Subpart E of Part 812 (21 CFR Part 812, Subpart E), that devices described in these notifications were not substantially equivalent to devices in commercial distribution before the amendments, and were therefore in class III (premarket approval) under section 513(f) of the act (21 U.S.C. 360c(f)).) Comments suggested that: (a) The cost impact per investigation would or might be higher than the $125,000 to $375,000 range, and (b) in projecting the number of IDE's, FDA overlooked numerous "limited purpose" studies (for example, studies for minor improvements of existing products and studies establishing labeling information) that would also be affected.

The comments submitted by the device industry did not contain detailed cost analyses or projections of the number of clinical investigations. FDA has concluded that because the cost of the final regulation will fall primarily on clinical testing of new, significant risk devices, the assumptions in the original assessment are correct.

9. One comment suggested that FDA consider the combined cost impact of related regulations, such as those concerning premarket approval and obligations of sponsors and monitors, clinical investigators, and institutional review boards, rather than the separate cost of each regulation.

FDA is sensitive to the issue of cumulative regulatory burden. In developing each of these regulations, FDA has been attentive to the cumulative effects of all of them together. The final IDE regulation reflects an effort to eliminate unnecessary regulatory burdens, and FDA will make similar efforts in preparing the final agency-wide bioresearch monitoring regulations. Detailed evaluation of the cumulative effects of these regulations would not, in any event, affect the general approach of the final IDE regulation because of the need to require compliance with statutory mandates for device investigations.

10. Comments suggested that the inflationary impact assessment should have attempted to estimate benefits as well as cost impacts, and should have included a review of alternative regulatory approaches.

FDA rejects these comments.

These types of analyses would have been required under Executive Order 11821 (superseded by Executive Order 12044 by notice in the **Federal Register** of March 24, 1978 (43 FR 12661)) if a major inflationary impact had been identified. However, no such impact was identified.

Furthermore, FDA believes that the orginal proposal and the reproposal, coupled with its responses to the comments demonstrate that ample consideration has been given to the benefits of the regulation and to all practical options.

11. One comment asserted that the inflation impact assessment failed to evaluate certain long-range unfavorable effects on the competitive structure of the industry and on the rate of new medical device development.

No factual support was submitted to document these concerns. As described above in paragraph 1, the major requirements of the final IDE regulation apply fully only to investigations of new, significant-risk devices. FDA believes that the IDE regulation will not unduly discourage new product development, reduce competition, or adversely affect small business.

Effective Date

12. Several comments suggested extending the effective date of the regulation beyond the 120-day period that was reproposed.

FDA agrees that extending the effective date will provide for a more orderly transition period. To provide sponsors with sufficient lead time to comply with the final rule, this regulation will be effective July 16, 1980.

Sponsors of new investigations and ongoing long-term investigations may wish to submit applications for FDA review before the effective date. FDA will accept and review applications received before the effective date.

General Provisions

Scope

13. Numerous comments on the reproposal questioned whether FDA was seeking to achieve the stated objective of "encouraging the discovery and devlopment os useful devices."

FDA is sensitive to concerns that the IDE reproposal might have discouraged innovation. Accordingly, FDA has altered the final regulation to minimize interference with device development and costs of preparing an IDE application, while retaining provisions essential to subject protection. See paragraphs 1 and 6 above.

14. One comment argued that the regulation should state that a product for which an IDE has been approved will be exempt from section 501 (21 U.S.C. 351), relating to adulteration, and section 518 (21 U.S.C. 360h), relating to notification of risk and repair, replacement or refund, in addition to those sections enumerated in section 520(g) of the act.

FDA disagrees. Section 520(g) of the act does not provide for exemptions from sections 501 and 518, nor is there any reason to grant such exemptions.

Applicability

15. Several comments argued that an IDE should not be required for an investigation to expand medical knowledge or conduct fundamental research.

FDA agrees with these comments insofar as they concern clinical investigations conducted for purposes other than determination of safety or effectiveness. Accordingly, § 812.2(a) (21 CFR 812.2(a)) has been rewritten to provide that the regulation applies only to clinical investigations of medical devices to determine safety and effectiveness. If the expansion of medical knowledge or the conduct of fundamental research involves an investigation to determine the safety or effectiveness of a device, an IDE will be required.

16. One comment suggested that an IDE should not be required if testing of the device occurs within the boundaries of one State. The comment questioned FDA's authority to act if a sponsor's testing activities are solely intrastate.

FDA does not agree with this comment. Neither section 301(q) (21 U.S.C. 331(q)), which prohibits violations of the IDE regulation, nor section 501(i) of the act, which deems a device adulterated if there has been a failure to comply with the IDE regulation, is limited in its applicability to devices that are in interstate commerce. Compare section 301(q) with section 301 (a) through (d), (k), and (o). In addition, section 304(a)(2) of the act (21 U.S.C. 334(a)(2)) authorizes FDA to seize adulterated devices without regard to interstate commerce (*United States* v. *Undetermined Quantities of an Article of Device * * * "Depilatron Epilator,"* 473 F. Supp. 913 (S.D. N.Y. 1979)). Also, section 709a of the act (21 U.S.C. 379a) provides that interstate commerce is presumed to exist in any action to enforce the requirements of the act concerning a device. Finally, *United States* v. *Dianovin Pharmaceuticals,* 475 F.2d 100 (1st Cir. 1973), and *United States* v. *Pinocchio Brand Oil,* 289 F.2d 343 (2d Cir. 1961), hold that the necessary connection with interstate commerce exists if any component of the product was shipped from outside a State.

17. Numerous comments suggested that FDA limit the applicability of the regulation, for example by basing applicability on the degree of risk, or the incremental risk, presented to subjects by use of the device. One comment offered an alternative regulatory scheme under which FDA review would be related to the risk of the clinical investigation and the extent of IRB oversight.

FDA agrees with many of the suggestions set forth in these comments and has incorporated them in the final regulation. The final regulation varies the amount of regulatory control, depending on the degree of risk to the subject.

Investigations of significant risk devices are subject to detailed regulatory control and require IRB and FDA approval. A sponsor of such an investigation must submit an investigational plan and report of prior investigations to an IRB and an IDE application to FDA.

Less regulatory control is exercised over investigations of nonsignificant risk devices. Nonsignificant risk devices include a miscellany of articles such as crutches, elastic knee braces, bedboards, bedpans, medical chairs, and tongue depressors, as ordinarily used.

A sponsor of a nonsignificant risk device investigation who meets the conditions set forth in § 812.2(b)(1) is considered to have an approved exemption, without actually having to submit an application, unless notified under § 812.20(a) (21 CFR 812.20(a)) that approval of an application is required.

Section 520(g)(2)(A) of the act authorizes FDA to establish conditions for the granting of IDE's. Section 520(g)(2)(B)(i) provides that one of the conditions shall be "[a] requirement that an application be submitted to the Secretary before an exemption may be granted and that the application be submitted in such form and manner as the Secretary shall specify."

FDA believes that the provisions in the final IDE regulation concening investigations of devices that do not present a significant risk satisfy this statutory requirement. Under § 812.2(b)(1)(ii), the sponsor must obtain an IRB's approval of an investigation of such a device. Thus, the IRB serves as the surrogate for the Secretary with respect to the receipt and approval of the application. The IRB functions in this capacity under regulations issued by FDA. Moreover, under § 812.2(b)(1)(ii) the sponsor of a nonsignificant risk device investigation is required to explain why the device is not a significant risk device, both in its application to the IRB for approval and in records kept for FDA inspections. In addition, the sponsor of a nonsignificant risk device investigation is required to submit to FDA reports of unanticipated adverse effects, withdrawals of IRB approval, recall requests, failures to obtain informed consent, and, upon request, any additional material that FDA may need to assure the protection of the public health and safety and compliance with the act, applicable regulations, and ethical standards. Thus the sponsor's initial decision about the level of risk is subject to review in all cases by the IRB, and FDA may audit both the sponsor's decision and the IRB's review. In § 812.20(a)(1), FDA has retained the option of requiring submission and FDA approval of an IDE application for a nonsignificant risk device investigation. Furthermore, an IDE for a nonsignificant risk device may be withdrawn under the same procedures that apply to IDE's for significant risk devices.

This system of review carries out the purpose of section 520(g)(2)(B) in accordance with the overriding congressional policy set forth in section 520(g)(1) "to encourage, to the extent consistent with the protection of the public health and safety and with ethical standards, the discovery and development of useful devices intended for human use and to that end to maintain optimum freedom for scientific investigators in their pursuit of that purpose." The regulation's distinction between significant and nonsignificant risk devices is consistent with this policy and carries out the policy of Executive Order 12044, which provides that regulations shall not impose unnecessary burdens on the economy or private organizations.

Mistakes by sponsors in applying the distinction are likely to be relatively rare. Any mistakes should be detected by the IRB's that are required to review and approve device investigations. IRB's are likely to give investigations of nonsignificant risk devices at least as much attention as could FDA if FDA were to require that applications for IDE's for nonsignificant risk devices be submitted to it. Whereas FDA would be faced with numerous applications, each IRB will review relatively few. To help IRB's carry out their responsibilities for nonsignificant risk device investigations, FDA is requiring investigators to send reviewing IRB's reports of unanticipated adverse device effects, failures to obtain informed consent, and other information about an investigation if requested by an IRB. Sponsors must report to reviewing IRB's concerning evaluation of unanticipated adverse effects, withdrawal of approval by another IRB or FDA, progress of the investigation, recall requests, and other information about an investigation if requested by an IRB, as well as final report. If an IRB determines that an investigation involves a significant risk device, the sponsor must report this determination to FDA, submit an IDE application to FDA, and not begin the investigation except as provided in § 812.30.

By dispensing with the sumbission to FDA of applications concerning nonsignificant risk devices, the regulatory system will avoid an unnecessary and costly paperwork burden on sponsors, an excessive processing burden on FDA, and delays in approval, without sacrificing protection of human subjects. FDA has concluded that the protection of human subjects is not fostered by requiring a sponsor to submit an application to FDA for approval before commencing an investigation of a nonsignificant risk device. Protection of the public health and safety and the application of community-based ethical standards are adequately assured by the role of IRB's in reviewing such investigations.

Moreover, the statutory language must be interpreted and implemented in light of common sense and available resources. Little or no public benefit would result from the submission to FDA and FDA review of a large volume of applications, the vast majority of which could not possibly present and significant risk to subjects. Moreover, FDA simply does not have, and for the foreseeable future is not likely to have, the resources that would be needed to conduct detailed reviews of all investigations of both significant and nonsignificant risk devices. An investment of tax dollars and Federal personnel for stringent regulation of nonsignificant risk device investigations is not needed to achieve the objectives of subject protection, and this investment would be wasteful. An attempt by FDA to review all such investigations would dilute the quality of the review of investigations of significant risk devices and would divert resources from more important medical device regulatory activities. The practical result would be both to reduce public protection and to delay unduly the development of useful devices.

Exempted Investigations

18. Devices described in § 812.2(c) that are not subject to Part 812 are still subject to other regulatory requirements of the act, for example, those concerning labeling, premarket approval of class III devices, and the good manufacturing practice regulation in Part 820 (21 CFR Part 820).

19. Several comments argued that IDE's should be required only for investigations of class III devices.

Under § 812.2 of the final regulation, IDE's will generally not be required for devices other than class III devices.

20. Several comments suggested making the regulation applicable only to studies initiated after the effective date of the regulation.

FDA rejects these comments. FDA believes that exempting all ongoing investigations would not provide adequate protection of the public health and safety or assurance of compliance with ethical standards. Section 812.2(b)(2) exempts only those investigations that were begun before the effective date and that are completed on or before 1 year after the date of publication of the regulation. Investigations that will continue for more than 1 year from now will be continuing for a substantial period after the effective date and should be subject to these regulations, just as newly started investigations will be. FDA regards present investigations that will end less than 1 year from now as not continuing for a substantial period. As to these investigations, the burdens of requiring compliance with Part 812 outweigh the benefits.

Among the requirements that apply to sponsors of present investigations that are ongoing after 1 year is the requirement that informed consent in accordance with Subpart F be obtained from all subjects still participating in the study, as well as any new subjects.

21. Many comments suggested that preamendments devices, that is, devices in commercial distribution before May 28, 1976, be grandfathered and not subject to the regulation if used or investigated in accordance with labeling in effect at that time.

FDA agrees, in part, with these comments. Accordingly, § 812.2(c)(1) (21 CFR 812.2(c)(1)) now provides that the IDE regulation does not apply to a device in commercial distribution before May 28, 1976, if used or investigated in accordance with indications in the labeling in effect at that time, unless the device is a transitional device as defined in § 812.3(r) (21 CFR 812.3(r)). Section 812.2(c)(2) (21 CFR 812.2(c)(2)) contains a similar provision for postamendments devices other than transitional devices that are substantially equivalent to preamendments devices and that are used or investigated in accordance with the indications in the labeling FDA reviewed in determining substantial equivalence. FDA determines substantial equivalence when it reviews premarket notification submissions under section 510(k) of the act and Subpart E of Part 807 of the regulations (21 CFR Part 807, Subpart E).

However, § 812.2(d) provides a time limit on the exemptions in § 812.2(c) (1) and (2). A class III device exempted under § 812.2(c) (1) or (2) is subject to the IDE regulation after FDA calls for the submission of an application for premarket approval by regulation under section 515(b) of the act, if the sponsor does not submit an application or if FDA disapproves an application that the sponsor submitted. A sponsor of such a device shall obtain an approved IDE for further testing of the device or cease distribution of the device. Similarly, the IDE regulation applies to a class II device that was in commercial distribution with the same labeling immediately before May 28, 1976, or to a substantially equivalent postamendments device, after the date stipulated in an applicable performance standard that the device does not meet. A preamendments device, or a postamendments, substantially equivalent device, that is classified into class I will never need premarket approval or a standard or, consequently, an IDE.

Because of § 812.2(c) (1) and (2), the IDE regulation will apply initially only to investigations of two categories of devices: first, new devices that are not substantially equivalent to preamendments devices and, second, transitional devices, that is, devices that FDA considered new drugs or antibiotic drugs before the amendments. Sections 513(f) and 520(1) of the act classify new devices and transitional devices into class III, and section 501(f)(1) (B) and (C)

deems these devices adulterated if the sponsor has obtained neither premarket approval under section 515 of the act nor an approved IDE.

The IDE regulation thus will not apply to any preamendments device (or postamendments, substantially equivalent device) other than a transitional device until after passage of the temporary grace period from premarket approval that section 501(f)(2)(B) grants such devices. Under this provision, such a device is not required to have premarket approval under section 515 until the later of the following dates: (1) the last day of the 30th calendar month beginning after the month in which the classification into class III became effective, or (2) the 90th day after the promulgation of a regulation under section 515(b) of the act calling for submission of premarket approval applications for the device. Section 501(f)(2)(B) enables preamendments devices (or postamendments, substantially equivalent devices) that are not transitional devices to be commercially distributed until expiration of the grace period prescribed therein.

FDA has concluded that Congress intended that any preamendments device (and any postamentments, substantially equivalent device) other than a transitional device be exempt from the IDE regulation until expiration of the temporary grace period in section 501(f)(2)(B) for a class II device, or until the effective date of an applicable standard for a class II device. This conclusion is based on several provisions of the act, discussed below. (The discussion in the remainder of this numbered paragraph does not apply to transitional devices.)

There is no statutory duty to obtain an IDE unless use of a device for investigational purposes would violate an otherwise applicable section of the act listed in section 520(g)(2)(A), that is, section 502, 510, 514, 515, 516, 519, 520 (e) or (f), or 706 (21 U.S.C. 352, 360, 360d, 360e, 360f, 360i, 360j, or 376). If a sponsor may lawfully distribute a device for commercial purposes without violating one or more of these sections, the sponsor should not have to obtain an IDE to distribute the device lawfully for investigational purposes. FDA interprets the act to mean that the sponsor of a preamendments class III device (or postamendments, substantially equivalent device) with the labeling then in effect (or the labeling that was reviewed by FDA in determining substantial equivalence) does not need an IDE to continue shipping the device until after expiration of the grace period from premarket approval of 30 months or longer. Similarly, the sponsor of a class II device of a type marketed before the amendments with the same or equivalent labeling does not need an IDE until an applicable performance standard that the device does not meet becomes effective.

The original IDE proposal and reproposal would have applied to investigations of preamendments devices and postamendments, substantially equivalent devices, on the theory that a device would not be the subject of an investigation unless it needed an exemption from one of the provisions of the act listed in section 520(g)(2)(A), usually from the misbranding provisions in section 502. FDA has concluded that this theory does not support application of the IDE regulation to a preamendments device during the statutory grace period if that device is being used or investigated under the labeling used immediately before the amendments. Nor does the theory support application of the regulation to a postamendments device that FDA has determined to be substantially equivalent to a device in commercial distribution immediately before the amendments and that is used or investigated in accordance with the indications in the labeling FDA reviewed in determining substantial equivalence.

Supporting FDA's conclusion that, during the grace period from the requirement of premarket approval, Congress did not intend to require investigations of preamendments class III devices (or postamendments, substantially equivalent devices) to be subject to the IDE regulation is the absence of a provision in section 501 of the act, the adulteration provisions, addressing the legality of these investigations before the effective date of the IDE regulation.

As explained above, it is a premise of the IDE provisions in section 520(g) of the act that an IDE is required only if use of a device for investigational purposes would violate an otherwise applicable provision of the act listed in that section. If the investigational use of preamendments class III devices (or postamendments, substantially equivalent devices) were intended to be subject to section 520(g), then any investigational use of these devices before the effective date of the IDE regulation would be illegal, absent a special statutory exemption. Congress knew that sponsors of these devices would need to conduct studies during the time preceding the imposition of premarket approval requirements for their devices; indeed, the very purpose of the statutory grace period was to allow sponsors to develop the data and conduct the studies needed to support approval. See H.R. Rep. No. 95–853, 94th Cong., 2d Sess. 42 (1976). Congress also knew that FDA had begun preliminary device classification efforts before enactment of the amendments. *Id.* at 11, 39; S. Rep. No. 94–33, 94th Cong., 1st Sess. 10–11. These efforts included identification of devices that would likely be classified into class III, the premarket approval category, often because of the lack of adequate testing. It is improbable that Congress meant for sponsors to await the effective date of the IDE regulation before beginning investigations of devices that likely would be classified into class III.

In sum, Congress surely would have written the amendments so as to allow investigations of preamendments devices or their postamendments equivalents to continue, or to be initiated, during the period between the enactment date of the amendments and the effective date of the IDE regulation If it was intended that these investigations would eventually be subject to the IDE regulation, there would have been a provision for their temporary dispensation from illegality until the effective date of the regulation. Such a provision was included to permit investigations of postenactment, not substantially equivalent devices: section 501(f)(2)(A) allows these devices to be distributed solely for investigational use until 90 days after the promulgation of the IDE regulation.

Yet Congress did not include a provision for investigations of preamendments devices or postamendments, substantially equivalent devices before the effective date of the IDE regulation. The absence of such a provision, considered in light of the expectation expressed in the House committee report that such investigations would occur, supports FDA's conclusion that Congress did not intend for investigations of preamendments devices or their postamendments equivalents to be subject to the IDE regulation during the statutory grace period from the requirement of premarket approval.

The provision for commercial distribution of preamendments class III devices (and postamendments, substantially equivalent devices) during a 30-month or longer grace period also supports the position that investigations of these devices during this period were not intended to be subject to the IDE regulation. It would be anomalous to interpret one provision of the act

(section 520(g)) as requiring strict safeguards for investigations of these devices when another provision of the same statute (section 501(f)(2)(B)) clearly allows the same device to be distributed commercially during the grace period with preamendments indications in the labeling, subject only to the general controls of the act. Commercial distribution of the device would generally expose many more patients to a device, and to its potential risks, than would its distribution for investigational use. Furthermore, a sponsor of a preamendments device (or a postamendments, substantially equivalent device) that may lawfully be commercially distributed should comply with the general controls provisions of the act, including the provisions from which an IDE would grant an exception, when distributing the device for investigational use. Finally, FDA would encounter enforcement difficulties in applying the usual prohibition against commercialization of an investigational article to a device that is simultaneously being investigated and lawfully marketed.

The IDE regulation generally applies, however, if a sponsor of a preamendments device (or a postamendments, substantially equivalent device) seeks to test the safety and effectiveness of the device for a new use, that is, an indication not contained in the labeling immediately before May 28, 1976, or not reviewed by FDA in making its substantial equivalence determination under section 510(k) of the act. In such a case, the sponsor must have an IDE under § 812.2(b)(1), for a nonsignificant risk device, or under § 812.30, for a significant risk device. If the device that the sponsor wants to test for a new use is a diagnostic device, the investigation may be exempt from the IDE regulation under § 812.2(c)(3) and subject only to § 809.10(c).

22. Comments on the reproposal argued that the exemption for diagnostic devices should be extended to devices that do not introduce potentially harmful amounts of energy into the body.

FDA rejects these comments because often there is no way to specify an acceptable or safe amount of energy. Investigations of diagnostic devices meeting the conditions set forth in § 812.2(c)(3) of the final regulation are not required to be subject to the IDE regulation. Such investigations either do not truly involve human subjects or present risks so small as to be negligible, or present no risk at all. Consequently, the policy set forth in section 520(g)(1) of the act does not require regulation of investigations of such devices. Even investigational diagnostic products for life-threatening conditions would, if they meet the conditions of § 812.2(c)(3), not present significant risk. Investigations of diagnostic products for life-threatening conditions would, however, present risk and be subject to the regulation if the conditions of § 812.2(c)(3) are not satisfied; for example, if a diagnostic product were used as the basis for diagnosis without confirmation. For example, investigations of the alpha fetoprotein test for prenatal diagnosis of neural tube defects using maternal sera or amniotic fluid will be subject to the IDE regulation and regarded as investigations of a significant risk device.

Devices that are designed to emit energy are subject to this regulation because FDA has determined that there is no way to specify an acceptable or safe limit of energy. However, devices such as investigational electrocardiographs and electroencephalographs that are not intended to introduce energy into the body but do so only from leakage are not subject to the final IDE regulation if the sponsor meets the other conditions of § 812.2(c)(3).

23. One comment argued that the reproposal exempted investigational electrocardiographs and electroencephalographs from IDE control. The comment expressed the view that such devices are "life-supporting" or "life-sustaining" and that the testing of such devices should not escape FDA and IRB scrutiny.

FDA rejects this comment. For the reasons set forth in the preceding paragraph, FDA believes that investigations of devices that meet the conditions of § 812.2(c)(3) should not be subject to the regulation. These investigations do not present a significant risk to the health, safety, or welfare of a subject when the results are confirmed by another, medically established product or procedure.

24. Comments argued that the exemption for diagnostic devices in the reproposal should be expanded to encompass both use of surplus samples that remain from previously obtained samples and low-risk venipuncture.

FDA agrees with the comments. FDA believes that an investigation of an in vitro diagnostic device should not be subject to the IDE regulation if the test uses a previously obtained surplus sample that was taken for noninvestigational purposes and if the results are not used for diagnosis without confirmation. If these conditions are met, it does not matter whether the sample was taken by simple venipuncture or another method, for example, a spinal tap. In either case, no IDE is required. There is no reason to waste surplus samples or to expose subjects to the added risks of obtaining new samples when surplus samples are available.

FDA also believes that sampling procedures for experimental tests and procedures employing simple venipuncture should not be subject to IDE control. This procedure is routine in nature, and the risk involved is negligible. FDA has included provisions in the definition of "noninvasive" in § 812.3(k) that implement the policy described in this paragraph.

25. Several comments suggested amending the reproposal to exclude from the IDE regulation's applicability the testing of a combination of more than two lawfully marketed devices, if no safety or effectiveness testing is involved.

FDA agrees with these comments. Section 812.2(c)(4) of the final regulation permits testing, without IDE controls, of a combination of two or more lawfully marketed devices, if the testing is not for the purpose of determining safety or effectiveness.

26. Section 812.2(c)(6) provides that a device shipped solely for research on or with laboratory animals is not subject to this regulation if labeled in accordance with § 812.5(c) (21 CFR 812.5(c)). No purpose of section 520(g) of the act would be served by subjecting such a device to other requirements of the regulations. Some nonclinical investigations of devices are, however, subject to the good laboratory practices regulation in Part 58 (21 CFR Part 58). Section 812.5(c) enumerates requirements that previously were proposed under Subpart H—Tests That Do Not Involve Human Subjects, and it condenses these requirements into a single paragraph.

27. Section 812.2(c)(7) provides that a "custom device" as defined in § 812.3(b) is not subject to the IDE regulation unless the device is being used to determine safety and effectiveness for commercial distribution. Section 520(b) of the act exempts custom devices from the requirements of section 514 (performance standards) and section 515 (premarket approval). An FDA regulation (21 CFR 807.56(a)) exempts custom devices from premarket notification under section 510(k) of the act. Because it is not subject to these requirements, a custom device as defined in § 812.3(b) does not need an exemption from these requirements to be shipped or used. If, however, a custom device is used by a practitioner

to conduct what amounts to a clinical investigation to determine safety or effectiveness of a device for commercial distribution, an IDE is required. Furthermore, custom devices are subject to other provisions of the act, except sections 510(k), 514 and 515, and are thus subject to FDA regulatory action in the event of a violation.

28. Numerous comments were received on reproposed § 812.2(d) concerning custom devices. One comment argued that a provision stating that FDA has discretion to determine whether the specific use of a custom device is subject to the IDE regulation exceeds FDA's statutory authority.

FDA rejects the comments. FDA has authority to determine that a custom device is not exempt from the regulation if the device's special regulatory status is being abused, for example, when a device that purportedly is a custom device is in fact being used for investigational purposes. Under § 812.2(c)(7) FDA retains the discretion to determine whether the use of a custom device is an investigation of safety or effectiveness for commercial distribution and is subject to regulation under Part 812. FDA believes that this provision is consistent with the congressional intent expressed in section 520(g)(3) that FDA regulate "testing involving human subjects." See also H.R. Rep. No. 94–853, 94th Cong., 2d Sess. (1976). The report states at p. 45 that "[custom] devices are not exempt from otherwise applicable provisions of the proposed legislation, such as provisions with respect to investigational use * * *."

29. Another comment argued that FDA does not have authority to exclude custom devices from the IDE regulation. The comment argued that the omission from section 520(b) of the act of any reference to section 520(g) is a clear sign that FDA has no authority to treat custom devices as it proposed to do under the reproposal. The comment also argued that section 520(g) itself requires that custom devices be subject to the IDE regulation.

FDA rejects the comment. The agency interpreted section 520 (b) and (g) of the act and the legislative history quoted in paragraph 27 above. Although it is true that section 520(b) of the act does not include investigational device controls under section 520(g) of the act as one of the enumerated provisions from which custom devices are exempted, it is also true that section 520(g) only applies to a device that needs to have an exemption from one of the enumerated requirements in order to be lawfully shipped or used. Critical among the enumerated requirements from which investigational devices are exempt are sections 514 and 515 of the act concerning performance standards and premarket approval. Because section 520(b) already exempts custom devices from these two sections, there is no need for custom devices to be subject to approved IDE's unless their safety or effectiveness is being investigated for commercial distribution. Custom devices are, however, subject to the remaining requirements enumerated in section 520(g) from which investigational devices are exempt, as well as other device provisions of the act.

The sentence in the House Committee Report quoted in paragraph 28 above means that an investigation of a custom device to determine its safety and effectiveness for commercial distribution is subject to the IDE regulation. If a custom device is used for a therapeutic purpose for an individual patient, however, and not for the purpose of determining safety or effectiveness for commercial distribution, the evident congressional purpose reflected in section 520(b) of the act warrants that it not be subject to the IDE regulation.

30. The same comment argued that section 519 of the act with respect to records and reports on devices also requires that custom devices be subject to the regulation.

FDA rejects the comment. Nothing in section 519 requires that the IDE regulation apply to use of a custom device that does not involve determination of safety or effectiveness for commercial distribution. Records and reports requirements for investigational devices are imposed under authority of section 520(g)(2)(B) (ii) and (iii), not under authority of section 519 of the act. It is clear both from section 519(b)(2) and from section 520(g)(2)(A) that the two authorities for records and reports requirements are intended to be mutually exclusive.

31. A comment asked who determines that a custom device is exempt from the regulation.

This determination is made initially by the physician or dentist, but may be overruled by a manufacturer requested to provide a custom device, an IRB that, under institutional policies, reviews use of custom devices at the institution notwithstanding their exemption from the IDE regulation, or by FDA upon determining whether a custom device is being used to determine safety or effectiveness for commercial distribution.

32. A comment asked whether components of custom devices are subject to the IDE regulation.

Components of a custom device are not subject to Part 812 if they are "integrated" into the custom device, that is, they are being used as parts of the custom device and not as separate and independent devices. If components of a custom device are used as separate and independent devices, the applicability to them of the IDE regulation is to be determined under other provisions of § 812.2.

33. A comment argued that FDA's exempting custom devices sanctions engineering judgments by health professionals.

FDA acknowledges that in certain instances the customizing of a marketed device or design of a custom device by a health professional does involve engineering judgments. FDA believes that section 520(b) of the act reflects a congressional intent to permit health professionals to make such judgments in the course of their professional practices, so long as they do not conduct investigations of safety or effectiveness for commercial distribution.

Effect on Intraocular Lens (IOL) Investigations

34. The preamble to FDA's regulations on IOL investigational device exemptions, published in the **Federal Register** of November 11, 1977 (42 FR 58876) and codified in Part 813 of the regulations, stated that Part 813 would be repealed when the IDE regulation is made final. Owing to the delay in development of the final IDE regulation and the advanced state of IOL investigations under Part 813, FDA has concluded that repeal of Part 813 is not warranted. Sponsors, investigators, IRB's, and FDA are thoroughly familiar with Part 813. A change in ground rules at this stage would serve no useful purpose. Moreover, subjecting IOL investigations to new Part 812 rather than to Part 813 would not afford greater subject protection than now exists and could disrupt ongoing investigations. For these reasons, § 812.2(c)(8) provides that Part 812 will not apply to ongoing or newly started IOL investigations.

Effect on Investigations Under IND's

35. On its own initiative, FDA has added § 812.2(e), which discusses the effect of the IDE regulation on sponsors having effective IND's under Part 312 for investigations of devices that FDA previously considered drugs on the effective date of the IDE regulation. Section 812.2(e) requires such a sponsor to continue to comply with the requirements of Part 312 until 90 days after the effective date. To initiate or continue an investigation after this 90-

day period, a sponsor must have an approved IDE.

A sponsor who has an effective IND for an investigation of a device and wishes to obtain an IDE to continue that investigation after the 90-day period should inform the Bureau of Medical Devices, FDA, by letter of the IND number and the phases of the investigation that have been completed (Phases I, II, or III). Such letters should be submitted as soon as possible to avoid disruption of ongoing studies. The Bureau will inform the sponsor whether the investigation may continue and what conditions will apply. For example, if FDA determines that the protocol and other procedures being followed under Part 312 satisfy the requirements of Part 812, FDA may consider the investigation to have an approved IDE and may allow it to continue without changes.

Sponsors of investigational transitional devices subject to Part 812 that do not have an effective IND before the effective date of this regulation will have to obtain an IDE. (See § 812.3(r) of the regulation for a definition of "transitional device.")

Investigations of transitional devices that are significant risk devices are subject to all requirements of Part 812. Investigations of transitional devices that are not significant risk devices must comply only with § 812.2(b)(1) unless FDA informs the sponsor under § 812.20(a) that submission of an application is necessary.

36. Numerous comments were received on the definitions in the reproposal. Many comments stated that certain definitions lacked clarity and were not helpful. Some comments submitted alternative definitions that would have changed the effect of the applicability section. The latter comments have been discussed elsewhere in this preamble.

As indicated below, FDA has responded to many of these comments. FDA on its own initiative has deleted the definitions of "investigational plan" and "institutionalized subject" because they are unnecessary.

37. FDA on its own initiative has redefined "custom device" in § 812.3(b). The term "physician or dentist" has been substituted for the term "health professional" to be consistent with section 520(b) of the act. Although section 520(b) authorizes FDA, after opportunity for an oral hearing, to issue regulations allowing specially qualified individuals other than physicians or dentists to obtain and use custom devices, no such regulations have been issued. Thus, at this time, only physicians and dentists qualify for the custom device exemption in the act and the IDE regulation.

38. One comment argued that FDA's definition of "custom device" went beyond the statutory intent, and that the examples given were not well thought out and should be deleted.

FDA agrees that the definition of "custom device" should more closely follow the statute. FDA has deleted the requirement that if a custom device is an implant it must be made of "safe and suitable" materials, in response to comment that this provision was vague and unworkable. FDA believes that the examples of custom devices discussed in the reproposal, however, still provide useful guidance on FDA's interpretation of the effect of the act on custom devices.

39. Some comments suggested including psychologists or microbiologists as individuals who could order custom devices. Other comments sought to retain the term "health professional" but to expand its scope beyond physicians and dentists.

FDA rejects these comments because there currently are in effect no regulations under section 520(b) of the act concerning the use of custom devices by individuals other than physicians and dentists. A proceeding for the issuance of such a regulation may be initiated by a citizen petition filed under § 10.30 (21 CFR 10.30) or by FDA on its own initiative.

40. On its own initiative, FDA has added a definition of "implant." The definition is consistent with the definition in FDA's classification regulation at § 860.3(d) (21 CFR 860.3(d)). Section 812.3(d) defines "implant" as a device that is placed into a surgically or naturally formed cavity of the human body if it is intended to remain there for a period of 30 days or more. FDA reserves the right to determine that implants placed in patients for shorter periods are also "implants" for purposes of Part 812.

41. One comment suggested that the definition of "institution" in reproposed § 812.3(b) (now § 812.3(e)) be modified to include a clinic or practitioner's office in order to permit clinical investigations to be carried on by sole practitioners.

FDA disagrees with the comment. Including a clinic or practitioner's office within the definition does not reflect accurately the common or ordinary meaning of the term. However, excluding clinics and practitioners' offices from the definition does not, in most cases, preclude sole practitioners from being investigators. If an investigator's work cannot be reviewed by a duly constituted IRB, for example an IRB at an institution in the same locality, the sponsor is required to submit the application, investigational plan, and report of prior investigations directly to FDA in accordance with section 520(g)(3)(A)(ii) of the act. In some cases, however FDA may believe that review by a local IRB is critical to the protection of the rights, safety, and welfare of subjects and will refuse to authorize conduct of an investigation without IRB review.

42. One comment argued that "institution" should not include a manufacturer because a manufacturer should not be required to create an in-house IRB.

FDA disagrees. A manufacturer must be subject to the requirements of institutional review if an investigation is carried out on the manufacturer's premises, for example, using employees as subjects of the investigation. Employees are entitled to the same protections, including IRB review, as other subjects.

43. FDA has shortened and modified the definition of "investigational device" in § 812.3(g). The term includes transitional devices as defined in ne. § 812.3(r).

44. A comment suggested that FDA permit qualified medical personnel to administer or dispense the device in the absence of, but under the direction of, the primary investigator.

FDA does not believe the definition of "investigator" prohibits this practice. No change has been made in the definition.

45. The term "noninvasive" as defined in § 812.3(k) includes devices that penetrate or pierce the nose, ear, or eye. The definition has been clarified to mean intentional penetration or piercing. If misused, virtually any device might penetrate or pierce the body. Only those devices deliberately designed or intentionally used to penetrate or pierce are considered invasive.

46. Comments objected to the reproposed definitions of "substantial risk," "low risk," "vital device," and "nonvital device." Some comments argued that the definitions were too subjective and obscured the issue of risk.

FDA agrees with the comments and has replaced the categories used in the reproposal in favor of a simpler distinction between "significant risk devices" and devices that are not significant risk devices ("nonsignificant risk devices").

Under the definition of "significant risk device" in § 812.3(m), most but not all implants would be treated as significant risk devices. However, certain implants, such as many dental amalgams, would not be significant risk devices because they would not present

a serious risk to the health, safety, or welfare of a subject. On the other hand, sponsors of clinical investigations involving investigational contraceptive devices, for example, diaphragms, must submit an IDE application. Although many of these devices are not implants, FDA has determined that investigational contraceptive devices are for a use of substantial importance in preventing impairment of human health and present a potential for serious risk to the health, safety, or welfare of a subject in the event of an unplanned pregnancy.

Sponsors are encouraged to contact FDA informally for guidance on whether an IDE application is required for the investigation of a specific device.

47. Several definitions in § 812.3, for example the definition of "subject" in § 812.3(p), differ slightly from the definitions found in proposed FDA bioresearch monitoring regulations. No differences in meaning are intended, and the minor wording differences will be eliminated when the agency publishes the other regulations.

48. FDA, on its own initiative, has added a definition of "termination" in § 812.3(q). The term includes all conditions under which, and reasons for which, a sponsor would stop a clinical investigation before its completion.

49. FDA, on its own initiative, has added a definition of "transitional device" in § 812.3(r). It replaces the term "transitional period," which appeared in the reproposal at § 812.3(p).

50. FDA has added a definition of "unanticipated adverse device effect," in § 812.3(s). The term has the same meaning as "serious adverse effect," which appeared in reproposed § 812.46(c)(1) (21 CFR 812.46(c)(1)).

Labeling of Investigational Devices

51. Comments on reproposed § 812.5 argued that the labeling requirements of this section duplicated those in proposed Subpart H.

FDA agrees with these comments and has deleted Subpart H from the final regulation. For ease of reference, labeling requirements have been consolidated in § 812.5.

52. Comments questioned whether compliance with § 812.5 would relieve a sponsor from an obligation to comply with § 809.10(c), which requires special labeling for investigational in vitro diagnostic devices, and notifications to FDA of shipment of such devices.

FDA has concluded that the sponsor of an investigation of a diagnostic device that meets the conditions of § 812.2(c)(3) for exemption from the IDE regulation should continue to comply with § 809.10(c). The sponsor of an investigation of a diagnostic device that is subject to Part 812 does not have to comply with § 809.10(c). In response to the comments, FDA is publishing a conforming amendment to § 809.10(c) to clarify the relationship between that provision and Part 812. This amendment also eliminates the provision in § 809.10(c)(4) requiring compliance with the drug listing regulations in § 207.25 (21 CFR 207.25) when the sponsor of an investigation of an in vitro diagnostic device initiates commercial distribution. Section 809.10(c)(4) is obsolete and is inconsistent with the premarket notification requirements for devices under section 510(k) of the act and Subpart E of Part 807.

Promotion of Investigational Devices

53. Section 812.7(a) prohibits sponsors, investigators, and their agents from promoting or test marketing an investigational device until the device has been approved for commercial distribution. This section ensures that investigational devices are not advertised before their claims are established, helps prevent such devices from being distributed too widely, and prevents an IDE from serving as a subterfuge for unapproved marketing. Test marketing of a device, which is prohibited, differs from consumer preference testing of a device, which is authorized. Test marketing involves sale of a device. Consumer preference testing involves tests to determine whether consumers prefer certain packaging or other features of a device unrelated to its safety or effectiveness, but does not involve its sale. Consumer preference testing may involve use of a device so long as the use does not involve testing of safety or effectiveness or put subjects at risk.

54. Comments objected to provisions of the reproposal that prohibited sponsors from charging for the device in certain cases. Comments also objected to provisions that authorized FDA to determine whether a charge for the device is reasonable. Comments argued that FDA has no expertise in determining reasonable costs.

FDA recognizes that practical problems may be encountered in administering this provision, but believes that special expertise is not required to determine whether charges are excessive. Many devices, unlike most drugs, are expensive to manufacture, and it is unrealistic to prohibit a sponsor from recovering costs. It is a well-established ethical principle, however, that no profit should be made on experimental drugs or devices. Accordingly, § 812.7(b) prohibits charging for the device a price larger than that needed to recover manufacturing, research, development, and handling costs. FDA has deleted as unnecessary the provision in the original proposal for FDA to determine whether charges are unreasonable. FDA will make the determinations necessary to enforce § 812.7(b).

Waivers

55. Comments on reproposed § 812.10 objected to requiring submission of a citizen petition to obtain a waiver. Several comments argued that the procedure was unduly cumbersome and time consuming and required unnecessary paperwork. Other comments stated that, because a citizen's petition is subject to public disclosure, the confidentiality of the original IDE application would be compromised.

FDA agrees with these comments. Modified § 812.10 permits sponsors to request waivers by letter.

56. A comment suggested that the regulation specify those requirements of section 520(g) that are not subject to waiver. The comment also suggested that § 812.10 be revised to state that no waiver may be granted that could expose any human subject to undue risk of harm.

FDA has revised § 812.10(b) to clarify that FDA may waive only a requirement that FDA finds is not required by the act. FDA also agrees that no waiver should be granted that could result in harm to subjects, and has further revised the section to clarify that only requirements that FDA finds are unnecessary to protect the rights, safety, or welfare of human subjects may be waived.

57. Other comments suggested that FDA respond to a waiver request within a specified time, preferably within 30 days.

FDA rejects these comments. Waiver requests may range from a simple, one-time variation to very complex matters presenting difficult issues. Due to this variation, FDA concludes that a specified time frame is inappropriate. FDA intends to evaluate quickly all requests for waivers.

Import and Export Requirements

58. Section 812.18 (21 CFR 812.18) of the final regulation has been simplified without substantive change. Some comments suggested that § 812.18(b) repeated the statute; others argued that the provisions of § 812.18(b) did not comply with the statute. Some comments suggested the statute itself is unconstitutional with respect to exported devices.

FDA has modified § 812.18(b) to require an exporter to "obtain FDA's

prior approval, as required by section 801(d) of the act." This modification eliminates any question of deviation from the statutory requirements. The requirements that were described in the original proposal and the reproposal have been deleted because FDA believes that the statute provides sufficient guidance to exporters. The preamble to the reproposal discussed the constitutionality of the export provisions of the statute.

59. A comment objected to the deletion of the requirement in the original proposal that the exporter have, or assure that another person has, complied with the requirements on submittal of an application and on the responsibilities of sponsors. The comment further objected that the reproposal did not require the agency to find that human subjects would not be exposed to undue risks and that the foreign country has adequate mechanisms to control use of the device after export.

FDA did not include these requirements in the reproposal and has not included them in the final regulation because FDA concluded that literal application of these requirements in all cases would be unduly burdensome, would present enforcement difficulties, and was not required by section 801(d) of the act (21 U.S.C. 381(d)). FDA concluded that the statute itself affords adequate protection to subjects of investigations conducted in foreign countries. Under section 801(d), sponsors may obtain FDA's permission to export an investigational device by writing to FDA's Bureau of Medical Devices a letter enclosing a copy of the foreign government's approval of importation of the device. After verifying the approval, if necessary, and determining that the exportation of the device is not contrary to the public health and safety, the Bureau will approve and export request. When necessary for the protection of the public health and safety, the Bureau may, in selected cases, require the exporter to submit an application and comply with the responsibilities of sponsors or assure that another person complies with these requirements.

60. A comment suggested that FDA respond to export requests within a specified time.

FDA rejects the comment. A time limit is not required by the law. Requests may vary from the simple to the complex. Specified time frames for action on export requests are not practical because it sometimes is difficult to verify approvals from foreign countries. All requests will be processed as quickly as circumstances permit.

Application and Administrative Action Notification Procedure

61. A number of comments objected to proposed §§ 812.20 and 812.21 because the notification permitted for certain studies required most of the information that is required in a full application for substantial risk, vital device studies. Comments argued that the definition of "vital device" did not provide adequate guidance to determine whether to submit a notification or an application. Some comments suggested inclusion of an abbreviated IDE procedure for low-risk investigations. Comments stated that provisions for submission of summaries of documents, for example a summary of the investigational plan, are more burdensome than requirements to submit the complete document.

FDA agrees that the notification procedure in the reproposal largely duplicated the application procedure. Accordingly, FDA has replaced the notification procedure with a set of requirements in § 812.2(b)(1) for investigations of devices that are not "significant risk devices." These requirements are discussed in paragraphs 1, 17, and 46. Section 812.20(a)(1) requires a sponsor to submit an application to FDA if a significant risk device is to be investigated with human subjects or if FDA notifies a sponsor that an application is required.

62. A comment contended that the notification procedure was inadequate to protect subjects and should be either tightened or abandoned. The comment argued that the procedure placed too much reliance on an IRB's assessment of risk, without providing FDA with enough information to make possible an independent judgment. The comment suggested that a notification be required to include an explanation of the IRB's reasoning, a summary of the evidence on which the IRB relied, a description of the risk involved, copies of any dissents by IRB members, copies of consent forms and informational materials to be given to subjects, a statement as to whether any other IRB has taken adverse action on a similar study, a detailed description of the device, and manufacturing information.

FDA disagrees with the comment. IRB's should have a substantial role in all investigations. IRB's can act on FDA's behalf, subject to agency oversight, in reviewing investigations of devices other than significant risk devices. FDA does not accept the comment's assumption that low-risk studies need the same degree of regulation as high-risk studies and that IRB decisions on nonsignificant risk device investigations need close FDA scrutiny. As explained in paragraph 17 above, allowing sponsors to adhere to abbreviated requirements and IRB's to take principal responsibility for review of investigations of nonsignificant risk devices will allow FDA to devote the attention and resources necessary for regulation of significant risk device investigations. A sponsor is required to submit to the IRB an explanation why the device is not a significant risk device and to provide any other information requested by an IRB, which may include the information listed in the comment. For the reasons stated in paragraph 17 above, FDA does not expect that this approach will expose subjects to risk of harm. Furthermore, FDA retains its ability to oversee such investigations through records inspections and required reports.

To help IRB's carry out their responsibility to review nonsignificant risk device investigations, FDA has required that sponsors and investigators submit certain reports to reviewing IRB's. These requirements are discussed in paragraphs 141, 144, 145, and 146.

Application Procedure

63. In response to the comments described in paragraph 59 above, FDA has made several changes in the regulation with respect to investigations for which an application must be sumitted to FDA. Once IRB approval has been obtained, a sponsor shall submit to FDA an application that may include either the plan itself or a summary of specified sections of the plan. FDA also has clarified the procedure to be used if an investigation is to be conducted at several institutions. An application may be submitted to FDA as soon as one IRB has approved the investigation after considering the investigational plan and report of prior investigations. FDA approval of the investigation, however, applies only to the institution at which an IRB also has approved it. As each additional IRB approves the investigation, the sponsor shall submit to FDA one or more supplemental applications under § 812.35(b).

If an investigation involves testing at several institutions, IRB's should not interpret FDA approval of a part of an investigation at one institution as the basis for approval, without careful review, of a part of the investigation at other institutions.

64. Several comments observed that it might be difficult to obtain local IRB review and requested a clarification of the procedure to follow.

FDA recognizes that occasionally a sponsor may encounter difficulty in finding an IRB in a particular location to review a proposed investigation. Section

520(g)(3)(A)(ii) of the act (21 U.S.C. 360j(g)(3)(A)(ii) authorizes the sponsor to submit the application to FDA if no IRB exists or if FDA finds IRB review inadequate. FDA believes that a local IRB applying community standards to a proposed investigation generally provides an indispensable form of subject protection. The absence of a local IRB may expose subjects to risk that the local community regards as unreasonably, and FDA may have little capacity to determine what risks are acceptable in that community and to function as an IRB. In accordance with the apparent intent of Congress, however, FDA will attempt to perform the functions of the local IRB with respect to an otherwise meritorious investigation if no IRB exists or an IRB's review is inadequate, unless the agency finds that IRB review is critical to subject protection. This policy is described in § 812.20(a)(2). If FDA so finds, a sponsor would have to conduct the investigation at a location where an IRB can review the study, or not conduct it.

Contents of an Application

65. In response to comments, FDA has revised § 812.20(b) to simplify the application requirements. The investigational plan requirements have been integrated with those for the application so that those portions of the investigational plan that may be summarized are distinguished form portions that may not be.

66. Comments argued that FDA should not ask for manufacturing or processing information.

FDA disagrees. This information helps FDA to determine the risk presented by the device and whether the device will be manufactured with consistency. Lack of uniformity in making a device could result in investigational devices that vary. Such variation could produce differing results that yield invalid data and require repeated investigations that present further risks.

67. Other comments suggested that the description of facilities required by § 812.20(b)(3) should be omitted if a quality assurance program is in effect.

FDA disagrees. A quality assurance program consists of procedures necessary to assure and verify confidence in the quality of the process used to manufacture a finished device. For the reasons stated in paragraph 66 above, FDA needs detailed information on manufacturing methods, facilities and controls. A quality assurance program does not provide sufficiently specific information about the manufacturing process to be followed for a particular investigational device.

68. Comments objected to the submission of manufacturing or processing information to an IRB.

This information is now required only in the application to FDA. An IRB may, however, require submission of manufacturing or processing information if it believes that review of the information is necessary to its decision.

Signed Investigator Agreements

69. Section 812.20(b) (4) and (5) differs from the reproposal by requiring that, in lieu of submitting all signed investigator agreements, sponsors submit an example of the agreements, a list of investigators, and a certification that all investigators listed have signed the agreement. A related provision, § 812.150(b)(4), requires the sponsor to submit to FDA every 6 months a current list of the names and addresses of all investigators participating in the investigation. FDA initiated these changes to avoid unnecessary paperwork for sponsors and FDA. FDA can check the current list of those who have signed agreements against its files for adverse information. A sponsor shall submit the actual agreements if FDA so requests under § 812.150(b)(10). In addition, FDA inspectors can verify the list provided by the sponsor against the actual agreements kept in the sponsors' records to assure that the list is accurate and that investigators are not added until they have signed agreements. These procedures will assure attention to investigator responsibilities and will protect the public without the cumbersome requirement that all individual agreements be sent routinely to FDA. Waste of resources from routine FDA review of signed investigator agreements will be avoided, and FDA will be able to concentrate its limited resources on important scientific aspects of applications. Routine sponsor paperwork submissions are also reduced. In these circumstances, FDA believes that it has regulatory discretion to permit sponsors to maintain the agreements in their files, subject to FDA inspection or submission to FDA on request, and that this approach satisfies the requirement of section 520(g)(3)(C) of the act that the investigators' agreements be "submit[ted] * * * to the Secretary."

Disclosure of IRB Action

70. Section 812.20(b)(6) requires the sponsor to list the names, locations, and chairpersons of all IRB's that have been asked to review the investigation, and to certify the action concerning the investigation taken by each IRB. Sponsors will thus disclose whether an IRB has approved, disapproved, or terminated an investigation, or found a device that the sponsor characterized as a nonsignificant risk device to be a significant risk device.

Comments argued that prior IRB disapproval or termination of an investigation is irrelevant and that a requirement to disclose such IRB actions in an application might prejudice FDA decisions.

FDA disagrees with the comments. Disapproval, suspension, or withdrawal of approval suggests the possibility of a flaw in an investigation that should be evaluated before the investigation is approved. If such a previous action were disclosed after an investigation had begun, FDA might have to withdraw approval of the investigation and order it stopped pending further inquiry. In such a case, subjects might be exposed to unnecessary risks, and sponsors and investigators might be inconvenienced.

71. Section 812.20(b)(7) requires the sponsor to submit the name and address of any institution at which a part of the investigation may be conducted if that institution is not identified under § 812.20(b)(6). This provision ensures that FDA has complete information on where an investigation is to be conducted, if an investigator's part of a study is not on the premises of the institution whose IRB has agreed to review the investigator's part of the study. FDA needs this information to review the scope of the investigation and to schedule necessary inspections.

72. A comment suggested that the application disclose any dissent from IRB approval.

FDA rejects the comment. Such disclosure could be implemented only by requiring IRB's to keep records of each dissent. Committee decisions frequently result from divided opinions. If detailed records of dissenting views were required, IRB's might feel compelled to issue a written opinion approving the investigation despite the lack of an FDA requirement for such an opinion. To require documentation of minority views, therefore, might unnecessarily delay IDE decisions and disrupt IRB operations. Furthermore, such a requirement would commit FDA to review documents that are not likely to yield valuable information. Even if dissents contain useful information, there is too little likelihood that the same information would not have been discovered by FDA during its review of the application to justify the paperwork burden that would result from a requirement that dissents be submitted to FDA. An IRB member may oppose an investigation for reasons relevant to the particular institution but irrelevant to the standards for approval under the act

and these regulations. FDA would therefore find it necessary to distinguish between dissents that have to be submitted to FDA and those that do not, thus burdening IRB's with the requirement that they make this distinction.

The collective assessment of the IRB is what matters to FDA in its review of an IRB's judgment. FDA will, in any event, conduct its own independent review of each application. IRB's may choose, however, to maintain records of dissents or summaries of dissents; and IRB's or individual IRB members may notify FDA of dissenting views.

Disclosure of Intent To Sell or Charge for the Device

73. Comments argued that FDA has no authority to require disclosure of an intent to sell the device or the amount to be charged and that FDA cannot effectively use the information.

FDA rejects the comments. FDA will use the information required by § 812.20(b)(8) in determining whether the device is being commercially distributed in violation of the conditions of the IDE. FDA is authorized by sections 301(q), 501(f), 520(g)(2)(B), and 701(a) (21 U.S.C. 371(a)) of the act to impose this requirement.

Investigational Plan

74. FDA has made explicit in § 812.25(b) the requirement for a written protocol describing the methodology used in an investigation. This requirement was implied in the original proposal and reproposal.

75. A comment on reproposed § 812.25 suggested that the investigational plan include a description of any characteristics that render the patient population vulnerable.

FDA agrees and has included this description as part of a required analysis of risks to subjects, justification for the study, and description of the patient population in terms of the number of subjects and their age, sex, and condition. The term "condition" includes relevant characteristics that render the patient population vulnerable. This provision focuses on the purpose of investigational controls: Protection of subjects through an analysis of risks, including the manner in which the risks will be minimized. FDA expects the analysis to be brief and to be directed to the additional or incremental risks (as distinguished from risks inherent in the subjects' medical condition) that use of the device presents to the rights, safety, or welfare of subjects. FDA believes that careful analysis of risks by sponsors, IRB's, and FDA will enable regulatory controls to be targeted on those investigations that are most likely to expose subjects to undue risks.

76. Comments suggested that the requirement to submit a description of each important device component was burdensome, and that only those components that increase risk should be described.

FDA rejects the comments. Trying to decide which components increase risk and which do not is a difficult and, perhaps, impossible task. IRB's and FDA should be able to review each important component of an investigational device. The requirement is retained in § 812.25(d).

77. Other comments suggested that the investigational plan disclose whether any IRB's had ever suspended, disapproved, or terminated an investigation.

FDA agrees, and § 812.25(h) requires sponsors to certify the action by each IRB that has reviewed the investigation. Among the actions required to be reported are findings by another IRB that the investigation involves a significant risk device.

78. Section 812.25(h) duplicates the requirement in the application for a list of the names, locations, and chairpersons of all IRB's that have been asked to review the investigation. FDA added this provision to enable IRB's to consult with each other concerning an investigation.

79. Section 812.25(j) requires a description in the investigational plan only of any records and reports that are in addition to those required by Subpart G of this regulation. FDA made this change to eliminate needless description of records already required by Subpart G.

Report of Prior Investigations

80. Comments argued that reproposed § 812.27(d) implied that animal testing must be completed in every case before human testing is initiated.

FDA appreciates that some devices cannot be tested in animals before they are tested in humans. FDA has deleted the proposed requirements for prior animal testing from the final regulation because they did not provide useful guidance as to when and to what extent animal studies would be required. FDA will determine, in its review of IDE applications, whether prior animal testing should have been conducted. IRB's should also look closely at this point. The approach FDA is using here is consistent with its general policy that, where possible, relevant animal testing should be completed before initiating human testing. FDA will not approve an IDE or an application for premarket approval if animal testing should first be completed.

81. Comments suggested that only information relevant to the investigation be submitted, rather than all information relevant to the device.

FDA agrees with the comments. Furthermore, § 812.27(b)(1) has been revised to require only a bibliography of relevant publications and copies of all published and unpublished adverse information. To reduce unnecessary paperwork, copies of other significant publications need be submitted only if requested by a reviewing IRB or FDA. Also, § 812.27(b)(2) provides that only a summary of other relevant unpublished information is required. Relevant information includes both information that is adverse and information that supports a proposed investigation.

82. Comments suggested that the IRB, not FDA, should decide on the adequacy of the report of prior investigations.

FDA disagrees with the comments. FDA has final responsibility for the proper conduct of device investigations. Therefore, in the case of a significant risk investigation, FDA should review the report of prior investigations and determine its adequacy. Although FDA expects that it will generally concur in IRB assessments, it cannot guarantee that it will never overrule an IRB judgment based on a review of the report of prior investigations.

FDA Action on Applications

83. Comments suggested that the criteria for disapproval and withdrawal were similar and should be combined. Other comments noted minor differences between the criteria for disapproval and withdrawal.

FDA agrees with the first set of comments. Accordingly, the criteria have been combined in § 812.30.

84. A comment suggested that § 812.30 be revised to prohibit approval of seriously deficient applications. The comment also suggested that safety-related grounds for withdrawal of approval of IDE's should be placed in a separate mandatory withdrawal category, distinct from discretionary grounds for withdrawal. The comment suggested further that the regulation compel FDA to withdraw exemptions in cases of non-safety-related deficiencies that are not corrected within a reasonable time, for example, 60 days after notification.

FDA has not adopted the comment. Because FDA will not approve seriously deficient applications, there is no need to include in the regulation a provision prohibiting such approvals. With respect to the suggestion that FDA revise § 812.30(b) to state that FDA "shall"

withdraw approval if certain safety-related grounds exist, the agency would still retain the discretion to determine whether one or more of the specified grounds exist, for example, that it is "unsafe to begin or to continue an investigation," § 812.30(b)(4). No change in wording can eliminate FDA's discretion to determine whether a ground for action exists. Also, some of the grounds for action in § 812.30 would be characterized as safety-related in some cases but not in others. With respect to the suggested deadline for FDA withdrawals for non-safety-related reasons, FDA believes that such matters are better handled by internal agency procedures than by regulations.

Supplemental Applications and Submissions

85. Comments argued that the reproposal's requirements for supplemental applications were too restrictive and that supplemental applications should be limited to changes affecting the safety of subjects or the validity of the investigation.

FDA believes that this was the intent of the reproposal, but has clarified § 812.35, the counterpart provision in the final rule, to reflect clearly this policy. Supplemental applications are required only for the addition of new institutions to an investigation and for changes in the investigational plan that may affect the scientific soundness of the study or the rights, safety, or welfare of subjects. IRB and FDA approvals are required before initiating any such changes, except for deviations from the investigational plan to protect a subject in an emergency. These deviations shall be reported later under §§ 812.150(a)(4) and 812.35(a).

86. Comments suggested that, once an IRB has approved a change in the plan, FDA approval of the change is not needed.

FDA rejects these comments. Sections 812.35(a) and 812.150(a)(4) of the final regulation require that any change in the investigational plan that may affect its scientific soundness or the rights, safety, or welfare of subjects be approved by both the IRB and FDA. In significant risk device investigations, nonemergency changes that may have such an effect should receive the same prior review as an application. Less important changes in the investigational plan for significant risk device investigations, and any changes in the plan for nonsignificant risk device investigations, need not, however, be reported to FDA.

87. Some comments argued that all deviations from the investigational plan should be approved by the sponsor before FDA or IRB approval is sought. Other comments suggested that such deviations do not require prior FDA or IRB approval.

Under §§ 812.110 and 812.150(a)(4), an investigator shall not institute a change in or deviation from the investigational plan without first obtaining the sponsor's approval. If the deviation or change may affect the scientific soundness of the plan or the rights, safety, or welfare of human subjects, prior IRB and FDA approval also is required. An exception from these requirements is that, in an emergency situation, as described in § 812.35(a), prior approval of a deviation by the sponsor, the IRB, and FDA is unnecessary. Emergency deviations shall be reported later under §§ 812.150(a)(4) and § 812.35(a). These provisions are designed to deter careless deviations from the investigational plan, without unduly restricting an investigator at the scene of the investigation from exercising initiative on behalf of patient rights, safety, or welfare in a medical crisis.

Confidentiality of Data and Information

88. Section 812.38(a) of the final regulation states that FDA will not disclose the existence of an IDE unless its existence has been publicly disclosed or acknowledged, until FDA approves an application for premarket approval of the device subject to the IDE, or a notice of completion of a product development protocol for the device becomes effective. This provision, which is based on current FDA policy with respect to notices of investigational exemption for new drugs (IND's), was published in the original IDE proposal. The provision was omitted from the IDE reproposal because FDA had published in the **Federal Register** of March 28, 1978 (43 FR 12869), correction published in the **Federal Register** of March 31, 1978 (43 FR 13587), a proposal to change FDA policy regarding disclosure of the existence of applications or notices to conduct research on, or to market, drugs or devices. Under the March 28, 1978 proposal, FDA would disclose the existence of such an applcation or notice whether or not its existence had previously been disclosed or acknowledged. FDA is still reviewing the numerous comments received on the proposal. For now, FDA believes that current policy with respect to disclosure of the existence of IND's should apply to disclosure of the existence of IDE's, and has so provided in § 812.38(a).

Section 812.38(b) of the reproposal stated that public disclosure of IDE data and information would be made in accordance with § 314.14 on the confidentiality of data and information in new drug application (NDA) files. In the final regulation, FDA has moved this provision to paragraph (d) of § 812.38 and has revised it to state that NDA confidentiality rules apply only until the effective date of the final regulation concerning the confidentiality of data and information in applications for premarket approval of devices. FDA plans to publish a proposal on procedures for these applications, including confidentiality of the contents of these applications, in the near future.

89. A comment argued that reference in § 812.38 to the drug confidentiality rules in § 314.14 is inappropriate because of the special statutory protections in section 520(c) of the act for device trade secrets and condifential commercial information.

FDA rejects the comment. It is true that the act does not contain a provision precisely like section 520(c) that applies to drugs the same protection for trade secrets and confidential commercial information that section 520(c) applies to devices. However, in § 314.14 the agency has construed section 301(j) of the act and 18 U.S.C. 1905 as preventing public disclosure of the same types of information about drugs that section 520(c) treats as confidential.Thus, with respect to public disclosure of trade secrets and confidential commercial information, section 520(c) provides the same degree of protection as section 301(j) and 18 U.S.C. 1905. Accordingly, reference to confidentiality rules applicable to drugs generally is appropriate. As noted above, when final regulations on device premarket appproval applications become effective, these regulations will contain rules for confidentiality of device data and information so that it will no longer be necessary to refer to the drug confidentiality rules in § 314.14.

90. Another comment stated that reference in § 812.38 to the drug confidentiality rules in § 314.14 is inappropriate because of the provisions in section 520(h) of the act for summaries of device safety and effectiveness information. The comment interprets section 520(h) as requiring public disclosure of such information in IDE files, under any circumstances.

FDA agrees that it must revise § 812.38 of the reproposal for consistency with section 520(h) of the act and with § 812.30(f) of the reproposal. FDA has therefore revised § 812.38(b) of the final regulation.

FDA disagrees with the comment's interpretation of section 520(h) of the act as imposing a requirement for public disclosure of the records contained in IDE files. It is clear from its face that section 520(h) only requires disclosure of

a detailed summary of safety and effectiveness information, not disclosure of the records from which this summary is developed, and does so only when FDA takes one of several specified actions. See also H.R. Rep. No. 94–853, 94th Cong., 2d Sess. 48–51 (1976).

Moreover, section 520(h)(3) states that information in a summary "shall be made available subject to" section 520(c) of the act. Section 520(c) specifically describes safeguards for trade secrets and confidential commercial information concerning devices and is discussed in paragraph 89 above. Because of section 520(c), a summary prepared under section 520(h) may not contain trade secret or confidential commercial information, including confidential safety and effectiveness data.

91. One comment argued that safety and effectiveness data should be released only after an applicant has exhausted all administrative and judicial appeals of a denial of an application.

FDA agrees but believes no change is required. Under paragraph (f)(2) of § 314.14, referred to in § 812.38(d), FDA will not disclose confidential commercial information not previously disclosed to the public until a final determination is made that an application for premarket approval is unapprovable, and all legal appeals have been exhausted.

92. Other comments objected to the provision for disclosing copies of adverse reaction reports to subjects.

FDA rejects these comments and has retained the provision. FDA believes that access by subjects to reports of their adverse reactions is necessary for protection of subjects, an interest that outweighs the concerns of sponsors or investigators that such reports may be used in malpractice or product liability suits. Moreover, disclosure to a subject of such a record about himself or herself is required by the Freedom of Information Act and is consistent with the objectives of the Privacy Act.

Sponsor Responsibilities

93. Subpart C prescribes general duties of sponsors. This subpart is a simplified version of provisions in the original proposal and reproposal. Sponsor responsibilities concerning inspection, records, reports, and commercialization of the device are set forth in Subpart G.

94. Comments questioned whether independent studies must be conducted concurrently or sequentially.

Both concurrent studies and sequential studies can provide independent proof of device safety and effectiveness. Either approach is satisfactory. The ability to replicate the results of an investigation is the important factor. Because sponsors may terminate investigations for a variety of reasons, for example economic nonfeasibility, Part 812 does not require independent investigations. Independent investigations are, however, required for premarket approval.

Investigator Agreements

95. Consistent with the change in § 812.20(b)(5) described in paragraph 69, FDA has initiated a change in the requirement of reproposed § 812.43(b) that a sponsor obtain a signed agreement from an investigator and submit it to FDA with an application. Final § 812.43(c) requires that the sponsor obtain signed agreements, and § 812.145(b) requires the sponsor to maintain them subject to FDA inspection. Sponsors must submit the actual agreements or make them available for inspection if FDA so requests.

96. Section 812.43(c) also simplifies the information required in the investigator's agreement. A curriculum vitae should provide the type of information required by proposed § 812.43(b)(1) (**Federal Register** of August 20, 1976 (41 FR 35306)).

97. Comments on reproposed § 812.43(b)(4) argued that the requirement to disclose to the sponsor whether prior research by an investigator has ever been terminated by a sponsor, an IRB, or FDA is irrelevant and might prejudice approval of the investigation.

FDA disagrees with the comments that the information is irrelevant. It may well be relevant to a prediction as to whether the investigator will respect the rights and protect the safety and welfare of subjects and otherwise comply with applicable statutory and regulatory requirements. In addition, a study conducted by an investigator who has been disqualified by FDA may not be accepted in support of a premarket approval application or other application to conduct research on, or market, a product. The investigator's agreement will not be submitted to FDA routinely and will be reviewed only if specifically requested or during an inspection.

98. Comments suggested that an investigator at a teaching hospital in which residents and interns frequently rotate would be required constantly to amend the agreement if, as reproposed § 812.43(b)(5) required, the investigator's agreement must contain the names of subordinate investigators.

FDA agrees with the comments. Final § 812.43(c) no longer requires that subordinate investigators be named in a participating supervisory investigator's agreement. The requirement is for sponsors to obtain from each participating investigator a signed agreement to be maintained for FDA inspection or submission to FDA on request. Supervisory investigators' agreements need not be amended each time a new subordinate investigator is added. Sponsors are, however, required to submit to FDA a current list of names and addresses of clinical investigators (including supervisors and subordinates) at 6-month intervals, in accordance with § 812.150(b)(4).

Notice of Approval

99. Comments objected to notifying investigators when premarket approval had been obtained.

FDA agrees with the comments and has deleted this requirement. Although it is desirable for investigators to know the regulatory status of products, sponsors generally have an economic incentive to inform investigators that a device has been approved. Accordingly, an FDA requirement for notification of investigators of premarket approval is unnecessary.

Securing Investigators' Compliance

100. A comment suggested that § 812.46 be modified so that the sponsor has a definite time frame, for example 30 days, in which to secure an investigator's compliance, or else discontinue shipments to the investigator or terminate the study.

FDA rejects the comment. Although sponsors must terminate the participation of an investigator who fails or refuses to comply with applicable requirements, FDA does not believe it practical to specify a particular time frame in which such termination must occur. The urgency with which a sponsor must act will vary depending on the seriousness of the violations. In some cases, 30 days would be an excessive time frame for securing investigators' compliance, while in others 30 days would be an inadequate time frame. If experience under the IDE regulation shows that a uniform time frame for investigators' compliance would be desirable, FDA will add this provision to the regulation. In any event, FDA will consider withdrawing approval of the IDE of a sponsor that fails to secure an investigator's compliance in a timely manner consistent with the seriousness of the violations.

Unanticipated Adverse Device Effects

101. Section 812.46(b)(1) provides for the sponsor to conduct an evaluation of any unanticipated device effect. Section 812.150(b)(1) provides for reporting the results of such evaluations. Comments suggested various time periods for the submission of the reports of special evaluations, for example, 5 days, 2 weeks, and 10 calendar days.

FDA believes that 10 working days after the sponsor first receives notice of an effect is sufficient for both completing the evaluation and submitting the results to FDA and all participating investigators and reviewing IRB's. Because IRB's and FDA may not be able to respond on nonworking days, it seems reasonable to base the notification requirement on working days.

Termination

102. Section 812.46(b)(2) requires a sponsor who determines that an unanticipated adverse device effect presents an unreasonable risk to subjects to terminate all investigations or parts of investigations presenting that risk as soon as possible, but not later than 5 working days after making this determination and not later than 15 working days after first receiving notice of the effect. If a sponsor obtains sufficient information to warrant termination, the investigation should be terminated immediately. However, administrative difficulties may make immediate termination difficult, particularly if an investigation is conducted at several sites.

IRB Responsibilities

103. A simplified version of Subpart D of the original IDE proposal is included in this regulation as Subpart D. IRB responsibilities concerning inspection, records, and reports are set forth in Subpart G.

Review of Investigation

104. Section 812.60 has been revised to clarify the purpose of IRB review and the type of inquiry that FDA expects IRB's to conduct. FDA expects an IRB to apply local community attitudes and ethical standards in making a judgment that the benefits to subjects and the knowledge to be gained outweigh the risks.

An IRB's judgment involves an evaluation of the ethics of an investigation, including, where relevant, whether children, pregnant women, the elderly, or members of a minority group should participate in an investigation and whether informed consent has been obtained. In determining risks and benefits, the IRB must assess the scientific soundness of the investigation. An investigation that approaches the frontiers of existing knowledge requires a probing and cautious IRB review.

IRB Membership

105. Comments on the original proposal objected that IRB's were being required to possess competence that they do not have to review the scientific validity of investigations.

In response to these comments, FDA has restated the requirements for membership on an IRB. Section 812.62(d) and (e) requires that IRB members be able to comprehend the nature of the investigation. If additional scientific competence is required, § 812.62(e) permits the use of nonvoting consultants. FDA does not expect an IRB to render judgments as to the adequacy of the statistical and design assumptions on which the investigation is based or other details bearing on the validity of an investigation. An IRB ned not exhaustively examine a well-designed investigation to assure that it yields the maximum scientific results. Nonetheless, an IRB collectively must be able to evaluate the risks and scientific soundness of proposed investigations in order to determine, for example, that an investigation is not disguised quackery or clearly will not yield useful results. In particular, an IRB must be able to review carefully and critically a sponsor's characterization of an investigational device as not presenting a significant risk. If the device does present a significant risk, the investigation may not begin until FDA has approved it.

Minority and Sex Representation

106. Comments on the original proposal suggested that an IRB be required to include members of minority racial groups and both male and female members.

FDA agrees with the comments, but has not adopted them at this time. An IRB must be broadly representative of the comunity it serves and must not discriminate against any group in its composition, policies, or decisions. FDA encourages IRB's to include in their membership members of minority groups and both women and men. FDA believes, however, that this requirement should be considered in the proceeding initiated by the August 14, 1979 reproposal on Standards for Institutional Review Boards.

Conflicts of Interest

107. Section 812.62(f) prohibits investigators and sponsors from participating in the selection of IRB members who will review investigations conducted or sponsored by them. In the case of investigations sponsored by academic institutions, FDA will entertain requests for waivers of this provision.

108. Comments on the original proposal noted that members of an IRB having a conflict of interest seemed to be prohibited from furnishing information requested by the IRB.

FDA has revised § 812.65(a)(3) to make it clear that members having a conflict of interest may furnish information to an IRB at its request.

Quorum

109. Comments on the original proposal suggested that a quorum include at least one scientist, one licensed physician, and one lay member.

FDA agrees with these comments. Section 812.65(a)(2) provides for a quorum to be not less than a majority of the members and to include a licensed physician, a nonphysician scientist, and one member whose primary activities are in a nonscientific field. This requirement ensures a mix of backgrounds and disciplines to enable an IRB to explore all facets of a proposed investigation.

110. Comments objected to the requirement that one lay member, that is, a member whose primary activities are in a nonscientific field, and a licensed physician be present in every quorum because the lay member or physician could exert a veto on IRB deliberations by being absent.

FDA disagrees with the comments. Under § 812.65(a)(2), only if the IRB has only one lay member and only one member who is a physician could such a veto occur. FDA believes that protection of the rights, safety, and welfare of subjects is enhanced by a diversity of the members' backgrounds. FDA believes that the need for diverse points of view requries that all investigations subject to IRB review obtain review by a properly composed IRB. The absence of a lay member might result in a decision that reflects the enthusiasm of the scientific members, but fails to reflect community standards that the lay member helps to represent.

FDA has no objection to an institution's disciplining or removing recalcitrant members who fail to attend IRB meetings, or adding sufficient lay members so that absenteeism is not a problem. Such actions are not prohibited by § 812.65(a)(2).

111. Comments suggested that at least one member have a biomedical engineering background to ensure adequate review of those investigations that involve engineering problems.

FDA does not agree that a biomedical engineer member should be required in every case. An IRB may obtain the services of nonvoting consultants when necessary to delve deeply into engineering or scientific matters. FDA expects that members of an IRB will, in any event, render judgments weighing all factors and that they will seek expert assistance if necessary.

FDA cautions that a member whose primary activities are in a scientific field, for example, biomedical engineering, will not qualify as a lay member. A biomedical engineer, however, would satisfy the requirement of § 812.62(b) for a scientifically trained member.

For purposes of this regulation, a social scientist is considered to be an individual whose primary activities are in a nonscientific field. Thus a social scientist may serve as a lay member on an IRB.

IRB Action on an Investigation

112. Several comments asked for clarification of the criteria FDA wants IRB's to use in reviewing investigations.

Section 812.65(a)(4) clarifies the criteria for disapproving a clinical investigation. No judgment concerning the statistical validity of the design of an investigation is required. What is required of an IRB that disapproves an investigation is a judgment that the benefits do not outweigh the risks to subjects, that informed consent is inadequate, that the proposed investigation is scientifically unsound, that there is reason to believe that the device is ineffective, or that it is otherwise unreasonable, unsafe, improper, or not in the best interests of the institution to begin or continue the investigation. FDA no longer specifies the factors that an IRB should use in arriving at its decision, but refers to the factors described in § 812.30(b). Subpart F states precisely the factors for evaluating the adequacy of informed consent.

113. Approval with modification under § 812.65(a)(4) is an approval with changes made in the investigational plan. The purpose of such changes usually will be to reduce or eliminate risks to subjects contained in the plan submitted to the IRB. Suspension under § 812.65(a)(4) involves temporary cessation of an investigation, an action short of withdrawal of approval that an IRB may order if it suspects or believes that the rights, safety, or welfare of subjects are in jeopardy, for example due to an adverse device effect. After suspension, an IRB may determine whether approval should be withdrawn.

114. An IRB must disapprove or withdraw approval of an investigation if it finds that any of the conditions set forth in § 812.65(a)(4) is present. In evaluating safety, an IRB should consider only those incremental or increased risks to which the subjects will be exposed by participating in the research, not risks to which subjects are exposed by virtue of their medical conditions. Thus, the risk to be addressed is that presented by the investigational therapy instead of therapy of accepted safety and effectiveness.

115. Comments suggested that the scientific review function be separated from IRB review. Several comments envisioned peer review followed by IRB review.

FDA has not adopted these specific comments. Scientific review and subject protection are inseparable. The IRB should assure itself of the scientific soundness of a proposed investigation. The procedures by which the IRB may generate that assurance are not specified. One approach would be for individual members of an IRB with a technical background to comment on the technical aspects of a proposal and its scientific acceptability. If necessary to protect subjects, scientific consultants should be employed. Although this regulation does not mandate peer review, FDA does not object to its use as one mechanism of assuring the scientific soundness of investigations. FDA cautions that because of the many comments received on this aspect of the Aug. 14, 1979 IRB reproposal, further clarification of the role of the IRB in the review of clinical investigations will be found in the IRB final regulation.

116. Comments suggested that IRB approval should be final without further FDA review.

FDA rejects these comments. They reflect a view that the IRB has the total responsibility to evaluate an investigation, without further review by FDA. Although FDA expects to concur in most IRB approvals, FDA has a statutory responsibility for final judgments on investigations. Moreover, FDA has a nationwide perspective concerning regulation of medical device research that is not duplicated in local IRB's.

Waiver of IRB Review

117. Comments contended that § 812.42(d)(1) of the reproposal would allow waivers of IRB review in situations where this review is required by statute.

FDA has deleted the provision for waiver of IRB review in view of strong policy reasons favoring such review, expressed in section 520(g) of the act, the National Commission report mentioned earlier in this preamble, and FDA's August 14, 1979 reproposal on Standards for Institutional Review Boards. Section 520(g)(3)(A) requires submission of an IDE application to FDA where no IRB exists or FDA finds that an IRB's process of review is inadequate. In some such cases, FDA may refuse to approve an application because of the need for IRB review to protect subjects.

118. A comment argued that an IRB should be considered to "exist," for purposes of section 520(g)(3)(A)(ii), if an IRB exists within a local jurisdiction but not on the premises where the investigation is being conducted.

FDA agrees that IRB's can review investigations, or parts of investigations, that are conducted in the same locale but not on the premises of the institution that created the IRB. The regulation allows, but does not require, this review. A requirement in this regulation that an IRB review studies concucted elsewhere than at the institution would cause problems that most IRB's are now unprepared to solve. This issue is better addressed in the proceeding involving the August 14, 1979 IRB reproposal.

Independence of IRB Decisions

119. Section 812.65(c) provides that the decision of one IRB on an investigation does not preclude another IRB from reaching a different decision. This provision clarifies the independent nature of IRB decisions.

120. Comments requested clarification of the authority of other institutional officials to review IRB decisions. Some comments suggested that an IRB's decsion should be subject to appeal.

FDA disagrees in part with the latter comments. Only an IRB should approve an investigation. FDA believes that only an IRB can bring together the diversity of backgrounds necessary to ensure the protection of human subjects. The value of an IRB's decision to disapprove an investigation would be undermined if it could be overruled. The same considerations do not apply, however, when an IRB approval is overruled by a person or body other than the IRB because human subjects are not thereby exposed to risks that an IRB has determined to be unacceptable. Therefore, under § 812.70, an institution may overrule an IRB decision to approve an investigation.

Responsibilities of Investigators

121. A simplified version of Subpart E of the original proposal has been incorporated in this final regulation. Investigator responsibilities concerning

inspections, records, reports, and commercialization of the device are set forth in Subpart G.

Informal Requests To Participate in Investigations

122. Comments on the proposal argued that investigators should be permitted to determine whether potential subjects would be interested in participating before obtaining IRB and FDA approval.

FDA agrees with these comments. Section 812.110(a) has been rewritten to permit such determinations of interest, short of requests for informed consent.

Disqualification

123. Section 812.119 of the original proposal on disqualification of investigators, which received many comments, has been deleted. Disqualification of investigators will be addressed in FDA's final regulation on obligations of clinical investigators of regulated articles.

Informed Consent

124. Subpart F, which has not been changed in substance, applies to investigations of significant and nonsignificant risk devices.

125. Several comments suggested that § 812.120 include a procedure for documenting that oral informed consent has been properly obtained. One comment suggested that such a procedure would be appropriate for low-risk studies.

FDA agrees with the latter comment. In the case of a nonsignificant risk device investigation, informed consent need not be evidenced by a written document signed by the subject, if the investigator obtains and documents oral informed consent.

Section 812.122 also allows documented oral informed consent in the case of an illiterate subject, or an illiterate representative of an incompetent subject, whether the investigation is of a significant risk or a nonsignificant risk device. The inclusion of a procedure in § 812.122 for documenting oral informed consent from illiterate subjects is not meant to imply that FDA believes that illiterate individuals are, as a general rule, suitable subjects in device investigations. Such a procedure is necessary, however, to cover the situation where a study population includes illiterates, in order to permit those individuals to have the same access to investigational devices that other individuals have.

126. Sections 812.122, 812.123, and 812.130 have been shortened and simplified without change in meaning. For example, the prohibition against obtaining informed consent through coercion, deception, or undue influence also prohibits obtaining informed consent through fraud, deceit, force, or duress. When FDA publishes final agency-wide regulations on informed consent, based on the August 14, 1979 proposal, FDA will publish conforming changes in Subpart F.

127. The requirements of proposed § 812.123(b) that mandate the documentation and reporting of the use of a device without obtaining informed consent are now found in §§ 812.140(a)(3)(i) and 812.150 (a)(5) and (b)(8).

128. A comment on reproposed § 812.123 suggested that the requirement to obtain informed consent be waived in those situations where obtaining informed consent would interfere with protection of a subject's bodily function.

FDA rejects this comment. Section 520(g)(3)(D) of the act specifies clearly the situations in which the requirement to obtain informed consent may be waived. The only permissible waiver of such consent is if a life-threatening situation exists and it is not feasible to obtain consent from the subject or the subject's legal representative.

129. Another comment objected that to comply with Subpart F many hospitals will be required to revise existing informed consent forms.

FDA rejects the comment. Revision of forms may, indeed, be necessary, but Congress intended that result when it enacted the amendments and provided specific guidance on the elements of informed consent.

130. A comment suggested that § 812.130 be altered to permit placebo studies.

FDA rejects the comment. No change is required because placebo studies are not prohibited.

Records and Reports

131. Subpart G, dealing with records, reports, and inspections, consolidates requirements applicable to sponsors, investigators, and IRB's. These requirements were previously scattered throughout Subparts C through F of the original proposal and reproposal.

Inspections

132. Comments on the original proposal objected that sponsors or investigators should not be held responsible for failure to grant access to facilities for FDA inspection in cases where the sponsor or investigator lacks proprietary or other authority to grant this access.

FDA agrees with the comment. Final § 812.145(a) requires a person who is a sponsor or investigator to permit FDA representatives to inspect those facilities to which the person has authority to grant access.

133. Many comments on the original proposal objected to the provision that required FDA access to patient records and names on the grounds that it violates patient confidentiality and investigator ethics.

FDA rejects the comments. FDA believes that the provisions must be retained because inspection is the only feasible way of verifying that actual subjects were used, that their rights were protected, and that reports to sponsors and IRB's were accurate. FDA believes that most subjects would approve of this requirement because it is designed to protect them from unethical practices. FDA advises, however, that this authority will be used carefully. Investigators are encouraged to make clear to potential subjects at the time informed consent is obtained that their records may be examined by FDA.

Records

134. Section 812.140(a) requires investigators to maintain records of relevant correspondence, device receipt, use, and disposition, subjects' case history and device exposure, and a current copy of the protocol. FDA may require that other records be kept if FDA determines it is necessary for a category of investigations or a particular investigation. For example, in Part 813 FDA has imposed certan special requirements for investigations of IOL's, to ensure traceability of the devices after implantation.

135. Section 812.140(b) requires sponsors to maintain records of relevant correspondence, device shipment and disposition, signed investigator agreements, and adverse device effects. Relevant correspondence includes copies of materials submitted to FDA in support of an IDE application. Special recordkeeping requirements, discussed in paragraph 136, apply to sponsors of nonsignificant risk device investigations. FDA may require a sponsor to keep other records if FDA determines they are necessary for a category of investigation or a particular investigation.

Records of Nonsignificant Risk Device Investigations

136. To implement its decision to reduce regulation of nonsignificant risk device investigations, FDA has added special recordkeeping requirements for sponsors of such investigations. Section 812.140(b)(4) requires these sponsors to maintain records of such investigations in one location and make them available for FDA inspection and copying.

Required records include: the name and intended use of the device, the objectives of the investigation, a brief explanation of why the device is not a significant risk device, the name and address of each investigator, the name and address of each IRB that reviewed the investigation, a statement of the extent to which the good manufacturing practice regulation in Part 820 will be followed, and a copy of any quality assurance program, and records concerning adverse device effects and complaints.

137. Section 812.140(c) requires that each IRB maintain records of relevant correspondence, membership and its members' employment relationships, and relevant minutes.

Retention Period

138. Comments suggested that the 2-year and 5-year retention requirements for records were confusing and served no useful purpose.

In response to the comments, FDA has changed the regulation to require that records be retained for a 2-year period after the later of two dates: The date when the investigation is terminated or completed, or the date when the investigation is no longer required to support approval of an application for premarket approval or a notice of completion of a product development protocol.

Transfer of Records Custody

139. Custody of records may be transferred, as reproposed, but the transferee must accept responsibility for such records including the requirement to permit FDA inspection and copying under § 812.145. FDA must be notified within 10 working days of such a transfer. The requirement that the transferee accept responsibility and that notice be given to FDA were added to close possible regulatory loopholes.

Reporting Requirements

140. Section 812.150(a) requires investigators to submit reports to sponsors, IRB's, and FDA, as specified, on unanticipated adverse device effects, withdrawal of IRB approval, progress of the investigation, deviations from the investigational plan, use of a device without informed consent, termination or completion of an investigation, and other matters upon request by a reviewing IRB or FDA.

141. Comments on the reproposal suggested that IRB's receive reports of unanticipated adverse device effects.

FDA agrees with the comments, and § 812.150 (a)(1) and (b)(1) so provide. This change and those described in paragraphs 144, 145, and 146 below will strengthen the ability of IRB's to review investigations.

142. Comments suggested that the time allowed for reporting unanticipated adverse device effects be extended from 5 to 10 days, and that the time period be stated in working days rather than calendar days.

FDA agrees with the comments and has amended § 812.150(a)(1) accordingly.

143. Section 812.150(b)(4) requires the sponsor to provide FDA with a current list of investigators at 6-month intervals. This provision applies only to investigations of significant risk devices. The purpose of the list is explained in paragraph 69 above.

144. A comment suggested that sponsors notify all reviewing IRB's when an investigation is terminated or completed.

Section 812.150(b)(7) adopts the suggestion with respect to significant risk device investigations.

145. A comment suggested that progress reports and a final report be submitted to reviewing IRB's.

FDA has adopted this comment as well, with respect to both significant risk device investigations and nonsignificant risk device investigations, and § 812.150(b)(5) so provides.

146. A comment suggested that the regulation require sponsors to notify all reviewing IRB's, as well as FDA, of sponsors' requests to return or dispose of devices.

FDA agrees and has amended § 812.150(b)(6) accordingly.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 301, 501, 502, 520, 701(a), 702, 704, 801, 52 Stat. 1042–1043 as amended, 1049–1051 as amended, 1055, 1056–1058 as amended, 67 Stat. 476–477 as amended, 90 Stat. 565–574 (21 U.S.C. 331, 351, 352, 360j, 371(a), 372, 374, 381)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 16—REGULATORY HEARING BEFORE THE FOOD AND DRUG ADMINISTRATION

1. By revising in § 16.1(b)(1) the statutory provision paragraph for section 520(g)(4) and (5) of the act, to read as follows:

§ 16.1 Scope.

* * * * *

(b) * * *

(1) Statutory provisions:

* * * * *

Section 520(g)(4) and (5) of the act relating to disapproval and withdrawal of approval of an application for an investigational device exemption (see §§ 812.19(c), 812.30(c), 813.30(d), and 813.35(c)).

* * * * *

PART 20—PUBLIC INFORMATION

2. By amending § 20.100 by reserving paragraph (c)(32) and adding new paragraph (c)(33), to read as follows:

§ 20.100 Applicability; cross-reference to other regulations.

* * * * *

(c) * * *

(32) [Reserved]

(33) Investigational device exemptions in § 812.38 of this chapter.

PART 809—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

3. By revising § 809.10(c) to read as follows:

§ 809.10 Labeling for in vitro diagnostic products.

* * * * *

(c) A shipment or other delivery of an in vitro diagnostic product shall be exempt from the requirements of paragraphs (a) and (b) of this section and from a standard promulgated under Part 861 of this chapter:

(1) In the case of a shipment or delivery for an investigation subject to Part 812, if there has been compliance with Part 812; or

(2) In the case of a shipment or delivery for an investigation that is not subject to Part 812 (see § 812.2(c)), if the following conditions are met:

(i) For a product in the laboratory research phase of development, and not represented as an effective in vitro diagnostic product, all labeling bears the statement, prominently placed: "For Research Use Only. Not for use in diagnostic procedures."

(ii) For a product being shipped or delivered for product testing prior to full commercial marketing (for example, for use on specimens derived from humans to compare the usefulness of the product with other products or procedures which are in current use or recognized as useful), all labeling bears the statement, prominently placed: "For Investigational Use Only. The performance characteristics of this product have not been established."

(iii) The person making a shipment or delivery under paragraph (c)(2)(ii) of this section shall submit to FDA at the address in § 812.19 a notification that such shipments are being made.

4. By adding new Part 812 to read as follows:

PART 812—INVESTIGATIONAL DEVICE EXEMPTIONS

Subpart A—General Provisions

Sec.
812.1 Scope.
812.2 Applicability.
812.3 Definitions.
812.5 Labeling of investigational devices.
812.7 Prohibition of promotion and other practices.
812.10 Waivers.
812.18 Import and export requirements.
812.19 Address for correspondence.

Subpart B—Application and Administrative Action

812.20 Application.
812.25 Investigational plan.
812.27 Report of prior investigations.
812.30 FDA action on applications.
812.35 Supplemental applications.
812.38 Confidentiality of data and information.

Subpart C—Responsibilities of Sponsors

812.40 General responsibilities of sponsors.
812.43 Selecting investigators and monitors.
812.45 Informing investigators.
812.46 Monitoring investigations.

Subpart D—Responsibilities of Institutional Review Boards

812.60 General responsibilities of Institutional Review Boards.
812.62 Membership.
812.65 Procedures.
812.70 Review of IRB actions.

Subpart E—Responsibilities of Investigators.

812.100 General responsibilities of investigators.
812.110 Specific responsibilities of investigators.

Subpart F—Informed Consent

812.120 General.
812.122 Requirements.
812.123 Exception.
812.130 Elements of informed consent.

Subpart G—Records and Reports

812.140 Records.
812.145 Inspections.
812.150 Reports.

Subpart A—General Provisions

§ 812.1 Scope.

(a) The purpose of this part is to encourage, to the extent consistent with the protection of public health and safety and with ethical standards, the discovery and development of useful devices intended for human use, and to that end to maintain optimum freedom for scientific investigators in their pursuit of this purpose. This part provides procedures for the conduct of clinical investigations of devices. An approved investigational device exemption (IDE) permits a device that otherwise would be required to comply with a performance standard or to have premarket approval to be shipped lawfully for the purpose of conducting investigations of that device. An IDE approved under § 812.30 or considered approved under § 812.2(b) exempts a device from the requirements of the following sections of the act and regulations issued thereunder: Misbranding under section 502, registration, listing, and premarket notification under section 510, performance standards under section 514, premarket approval under section 515, a banned device regulation under section 516, records and reports under section 519, restricted device requirements under section 520(e), good manufacturing practice requirements under section 520(f) (unless the sponsor states an intention to comply with these requirements under § 812.20(b)(3) or § 812.140(b)(4)(v)) and color additive requirements under section 706.

(b) References in this part to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21, unless otherwise noted.

§ 812.2 Applicability.

(a) *General.* This part applies to all clinical investigations of devices to determine safety and effectiveness, except as provided in paragraph (c) of this section.

(b) *Abbreviated requirements.* The following categories of investigations are considered to have approved applications for IDE's, unless FDA has notified a sponsor under § 812.20(a) that approval of an application is required:

(1) An investigation of a device other than a significant risk device, if the device is not a banned device and the sponsor:

(i) Labels the device in accordance with § 812.5;

(ii) Obtains IRB approval of the investigation after presenting the reviewing IRB with a brief explanation of why the device is not a significant risk device, and maintains such approval;

(iii) Ensures that each investigator participating in an investigation of the device obtains and documents informed consent under Subpart F for each subject under the investigator's care;

(iv) Complies with the requirements of § 812.46 with respect to monitoring investigations;

(v) Maintains the records required under § 812.140(b) (4) and (5) and makes the reports required under § 812.150(b) (1) through (3) and (5) through (10);

(vi) Ensures that participating investigators maintain the records required by § 812.140(a)(3)(i) and make the reports required under § 812.150(a) (1), (2), (5), and (7); and

(vii) Complies with the prohibitions in § 812.7 against promotion and other practices.

(2) An investigation of a device other than one subject to paragraph (e) of this section, if the investigation was begun on or before July 16, 1980, and to be completed, and is completed, on or before January 19, 1981.

(c) *Exempted investigations.* This part does not apply to investigations of the following categories of devices:

(1) A device, other than a transitional device, in commercial distribution immediately before May 28, 1976, when used or investigated in accordance with the indications in labeling in effect at that time.

(2) A device, other than a transitional device, introduced into commercial distribution on or after May 28, 1976, that FDA has determined to be substantially equivalent to a device in commercial distribution immediately before May 28, 1976, and that is used or investigated in accordance with the indications in the labeling FDA reviewed under Subpart E of Part 807 in determining substantial equivalence.

(3) A diagnostic device, if the sponsor complies with applicable requirements in § 809.10(c) and if the testing (i) is noninvasive, (ii) does not require an invasive sampling procedure that presents significant risk, (iii) does not by design or intention introduce energy into a subject, and (iv) is not used as a diagnostic procedure without confirmation of the diagnosis by another, medically established diagnostic product or procedure.

(4) A device undergoing consumer preference testing, testing of a modification, or testing of a combination of two or more devices in commercial distribution, if the testing is not for the purpose of determining safety or effectiveness and does not put subjects at risk.

(5) A device intended solely for veterinary use.

(6) A device shiped solely for research on or with laboratory animals and labeled in accordance with § 812.5(c).

(7) A custom device as defined in § 812.3(b), unless the device is being used to determine safety or effectiveness for commercial distribution.

(8) An intraocular lens. An intraocular lens shall not be used unless it is subject to an approved IDE under Part 813 or an approved application for premarket approval under section 515 of the act.

(d) *Limit on certain exemptions.* In the case of class II or class III device described in paragraph (c)(1) or (2) of this section, this part applies beginning on the date stipulated in an FDA

regulation or order that calls for the submission of premarket approval applications for an unapproved class III device, or establishes a performance standard for a class II device.

(e) *Investigations subject to IND's.* A sponsor that, on July 16, 1980, has an effective investigational new drug exemption (IND) for an investigation of a device shall continue to comply with the requirements of Part 312 until 90 days after that date. To continue the investigation after that date, a sponsor shall comply with paragraph (b)(1) of this section, if the device is not a significant risk device, or shall have obtained FDA approval under § 812.30 of an IDE application for the investigation of the device.

§ 812.3 Definitions.

(a) "Act" means the Federal Food, Drug, and Cosmetic Act (sections 201–901, 52 Stat. 1040 et seq., as amended (21 U.S.C. 301–392)).

(b) "Custom device" means a device that:

(1) Necessarily deviates from devices generally available or from an applicable performance standard or premarket approval requirement in order to comply with the order of an individual physician or dentist;

(2) Is not generally available to, or generally used by, other physicians or dentists;

(3) Is not generally available in finished form for purchase or for dispensing upon prescription;

(4) Is not offered for commercial distribution through labeling or advertising; and

(5) Is intended for use by an individual patient named in the order of a physician or dentist, and is to be made in a specific form for that patient, or is intended to meet the special needs of the physician or dentist in the course of professional practice.

(c) "FDA" means the Food and Drug Administration.

(d) "Implant" means a device that is placed into a surgically or naturally formed cavity of the human body if it is intended to remain there for a period of 30 days or more. FDA may, in order to protect public health, determine that devices placed in subjects for shorter periods are also "implants" for purposes of this part.

(e) "Institution" means a person, other than an individual, who engages in the conduct of research on subjects or in the delivery of medical services to individuals as a primary activity or as an adjunct to providing residential or custodial care to humans. The term includes, for example, a hospital, retirement home, confinement facility, academic establishment, and device manufacturer. The term has the same meaning as "facility" in section 520(g) of the act.

(f) "Institutional review board" (IRB) means any board, committee, or other group formally designated by an institution to approve and review investigations. The term has the same meaning as "institutional review committee" in section 520(g) of the act.

(g) "Investigational device" means a device, including a transitional device, that is the object of an investigation.

(h) "Investigation" means a clinical investigation or research involving one or more subjects to determine the safety or effectiveness of a device.

(i) "Investigator" means an individual who actually conducts an investigation, that is, under whose immediate direction the investigational device is administered, dispensed, or used.

(j) "Monitor," when used as a noun, means an individual designated by a sponsor or contract research organization to oversee the progress of an investigation. The monitor may be an employee of a sponsor or a consultant to the sponsor, or an employee of or consultant to a contract research organization. "Monitor," when used as a verb, means to oversee an investigation.

(k) "Noninvasive," when applied to a diagnostic device or procedure, means one that does not by design or intention: (1) Penetrate or pierce the skin or mucous membranes of the body, the ocular cavity, or the urethra, or (2) enter the ear beyond the external auditory canal, the nose beyond the nares, the mouth beyond the pharynx, the anal canal beyond the rectum, or the vagina beyond the cervical os. For purposes of this part, blood sampling that involves simple venipuncture is considered noninvasive, and the use of surplus samples of body fluids or tissues that are left over from samples taken for noninvestigational purposes is also considered noninvasive.

(l) "Person" includes any individual, partnership, corporation, association, scientific or academic establishment, Government agency or organizational unit of a Government agency, and any other legal entity.

(m) "Significant risk device" means an investigational device that:

(1) Is intended as an implant and presents a potential for serious risk to the health, safety, or welfare of a subject;

(2) Is purported or represented to be for a use in supporting or sustaining human life and presents a potential for serious risk to the health, safety, or welfare of a subject;

(3) Is for a use of substantial importance in diagnosing, curing, mitigating, or treating disease, or otherwise preventing impairment of human health and presents a potential for serious risk to the health, safety, or welfare of a subject; or

(4) Otherwise presents a potential for serious risk to the health, safety, or welfare of a subject.

(n) "Sponsor" means a person who initiates, but who does not actually conduct, the investigation, that is, the investigational device is administered, dispensed, or used under the immediate direction of another individual. A person other than an individual that uses one or more of its own employees to conduct an investigation that it has initiated is a sponsor, not a sponsor-investigator, and the employees are investigators.

(o) "Sponsor-investigator" means an individual who both initiates and actually conducts, alone or with others, an investigation, that is, under whose immediate direction the investigational device is administered, dispensed, or used. The term does not include any person other than an individual. The obligations of a sponsor-investigator under this part include those of an investigator and those of a sponsor.

(p) "Subject" means a human who participates in an investigation, either as an individual on whom or on whose specimen an investigational device is used or as a control. A subject may be in normal health or may have a medical condition or disease.

(q) "Termination" means a discontinuance, by sponsor or by withdrawl of IRB or FDA approval, of an investigation before completion.

(r) "Transitional device" means a device subject to section 520(l) of the act, that is, a device that FDA considered to be a new drug or an antibiotic drug before May 28, 1976.

(s) "Unanticipated adverse device effect" means any serious adverse effect on health or safety or any life-threatening problem or death caused by, or associated with, a device, if that effect, problem, or death was not previously identified in nature, severity, or degree of incidence in the investigational plan or application (including a supplementary plan or application), or any other unanticipated serious problem associated with a device that relates to the rights, safety, or welfare of subjects.

§ 812.5 Labeling of investigational devices.

(a) *Contents.* An investigational device or its immediate package shall bear a label with the following information: The name and place of

business of the manufacturer, packer, or distributor (in accordance with § 801.1); the quantity of contents if appropriate; all relevant contraindications, hazards, adverse effects, interfering substances or devices, warnings, and precautions; and the following statement: "CAUTION—Investigational device. Limited by Federal (or United States) law to investigational use."

(b) *Prohibitions.* The labeling of an investigational device shall not bear any statement that is false or misleading in any particular and shall not represent that the device is safe or effective for the purposes for which it is being investigated.

(c) *Animal research.* An investigational device shipped solely for research on or with laboratory animals shall bear on its label the following statement: "CAUTION—Device for investigational use in laboratory animals or other tests that do not involve human subjects."

§ 812.7 Prohibition of promotion and other practices.

A sponsor, investigator, or any person acting for or on behalf of a sponsor or investigator shall not:

(a) Promote or test market an investigational device, until after FDA has approved the device for commercial distribution.

(b) Commercialize an investigational device by charging the subjects or investigators for a device a price larger than that necessary to recover costs of manufacture, research, development, and handling.

(c) Unduly prolong an investigation. If data developed by the investigation indicate in the case of a class III device that premarket approval cannot be justified or in the case of a class II device that it will not comply with an applicable performance standard or an amendment to that standard, the sponsor shall promptly terminate the investigation.

(d) Represent that an investigational device is safe or effective for the purposes for which it is being investigated.

§ 812.10 Waivers.

(a) *Request.* A sponsor may request FDA to waive any requirement of this part. A waiver request, with supporting documentation, may be submitted separately or as part of an application to the address in § 812.19.

(b) *FDA action.* FDA may by letter grant a waiver of any requirement that FDA finds is not required by the act and is unnecessary to protect the rights, safety, or welfare of human subjects.

(c) *Effect of request.* Any requirement shall continue to apply unless and until FDA waives it.

§ 812.18 Import and export requirements.

(a) *Imports.* In addition to complying with other requirements of this part, a person who imports or offers for importation an investigational device subject to this part shall be the agent of the foreign exporter with respect to investigations of the device and shall act as the sponsor of the clinical investigation, or ensure that another person acts as the agent of the foreign exporter and the sponsor of the investigation.

(b) *Exports.* A person exporting an investigational device subject to this part shall obtain FDA's prior approval, as required by section 801(d) of the act.

§ 812.19 Address for IDE correspondence.

All applications, supplemental applications, reports, requests for waivers, requests for import or export approval, and other correspondence relating to matters covered by this part shall be addressed to the Bureau of Medical Devices, Document Control Center (HFK–20), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910. The outside wrapper of each submission shall state what the submission is, for example an "IDE application," a "supplemental IDE application," or "correspondence concerning an IDE (or an IDE application)."

Subpart B—Application and Administrative Action

§ 812.20 Application.

(a) *Submission.* (1) A sponsor shall submit an application to FDA if the sponsor intends to use a significant risk device in an investigation or if FDA notifies the sponsor that an application is required for an investigation.

(2) A sponsor shall submit an investigational plan and a report of prior investigations to an IRB for approval, and obtain IRB approval, before submitting an application to FDA for approval. If no IRB exists or if FDA finds that an IRB's review is inadequate, a sponsor may submit an application to FDA without first seeking and obtaining an IRB's approval of the investigation; in such a case, however, FDA may refuse to approve the application without prior IRB approval of the investigation if FDA finds that IRB review is necessary to assure protection of the rights, safety, or welfare of subjects.

(3) A sponsor shall not begin an investigation for which FDA's approval of an application is required until FDA has approved the application. If more than one IRB must approve an investigation, and these approvals occur after submission of an application to FDA, a sponsor shall submit a supplemental application under § 812.35(b) to FDA following each additional IRB approval. A sponsor shall not begin an investigation or part of an investigation at an institution until the IRB and FDA both have approved the application or supplemental application relating to the investigation or part of an investigation at that institution.

(4) A sponsor shall submit three copies of a signed "Application for an Investigational Device Exemption" (IDE application), together with accompanying materials, by registered mail or by hand to the address in § 812.19. Subsequent correspondence concerning an application or a supplemental application shall be submitted by registered mail or by hand.

(b) *Contents.* An IDE application shall include, in the following order:

(1) The name and address of the sponsor.

(2) A complete report of prior investigations of the device and an accurate summary of those sections of the investigational plan described in § 812.25(a) through (e) or, in lieu of the summary, the complete plan. The sponsor shall submit to FDA a complete investigational plan and a complete report of prior investigations of the device if no IRB has reviewed them, if FDA has found an IRB's review inadequate, or if FDA requests them.

(3) A description of the methods, facilities, and controls used for the manufacture, processing, packing, storage, and, where appropriate, installation of the device, in sufficient detail so that a person generally familiar with good manufacturing practices can make a knowledgeable judgment about the quality control used in the manufacture of the device.

(4) An example of the agreements to be entered into by all investigators to comply with investigator obligations under this part, and a list of the names and addresses of all investigators who have signed the agreement.

(5) A certification that all investigators who will participate in the investigation have signed the agreement, that the list of investigators includes all the investigators participating in the investigation, and that no investigators will be added to the investigation until they have signed the agreement.

(6) A list of the name, address, and chairperson of each IRB that has been or will be asked to review the investigation and a certification of the action

concerning the investigation taken by each such IRB.

(7) The name and address of any institution at which a part of the investigation may be conducted that has not been identified in accordance with paragraph (b)(6) of this section.

(8) If the device is to be sold, the amount to be charged and an explanation of why sale does not constitute commercialization of the device.

(9) An environmental analysis report meeting the requirements of Part 25, when requested by FDA.

(10) Copies of all labeling for the device.

(11) Copies of all forms and informational materials to be provided to subjects to obtain informed consent.

(12) Any other relevant information FDA requests for review of the application.

(c) *Additional information.* FDA may request additional information concerning an investigation or revision in the investigational plan. The sponsor may treat such a request as a disapproval of the application for purposes of requesting a hearing under Part 16.

(d) *Information previously submitted.* Information previously submitted to the Bureau of Medical Devices in accordance with this chapter ordinarily need not be resubmitted, but may be incorporated by reference.

§ 812.25 Investigational plan.

The investigational plan shall include, in the following order:

(a) *Purpose.* The name and intended use of the device and the objectives and duration of the investigation.

(b) *Protocol.* A written protocol describing the methodology to be used and an analysis of the protocol demonstrating that the investigation is scientifically sound.

(c) *Risk analysis.* A description and analysis of all increased risks to which subjects will be exposed by the investigation; the manner in which these risks will be minimized; a justification for the investigation; and a description of the patient population, including the number, age, sex, and condition.

(d) *Description of device.* A description of each important component, ingredient, property, and principle of operation of the device and of each anticipated change in the device during the course of the investigation.

(e) *Monitoring procedures.* The sponsor's written procedures for monitoring the investigation and the name and address of any monitor.

(f) *Labeling.* Copies of all labeling for the device.

(g) *Consent materials.* Copies of all forms and informational materials to be provided to subjects to obtain informed consent.

(h) *IRB information.* A list of the names, locations, and chairpersons of all IRB's that have been or will be asked to review the investigation, and a certification of any action taken by any of those IRB's with respect to the investigation.

(i) *Other institutions.* The name and address of each institution at which a part of the investigation may be conducted that has not been identified in paragraph (h) of this section.

(j) *Additional records and reports.* A description of records and reports that will be maintained on the investigation in addition to those prescribed in Subpart G.

§ 812.27 Report of prior investigations.

(a) *General.* The report of prior investigations shall include reports of all prior clinical, animal, and laboratory testing of the device and shall be comprehensive and adequate to justify the proposed investigation.

(b) *Specific contents.* The report also shall include:

(1) A bibliography of all publications, whether adverse or supportive, that are relevant to an evaluation of the safety or effectiveness of the device, copies of all published and unpublished adverse information, and, if requested by an IRB or FDA, copies of other significant publications.

(2) A summary of all other unpublished information (whether adverse or supportive) in the possession of, or reasonably obtainable by, the sponsor that is relevant to an evaluation of the safety or effectiveness of the device.

(3) If information on nonclinical tests is provided, a statement that all nonclinical tests have been conducted in compliance with applicable requirements in the good laboratory practice regulations in Part 58, or a detailed description of, and justification for, all differences between the practices used in the tests and those required by Part 58. Failure or inability to comply with this requirement does not justify failure to provide information on a relevant nonclinical test.

§ 812.30 FDA action on applications.

(a) *Approval or disapproval.* FDA will notify the sponsor in writing of the date it receives an application. FDA may approve an investigation as proposed, approve it with modifications, or disapprove it. An investigation may not begin until:

(1) Thirty days after FDA receives the application at the address in § 812.19 for the investigation of a device other than a banned device, unless FDA notifies the sponsor that the investigation may not begin; or

(2) FDA approves, by order, an IDE for the investigation.

(b) *Grounds for disapproval or withdrawal.* FDA may disapprove or withdraw approval of an application if FDA finds that:

(1) There has been a failure to comply with any requirement of this part or the act, any other applicable regulation or statute, or any condition of approval imposed by an IRB or FDA.

(2) The application or a report contains an untrue statement of a material fact, or omits material information required by this part.

(3) The sponsor fails to respond to a request for additional information within the time prescribed by FDA.

(4) There is reason to believe that the risks to the subjects are not outweighed by the anticipated benefits to the subjects and the importance of the knowledge to be gained, or informed consent is inadequate, or the investigation is scientifically unsound, or if there is reason to believe that the device is ineffective, or it is otherwise unreasonable to begin or to continue the investigation owing to the way in which the device is used or the inadequacy of:

(i) The report of prior investigations or the investigational plan;

(ii) The methods, facilities, and controls used for the manufacturing, processing, packaging, storage, and, where appropriate, installation of the device; or

(iii) Monitoring and review of the investigation.

(5) There is reason to believe that the device, as used in the investigation, is ineffective.

(c) *Notice of disapproval or withdrawal.* If FDA disapproves an application or propose to withdraw approval of an application, FDA will notify the sponsor in writing.

(1) A disapproval order will contain a complete statement of the reasons for disapproval and a statement that the sponsor has an opportunity to request a hearing under Part 16.

(2) A notice of a proposed withdawal of approval will contain a complete statement of the reasons for withdrawal and a statement that the sponsor has an opportunity to request a hearing under Part 16. FDA will provide the opportunity for hearing before withdrawal of approval, unless FDA determines in the notice that continuation of testing under the exemption will result in an unreasonble

risk to the public health and orders withdrawal of approval before any hearing.

§ 812.35 Supplemental applications.

(a) *Changes in investigational plan.* A sponsor shall (1) submit to FDA a supplemental application if the sponsor or an investigator proposes a change in the investigational plan that may affect its scientific soundness or the rights, safety, or welfare of subjects, and (2) obtain IRB and FDA approval of the change before implementation. These requirements do not apply in the case of a deviation from the investigational plan to protect the life or physical well-being of a subject in an emergency, which deviation shall be reported to FDA within 5 working days after the sponsor learns of it.

(b) *New institutions.* A sponsor shall submit to FDA a supplemental application if an IRB other than one whose approval as a part of an investigation is certified in an application is to participate in the investigation. If the investigation is otherwise unchanged, the supplemental application shall consist of a certification of IRB approval, and updating of the information required by § 812.20(b), and a description of any modifications in the investigational plan required by the IRB as a condition of approval. A sponsor may not begin a part of an investigation at an institution until the IRB has approved the investigation and FDA has approved the supplemental application relating to that part of the investigation.

§ 812.38 Confidentiality of data and information.

(a) *Existence of IDE.* FDA will not disclose the existence of an IDE unless its existence has previously been publicly disclosed or acknowledged, until FDA approves an application for premarket approval of the device subject to the IDE; or a notice of completion of a product development protocol for the device has become effective.

(b) *Availability of summaries or data.* (1) FDA will make publicly available, upon request, a detailed summary of information concerning the safety and effectiveness of the device that was the basis for an order approving, disapproving, or withdrawing approval of an application for an IDE for a banned device. The summary shall include information on any adverse effect on health caused by the device.

(2) If a device is a banned device or if the existence of an IDE has been publicly disclosed or acknowledged, data or information contained in the file is not available for public disclosure before approval of an application for premarket approval or the effective date of a notice of completion of a product development protocol except as provided in this section. FDA may, in its discretion, disclose a summary of selected portions of the safety and effectiveness data, that is, clinical, animal, or laboratory studies and tests of the device, for public consideration of a specific pending issue.

(3) If the existence of an IDE file has not been publicly disclosed or acknowledged, no data or information in the file are available for public disclosure except as provided in paragraphs (b)(1) and (c) of this section.

(c) *Reports of adverse effects.* Upon request or on its own initiatives, FDA shall disclose to an individual on whom an investigational device has been used a copy of a report of adverse device effects relating to that use.

(d) *Other rules.* Except as otherwise provided in this section, the availability for public disclosure of data and information in an IDE file shall be handled in accordance with § 314.14, which concerns the confidentiality of data and information in new drug applications, until the effective date of regulations concerning the confidentiality of data and information in applications for premarket approval of devices.

Subpart C—Responsibilities of Sponsors

§ 812.40 General responsibilities of sponsors.

Sponsors are responsible for selecting qualified investigators and providing them with the information they need to conduct the investigation properly, ensuring proper monitoring of the investigation, ensuring that IRB review and approval are obtained, submitting an IDE application to FDA, and ensuring that any reviewing IRB and FDA are promptly informed of significant new information about an investigation. Additional responsibilities of sponsors are described in Subparts B and G.

§ 812.43 Selecting investigators and monitors.

(a) *Selecting investigators.* A sponsor shall select investigators qualified by training and experience to investigate the device.

(b) *Control of device.* A sponsor shall ship investigational devices only to qualified investigators participating in the investigation.

(c) *Obtaining agreements.* A sponsor shall obtain from each participating investigator a signed agreement that includes:

(1) The investigator's curriculum vitae.

(2) Where applicable, a statement of the investigator's relevant experience, including the dates, location, extent, and type of experience.

(3) If the investigator was involved in an investigation or other research that was terminated, an explanation of the circumstances that led to termination.

(4) A statement of the investigator's commitment to (i) conduct the investigation in accordance with the agreement, the investigational plan, this part and other applicable FDA regulations, and conditions of approval imposed by the reviewing IRB or FDA; (ii) supervise all testing of the device involving human subjects; and (iii) ensure that the requirements for obtaining informed consent are met.

(d) *Selecting monitors.* A sponsor shall select monitors qualified by training and experience to monitor the investigational study in accordance with this part and other applicable FDA regulations.

§ 812.45 Informing investigators.

A sponsor shall supply all investigators participating in the investigation with copies of the investigational plan and the report of prior investigations of the device.

§ 812.46 Monitoring investigations.

(a) *Securing compliance.* A sponsor who discovers that an investigator is not complying with the signed agreement, the investigational plan, the requirements of this part or other applicable FDA regulations, or any conditions of approval imposed by the reviewing IRB or FDA shall promptly either secure compliance, or discontinue shipments of the device to the investigator and terminate the investigator's participation in the investigation. A sponsor shall also require such an investigator to dispose of or return the device, unless this action would jeopardize the rights, safety, or welfare of a subject.

(b) *Unanticipated adverse device effects.* (1) A sponsor shall immediately conduct an evaluation of any unanticipated adverse device effect.

(2) A sponsor who determines that an unanticipated adverse device effect presents an unreasonable risk to subjects shall terminate all investigations or parts of investigations presenting that risk as soon as possible. Termination shall occur not later than 5 working days after the sponsor makes this determination and not later than 15 working days after the sponsor first received notice of the effect.

(c) *Resumption of terminated studies.* If the device is a significant risk device, a sponsor may not resume a terminated investigation without IRB and FDA approval. If the device is not a significant risk device, a sponsor may not resume a terminated investigation without IRB approval and, if the investigation was terminated under paragraph (b)(2), FDA approval.

Subpart D—Responsibilities of Institutional Review Boards

§ 812.60 General responsibilities of institutional review boards.

The principal responsibility of an IRB is to protect the rights, safety, and welfare of human subjects by making an initial judgment that a proposed investigation is acceptable, after reviewing the risks and benefits to human subjects, the knowledge to be gained, and the adequacy of informed consent. An IRB expresses local community attitudes and ethical standards when reviewing proposed investigations. An IRB also is responsible for ensuring that an investigation is conducted in a manner consistent with institutional policies, applicable law, and standards of professional practice. Additional responsibilities of IRB's for recordkeeping and reporting are described in Subpart G.

§ 812.62 Membership.

(a) *General.* An IRB shall be composed of not fewer than five individuals sufficiently qualified through maturity, experience, expertise, and diversity of background to ensure broad respect for its advice for safeguarding the rights, safety, and welfare of human subjects.

(b) *Diversity.* An IRB shall include at least one licensed physician, one nonphysician scientist, and one individual whose primary activities are in a nonscientific field, e.g., a lawyer, member of the clergy, ethicist, or consumer.

(c) *Nonaffiliated member.* An IRB shall include at least one member whose only affiliation with the institution is IRB membership.

(d) *Specific qualifications.* In addition to possessing the professional competence necessary to understand an investigation, the IRB as a whole shall be able to ascertain the acceptability of an investigation in terms of institutional commitments and regulations, applicable law, standards of professional conduct and practice, community attitudes, and ethical standards.

(e) *Scientific or technical knowledge.* An IRB shall have among its members or shall obtain by means of nonvoting consultants sufficient scientific and technical knowledge and expertise to be able to review proposed investigations in order to determine that the rights, safety, and welfare of human subjects are adequately protected.

(f) *Prohibition.* No IRB, institution, or other person may permit an investigator or sponsor to participate in the selection of members of an IRB that will review an investigation conducted or sponsored by that investigator or sponsor.

§ 812.65 Responsibilities and procedures.

(a) *Requirements.* An IRB shall:

(1) Adopt and follow written procedures for conducting its review of investigational plans and reports of prior investigations and for reporting its findings to the institution, investigator, and, where appropriate, the sponsor.

(2) Conduct business by a quorum of not less than a majority of the members of the IRB physically present. Regardless of the number of members physically present, a quorum shall include at least one licensed physician, one nonphysician scientist, and one member whose primary activities are in a nonscientific field.

(3) Ensure that any member having a conflict of interest, as determined by the IRB, relating to a particular investigation does not participate in the review of that investigation. This requirement does not prohibit a member from furnishing information requested by an IRB.

(4) In a timely manner review and approve, approve with modifications, disapprove, suspend, or withdraw approval of an investigation for any reason the IRB considers appropriate. An IRB may not approve an investigation unless it has determined that risks to subjects have been minimized to the extent possible consistent with the purposes of the investigation. An IRB shall disapprove or withdraw approval of an investigation if the risks to the subject are not outweighed by the anticipated benefits to the subjects and the importance of the knowledge to be gained, or if informed consent is inadequate, or if the investigation is scientifically unsound, or if there is reason to believe the device is ineffective, or if it is otherwise unreasonable, unsafe, improper, or not in the best interests of the institution to begin or to continue an investigation owing to the way in which the device is used or for any of the reasons set forth in § 812.30(b)(4)(i) through (iii).

(5) Notify the investigator and, where appropriate, the sponsor of each decision it makes about the investigation and the basis for its decision. If an IRB determines that an investigation presented for approval under § 812.2(b)(1)(ii) involves a significant risk device, it shall so notify the investigator and, where appropriate, the sponsor. A sponsor may not begin the investigation except as provided in § 812.30(a).

(6) Continue to review an investigation that the IRB has approved until the investigation is completed or terminated. Such review shall be undertaken at intervals appropriate to the degree of risk, but not less than once a year.

(b) *Additional information.* An IRB may request an investigator or sponsor to submit additional information concerning an investigation.

(c) *Independence.* The decision of one IRB does not preclude a different decision on the same investigation by another IRB.

§ 812.70 Review of IRB actions.

Institutional officials may review and approve or reject actions by an IRB, but may not overrule an IRB disapproval; suspension; withdrawal of approval; a modification of an investigational plan determined by the IRB to be necessary or desirable to protect the rights, safety, or welfare of human subjects; or a finding that a device is a significant risk device.

Subpart E—Responsibilities of Investigators

§ 812.100 General responsibilities of investigators.

An investigator is responsible for ensuring that an investigation is conducted according to the signed agreement, the investigational plan and applicable FDA regulations, for protecting the rights, safety, and welfare of subjects under the investigator's care, and for the control of devices under investigation. An investigator also is responsible for ensuring that informed consent is obtained in accordance with Subpart F. Additional responsibilities of investigators are described in Subpart G.

§ 812.110 Specific responsibilities of investigators.

(a) *Awaiting approval.* An investigator may determine whether potential subjects would be interested in participating in an investigation, but shall not request the written informed consent of any subject to participate, and shall not allow any subject to paticipate before obtaining IRB and FDA approval.

(b) *Compliance.* An investigator shall conduct an investigation in accordance with the signed agreement with the sponsor, the investigational plan, this part and other applicable FDA regulations, and any conditions of approval imposed by an IRB or FDA.

(c) *Supervising device use.* An investigator shall permit an investigational device to be used only with subjects under the investigator's supervision. An investigator shall not supply an investigational device to any person not authorized under this part to receive it.

(d) *Disposing of device.* Upon completion or termination of a clinical investigation or the investigator's part of an investigation, or at the sponsor's request, an investigator shall return to the sponsor any remaining supply of the device or otherwise dispose of the device as the sponsor directs.

Subpart F—Informed Consent

§ 812.120 General.

Informed consent is a critical element of subject protection in the conduct of an investigation. The requirements in this subpart are designed to ensure that subjects understand fully the nature of potential risks and benefits of an investigation to aid them in making a voluntary choice whether to participate in it.

§ 812.122 Requirement.

(a) Before including any individual as a subject in an investigation, an investigator shall obtain from the individual, without coercion, deception, or undue influence, informed consent to participate in the investigation.

(b) Except as provided in paragraph (c), in an investigation of a significant risk device informed consent shall be evidenced by a document that includes the elements specified in § 812.130 and that is signed by the subject or, if the subject lacks legal capacity, the subject's legal representative.

(c) In the following case, an investigator may obtain informed consent by reading to the subject or the subject's legal representative a document that includes the elements specified in § 812.130 and obtaining and documenting oral informed consent:

(1) If the investigation is of a device other than a significant risk device and is subject to § 812.2(b)(1), or

(2) If a significant risk device is to be used on a subject who lacks legal capacity and whose legal representative is illiterate.

§ 812.123 Exception.

Informed consent is required, unless:

(a) The investigator determines and documents that:

(1) A life-threatening situation exists that necessitates the use of the investigational device;

(2) There is no effective alternative to use of the device;

(3) It is not feasible to obtain informed consent from the subject; and

(4) There is not sufficient time to obtain such consent from the subject's legal representative.

(b) The investigator obtains concurrence of a licensed physician not involved in the investigation, unless immediate use of the device is necessary to save the life of the subject and there is not sufficient time to obtain the concurrence of a physician.

§ 812.130 Elements of informed consent.

(a) *Requirements.* In seeking informed consent, an investigator shall provide to a subject, or to the subject's legal representative, information that includes:

(1) An explanation of the procedures to be followed, including an explanation of each procedure that is experimental.

(2) An explanation of the nature of the investigational device and an explanation of the expected duration and purpose of the use of the investigational device.

(3) A description of any attendant discomforts and risks reasonably to be expected.

(4) An explanation of likely results should the procedures fail.

(5) A description of any benefits to the subject or others reasonably to be expected.

(6) A disclosure of any appropriate alternative procedures that might be advantageous to the subject.

(7) A description of the scope of the investigation, including the number of subjects involved.

(8) An offer to answer any inquiries concerning the investigation.

(9) A disclosure that the subject, or the subject's legal representative, is free to decline participation in the investigation or to withdraw consent and to discontinue participation at any time without prejudice to the subject.

(10) A disclosure that the investigational device is being used for research purposes.

(b) *Prohibitions.* An informed consent document shall not include language that waives, or appears to waive, any of the subject's legal rights or releases the institution, its agents, the sponsor, or the investigator from liability for negligence.

Subpart G—Records and Reports

§ 812.140 Records.

(a) *Investigator records.* A participating investigator shall maintain the following accurate, complete, and current records relating to the investigator's participation in an investigation:

(1) all correspondence with another investigator, an IRB, the sponsor, a monitor, or FDA, including required reports.

(2) Records of receipt, use or disposition of a device that relate to:

(i) The type and quantity of the device, the dates of its receipt, and the batch number or code mark.

(ii) The names of all persons who received, used, or disposed of each device.

(iii) Why and how many units of the device have been returned to the sponsor, repaired, or otherwise disposed of.

(3) Records of each subject's case history and exposure to the device. Such records shall include:

(i) Documents evidencing informed consent and, for any use of a device by the investigator without informed consent, any written concurrence of a licensed physician and a brief description of the circumstances justifying the failure to obtain informed consent.

(ii) All relevant observations, including records concerning adverse device effects (whether anticipated or unanticipated), information and data on the condition of each subject upon entering, and during the course of, the investigation, including information about relevant previous medical history and the results of all diagnostic tests.

(iii) A record of the exposure of each subject to the investigational device, including the date and time of each use, and any other therapy.

(4) The protocol, with documents showing the dates of and reasons for each deviation from the protocol.

(5) Any other records that FDA requires to be maintained by regulation or by specific requirement for a category of investigations or a particular investigation.

(b) *Sponsor records.* A sponsor shall maintain the following accurate, complete, and current records relating to an investigation:

(1) All correspondence with another sponsor, a monitor, an investigator, an IRB, or FDA, including required reports.

(2) Records of shipment and disposition. Records of shipment shall include the name and address of the consignee, type and quantity of device, date of shipment, and batch number or

code mark. Records of disposition shall describe the batch number or code marks of any devices returned to the sponsor, repaired, or disposed of in other ways by the investigator or another person, and the reasons for and method of disposal.

(3) Signed investigator agreements.

(4) For each investigation subject to § 812.2(b)(1) of a device other than a significant risk device, the records described in paragraph (b)(5) of this section and the following records, consolidated in one location and available for FDA inspection and copying:

(i) The name and intended use of the device and the objectives of the investigation;

(ii) A brief explanation of why the device is not a significant risk device:

(iii) The name and address of each investigator:

(iv) The name and address of each IRB that has reviewed the investigation:

(v) A statement of the extent to which the good manufacturing practice regulation in Part 820 will be followed in manufacturing the device and a copy of any quality assurance program that is followed with respect to the device: and

(vi) Any other information required by FDA.

(5) Records concerning adverse device effects (whether anticipated or unanticipated) and complaints and

(6) Any other records that FDA requires to be maintained by regulation or by specific requirement for a category of investigation or a particular investigation.

(c) *IRB records.* A reviewing IRB shall maintain the following accurate, complete, and current records relating to that IRB's review of an investigation:

(1) All correspondence with another IRB, an investigator, a sponsor, a monitor, or FDA.

(2) Records of the membership of the IRB and of its members' employment relationship with the institution with which the IRB is associated, for example full-time or part-time employee, member of governing panel or board, paid or unpaid consultant. Such records shall include:

(i) Each member's name, earned degrees (if any), position or occupation, specialty field (if any), representative capacity, and other pertinent indications of qualifications, such as board certifications or licenses;

(ii) Each member's employment or other relationship with an investigator or sponsor whose investigation is reviewed by the IRB, for example full-time or part-time employee, member of governing panel or board, paid or unpaid consultant; and

(3) Minutes of attendance at each meeting and of each decision concerning an investigation.

(d) *Retention period.* Records required by this subpart shall be maintained during the investigation and for a period of 2 years after the latter of the following two dates: The date on which the investigation is terminated or completed, or the date that the records are no longer required for purposes of supporting a premarket approval application or a notice of completion of a product development protocol.

(e) *Records custody.* An investigator, sponsor, or IRB may withdraw from the responsibility to maintain records for the period required in paragraph (d) of this section and transfer custody of the records to any other person who will accept responsibility for them under this part, including the requirements of § 812.145. Notice of a transfer shall be given to FDA not later than 10 working days after transfer occurs.

§ 812.145 Inspections.

(a) *Entry and inspection.* A sponsor or an investigator who has authority to grant access shall permit authorized FDA employees, at reasonable times and in a reasonable manner, to enter and inspect any establishment where devices are held (including any establishment where devices are manufactured, processed, packed, installed, used, or implanted or where records of results from use of devices are kept).

(b) *Records inspection.* A sponsor, IRB, or investigator, or any other person acting on behalf of such a person with respect to an investigation, shall permit authorized FDA employees, at reasonable times and in a reasonable manner, to inspect and copy all records relating to an investigation.

(c) *Records identifying subjects.* An investigator shall permit authorized FDA employees to inspect and copy records that identify subjects, upon notice that FDA has reason to suspect that adequate informed consent was not obtained, or that reports required to be submitted by the investigator to the sponsor or IRB have not been submitted or are incomplete, inaccurate, false, or misleading.

§ 812.150 Reports

(a) *Investigator reports.* An investigator shall prepare and submit the following complete, accurate, and timely reports:

(1) *Unanticipated adverse device effects.* An investigator shall submit to the sponsor and to the reviewing IRB a report of any unanticipated adverse device effect occurring during an investigation as soon as possible, but in no event later than 10 working days after the investigator first learns of the effect.

(2) *Withdrawal of IRB approval.* An investigator shall report to the sponsor, within 5 working days, a withdrawal of approval by the reviewing IRB of the investigator's part of an investigation.

(3) *Progress.* An investigator shall submit progress reports on the investigation to the sponsor, the monitor, and the reviewing IRB at regular intervals, but in no event less often than yearly.

(4) *Deviations from the investigational plan.* An investigator shall notify the sponsor and the reviewing IRB of any deviation from the investigational plan to protect the life or physical well-being of a subject in an emergency. Such notice shall be given as soon as possible, but in no event later than 5 working days after the emergency occurred. Except in such an emergency, prior approval by the sponsor is required for changes in or deviations from a plan, and, if these changes or deviations may affect scientific soundness of the plan or the rights, safety, or welfare of human subjects, IRB and FDA approval under § 812.35(a) also is required.

(5) *Informed consent.* If an investigator uses a device without obtaining informed consent, the investigator shall report such use to the sponsor and the reviewing IRB withing 5 working days after the use occurs.

(6) *Final report.* An investigator shall, within 3 months after termination or completion of the investigation or the investigator's part of the investigation, submit a final report to the sponsor and the reviewing IRB.

(7) *Other.* An investigator shall, upon request by a reviewing IRB or FDA, provide accurate, complete, and current information about any aspect of the investigation.

(b) *Sponsor reports.* A sponsor shall prepare and submit the following complete, accurate, and timely reports:

(1) *Unanticipated adverse device effects.* A sponsor who conducts an evaluation of an unanticipated adverse device effect under § 812.46(b) shall report the results of such evaluation to FDA and to all reviewing IRB's and participating investigators within 10 working days after the sponsor first receives notice of the effect. Thereafter the sponsor shall submit such additional reports concerning the effect as FDA requests.

(2) *Withdrawal of IRB approval.* A sponsor shall notify FDA and all reviewing IRB's and participating investigators of any withdrawal of

approval of an investigation or a part of an investigation by a reviewing IRB within 5 working days after receipt of the withdrawal of approval.

(3) *Withdrawal of FDA approval.* A sponsor shall notify all reviewing IRB's and participating investigators of any withdrawal of FDA approval of the investigation, and shall do so within 5 working days after receipt of notice of the withdrawal of approval.

(4) *Current investigator list.* A sponsor shall submit to FDA, at 6-month intervals, a current list of the names and addresses of all investigators participating in the investigation. The sponsor shall submit the first such list 6 months after FDA approval.

(5) *Progress reports.* At regular intervals, but in no event less often than yearly, a sponsor shall submit progress reports to FDA and to all reviewing IRB's.

(6) *Recall and device disposition.* A sponsor shall notify FDA and all reveiwing IRB's of any request that an investigator return, repair, or otherwise dispose of any units of a device. Such notice shall occur within 30 working days after the request is made and shall state why the request was made.

(7) *Final report.* In the case of a significant risk device, the sponsor shall notify FDA within 30 working days of the completion or termination of the investigation and shall submit a final report to FDA and all reviewing the IRB's and participating investigators within 6 months after completion or termination. In the case of a device that is not a significant risk device, the sponsor shall submit a final report to all reviewing IRB's within 6 months after termination or completion.

(8) *Informed consent.* A sponsor shall submit to FDA a copy of any report by an investigator under paragraph (a)(5) of this section of use of a device without obtaining informed consent, within 5 working days of receipt of notice of such use.

(9) *Significant risk device determinations.* If an IRB determines that a device is a significant risk device, and the sponsor had proposed that the IRB consider the device not to be a significant risk device, the sponsor shall submit to FDA a report of the IRB's determination within 5 working days after the sponsor first learns of the IRB's determination.

(10) *Other.* A sponsor shall, upon request by a reveiwing IRB or FDA, provide accurate, complete, and current information about any aspect of the investigation.

Effective date. The reporting and recordkeeping requirements contained in this rule have been submitted for approval by the Office of Management and Budget (OMB) in accordance with the Federal Reports Act of 1942. This regulation will become effective July 16, 1980, provided that approval of the OMB is received by that date. If OMB does not approve, without change, the reporting and recordkeeping requirements contained in the rule, FDA will revise the rule as necessary to comply with the decision of OMB. FDA will publish a notice in a future issue of the **Federal Register** concerning OMB's decision on these requirements.

(Secs. 301, 501, 502, 520, 701(a), 702, 704, 801, 52 Stat. 1042–1043 as amended, 1049–1051 as amended, 1055, 1056–1058 as amended, 67 Stat. 476–477 as amended, 90 Stat. 565–574, (21 U.S.C. 331, 351, 352, 360, 371(a), 372, 374, 381))

Dated: January 8, 1980.

Jere E. Goyan,

Commissioner of Food and Drugs.

[FR Doc. 80-1258 Filed 1-17-80; 8:45 am]

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Friday
January 18, 1980

Part III

Consumer Product Safety Commission

Proposed Safety Standard Requiring Oxygen Depletion Safety Shutoff Systems (ODS) for Unvented Gas-Fired Space Heaters

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1212

Safety Standard Requiring Oxygen Depletion Safety Shutoff Systems (ODS) for Unvented Gas-Fired Space Heaters; Proposed Standard

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes a consumer product safety standard that will require the application of an oxygen depletion sensor and fuel gas cutoff device (an ODS) to unvented gas-fired space heaters. At this time, such heaters permit carbon monoxide (CO) to be discharged directly into the living space, resulting in possible carbon monoxide poisoning. The ODS required by the proposed standard acts to avoid CO buildup by shutting off the supply of gas to the heater when oxygen is so depleted as to create an atmosphere hazardous to human life. Thus the proposed standard is expected to reduce the number of deaths from CO poisoning that are associated with unvented gas-fired space heaters.

DATES: (1) Effective date: The Commission proposes that any final standard for this product apply to all unvented gas-fired space heaters manufactured or imported after midnight December 30, 1980.

(2) Comments should be received by the Commission by March 18, 1980. The Commission will consider comments received after this date to the extent practicable. Interested persons will have an opportunity to make an oral presentation of data, views, or arguments regarding this proposal at a meeting on March 10, 1980, at 10:00 a.m. Those wishing to make oral presentations should notify the Office of the Secretary at (202 634–7700) by March 3, 1980. A summary or copy of testimony should be submitted to the Office of the Secretary by March 5, 1980.

ADDRESSES: Written comments, preferably in 5 copies, should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. All material which the Commission has that is relevant to this proceeding, including any comments which may be received on this proposal, may be seen in, or copies obtained, from the Office of the Secretary, 3rd floor, 1111 18th Street, NW., Washington, D.C. 20207. The meeting will be held in the Commission hearing room at the same location.

FOR FURTHER INFORMATION CONTACT: Stan Morrow, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301/492–6453.

A. Background

For several years the Commission has been examining and evaluating the hazards associated with vented and unvented gas-fired space heaters. On January 10, 1974, the Missouri Public Interest Research Group (PIRG) petitioned the Commission to develop mandatory safety standards and labeling requirements for space heaters (CP 74–10)(*7*).[1] The Commission examined the possible hazards associated with several different kinds of space heaters, including space heaters fueled by wood, kerosene, gas, and those powered by electricity. After reviewing the information then available to it, the Commission preliminarily concluded that only gas-fired space heaters presented unreasonable risks of injury to the public from such hazards as carbon monoxide poisoning and/or asphyxiation, contact burns, and fabric ignition. Therefore, the Commission partially denied petition CP 74–10, for space heaters fueled by energy sources other than gas (40 FR 4112, Sept. 5, 1975)(*5*).

At the same time, the Commission directed the staff to develop technical information on gas-fired space heaters for possible development of a proposed mandatory standard for these products. Concurrently, the Commission staff monitored the development of voluntary standards for vented and unvented gas-fired space heaters and wall furnaces by the American National Standards Institute (ANSI Z21.11.1, Z21.11.2, Z21.44, and Z21.49). At a public briefing of the Commission on May 19, 1977, the staff advised the Commission that since 1975 the voluntary standards for vented gas space heaters had been significantly improved; provisions for the safe ignition of vented heaters, reducing surface temperatures, preventing fabric ignition, and minimizing asphyxiation hazards had been, and were continuing to be, substantially upgraded. Additionally, the Commission noted that conformance by manufacturers to the industry's voluntary standards and industry certification programs [2] for vented gas space heaters is high. Industry certification of gas appliances to be installed in residences is widely prescribed by various state and local building codes and safety regulations. The Commission subsequently concluded that a mandatory safety regulation did not appear to be necessary at that time to address any risks of injury that might be associated with vented gas space heaters. A Notice of Decision to this effect was published September 14, 1977 (42 FR 46072)(*4*). The Commission staff continues to monitor these voluntary efforts in order to advise the Commission on further safety developments in the voluntary standards.

However, the Commission determined that the risk of injury from carbon monoxide poisoning associated with unvented gas space heaters was not adequately addressed by the voluntary standards for unvented gas space heaters. Carbon monoxide produced by a vented gas space heater will ordinarily pose a minimal threat from carbon monoxide poisoning because the combustion gases are vented out of the living space through flue openings. Unvented gas space heaters, on the other hand, discharge the products of this combustion directly into the space being heated.

Consequently, on February 14, 1978 (43 FR 6253) (*6*), the Commission proposed a ban of unvented gas space heaters because the Commission determined that the hazard of CO poisoning associated with this product, as further described below, presented an unreasonable risk of injury to the public, and the information then available to the Commission indicated that no feasible standard under the CPSA could adequately protect the public from this unreasonable risk.

Approximately 300 comments on the proposed ban were received from trade associations, distributors of liquid petroleum gas, manufacturers, retailers, individual consumers, consumer interest groups, and government officials. The majority of these commenters were opposed to the proposed ban on the grounds that it would remove from the market a relatively inexpensive source of heat, whose primary users are the elderly, and low and fixed-income

[1] The numbers in parenthesis, from *1–28*, are citations to the bibliography included at the end of this notice. The documents cited are available for review at the Office of the Secretary.

[2] The American Gas Association (AGA), a trade association of the gas distribution industry in the U.S., operates a nationally recognized testing and certification program for gas equipment. The AGA laboratories in Cleveland, Ohio evaluate gas appliances submitted by appliance manufacturers for testing under applicable ANSI voluntary standards. AGA certifies appliances that conform to these standards. Production plants are regularly inspected by AGA to determine manufacturers' continuing conformance to the ANSI requirements. State and local building codes generally regard AGA certification as a prerequisite to permitting installation of gas appliances.

families in the southern United States (*22, 23*).

During the comment period allowed for the proposed ban, the Commission was advised that manadatory standards adopted by several foreign countries require that unvented gas space heaters incorporate a sensing and control device designed to detect the depletion of oxygen in the living space and shut off the flow of gas to the heater before carbon monoxide emissions can build up to a hazardous concentration (*8*). This device, known as an oxygen depletion safety shutoff system (ODS), does not directly measure carbon monoxide in the living space, but senses when the atmospheric oxygen available for combustion is reduced, thereby permitting CO buildup. The device had not, to the Commission's knowledge, ever been adopted for use on unvented gas space heaters by American manufacturers. However, performance requirements addressing the optional use of an ODS on American manufactured heaters were included as part of the ANSI Z21.11.2 standard in effect at that time for unvented gas-fired space heaters (1).

The Commission requested the National Bureau of Standards (NBS) to evaluate the ODS to determine if the use of the ODS in an unvented gas space heater affords an adequate level of safety from CO poisoning.

The results of the National Bureau of Standards evaluation of the ODS show that, under laboratory conditions, the device repeatedly operated satisfactorily to shut down an unvented gas space heater when the room oxygen content was depleted to between 20.4% adn 18.2%. Carbon monoxide concentrations at these levels of oxygen depletion were in a range from 90 to 7 parts per million (ppm), with an average concentration of 37 ppm. During the NBS evaluations, deliberate changes to the heater air shutter to simulate burner maladjustment, and blockage of the ODS air ports to simulate sensor maladjustment and adverse conditions, did not significantly affect the operation of the ODS. Additionally, the ODS operated satisfactorily when used with a variety of representative fuel gases in use in the United States, including propane, butane, and natural gases (*11, 12*).

During this period, the Commission received information cencerning an additional control device, known as a temperature limiting device (TLD), which was purported to prevent a hazardous buildup of carbon monoxide in the living space by shutting off the gas supply to the heater when a room temperature of 100°F was reached. The operation of this device is based on the premise that as combustion air availability decreases, and the potential for higher levels of CO emissions increases due to inadequate air infiltration into the room in which the heater is operating, the room temperature will increase. A TLD requirement for unvented gas space heaters was incorporated into the industry voluntary standard, ANSI–Z21.11.2, on July 26, 1978. However, since very little test data on this device were available, the Commission concluded that additional information was needed to determine the degree of safety a TLD affords when applied to unvented gas space heaters. Therefore, the Commission requested the NBS to evaluate the performance and reliability of the TLD.

The NBS investigation of the TLD indicates that this device appears to be inadequate to address the carbon monoxide poisoning hazard under a variety of limited room ventilation and heat loss conditions. The results of the analyses show that high concentrations of carbon monoxide can exist at various levels of oxygen depletion in ventilated rooms and at temperatures below the shut-off point of TLD.

Complete copies of both NBS reports entitled: (1) Testing for an Oxygen Depletion Detecting for Unvented Gas Fueled Heaters, June 1978,(*11*); (2) Unvented Heater Tests and Analysis of Standards for a Temperature Sensitive Limit Device, November 1978, (*12*), are available through the Office of the Secretary.

Upon review of these test results, particularly the results of the ODS study, the Commission concluded that it could promulgate a feasible consumer product safety standard addressed to the unreasonable risk of carbon monoxide poisoning associated with unvented gas space heaters and that it was not necessary to ban this product. Such a safety standard would require an ODS device which has the capability of indirectly detecting a hazardous atmosphere resulting from carbon monoxide emissions and shutting off the gas supply to the heater.

The Commission also noted: (1) That the oxygen depletion sensor described in the ANSI Z21.11.2–1978 voluntary industry standard entitled *Gas-Fired Room Heaters, Vol. II-Unvented Room Heaters* (*1*), appears to be adequate for the task of reducing or eliminating this risk; and (2) that such a voluntary standard could be proposed as a mandatory standard. Authority for such a proposal is provided by section 7(c)(2). (15 U.S.C. 2056(c)(2)), of the CPSA as amended by section 5 of the Consumer Product Safety Act Authorization Act of 1978 (Pub. L. 95–631). Prior to this amendment, the Commission could publish an existing standard as a proposed standard only after publishing a notice under section 7(b) of the CPSA soliciting persons to either submit an existing standard for Commission consideration or offer to develop a standard for possible proposal. Congress decided with this amendment that the Commission should no longer be required to solicit submission of existing standards when it already knew of an existing standard that could adequately address an unreasonable risk. The amendment also clarified Commission authority to adopt selected provisions of an existing standard or standards. This amendment, which can be expected to save Commission time and resources, is being used by the Commission for the first time in the standard proposed below.

Section 7(c) now provides that where the Commission determines there is a standard issued by a qualified agency, organization or institution which would eliminate or reduce an unreasonable risk of injury if issued in whole or in part, or in combination with any other standard, the Commission may publish such a standard in whole, in part or in combination and with nonmaterial modifications, as a proposed standard.

The Commission directed its staff to prepare for Commission review and publication a draft proposed standard for public comment to incorporate the appropriate sections of the ANSI standard dealing with oxygen depletion sensors for unvented gas-fired space heaters.

On November 29, 1978 in accordance with section 9(a)(1)(b) (15 U.S.C. 2058(a)(1)(b)) of the CPSA, the Commission proposed to withdraw its proposal to ban these products and announced its intention to publish a proposed safety standard (43 FR 55772). During the comment period, the Commission received five comments, none of which opposed the withdrawal of the ban. The Commission, on March 28, 1979 (44 FR 18516) published a final withdrawal of its proposal of February 14, 1978 to declare that unvented gas-fired space heaters are banned hazardous products.

B. Nature of the Risk of Injury

The risk of injury associated with unvented gas-fired space heaters that is addressed by the standard below arises from the poisonous gas, carbon monoxide, entering the human respiratory system.

Unvented gas-fired space heaters derive oxygen needed for combustion

from the space being heated and discharge the products of combustion directly into this same space. The principal products of combustion for any hydrocarbon fuel, whether solid, liquid or gas, are carbon dioxide (CO_2), water vapor (H_2O), and a small amount of carbon monoxide (CO). None of these products poses a serious injury problem for healthy individuals from an acute or short-term exposure at the concentrations given off under usual conditions. However, if the room oxygen is sufficiently depleted due to inadequate ventilation, a dangerous build-up of CO may occur. Additionally, malajustment of the burner, such as can occur by the blockage of burner primary air passages or shutter maladjustment, can also increase CO concentrations in the living space (*2D–3*).

The injury resulting from dangerous levels of CO is caused by a depletion of blood oxygen. Oxygen in the blood combines reversibly with hemoglobin to produce oxyhemoglobin. In this form, oxygen is transported by the blood from the lungs to the body tissues. In the tissues, the oxygen is released from hemoglobin and becomes available to the cells. CO, however, combines with hemoglobin about 200 times more readily than oxygen, to form carboxyhemoglobin, thereby reducing the amount of hemoglobin available to carry needed oxygen. Further, increasing formation of carboxyhemoglobin exerts an inhibitory effect on the remaining oxyhemoglobin in the blood. The reduction of oxygen in the tissues below normal levels is called anoxia and may result in injury to the tissues and death of the individual ([*2D–3, D–4, D–5*] *16*).

The general physiological effects of acute, short-term exposure to increasing air concentrations of CO are presented in Table 1:

TABLE I

Percent CO in atmosphere	Parts per million	Response
0.005	50	Threshold Limit Value, no apparent toxic symptoms.
0.01	100	No poisoning symptoms for long periods of time. Allowable for several hours.
0.02	200	Possible headache, mild frontal in 2-3 hrs.
0.04	400	Frontal headache and nausea after 1-2 hrs.
0.08	800	Headache, dizziness and nausea in 45 min.; collapse and possible unconciousness in 2 hrs.
0.16	1600	Headache, dizziness, nausea in 20 min.; collapse, unconsciousness, possible death in 2 hrs.
0.32	3200	Headache and dizziness in 5-10 min.; unconciousness and possible death in 10-15 min.
0.64	6400	Headache and dizziness in 1-2 min.; unconciousness and possible death in 10-15 min.
1.28	12800	Immediate effect, unconciousness and danger of death 1-3 min.

Source: *Industrial Toxicology*, 3rd ed. Alice Hamilton, M.D. and Harriet L. Hardy, M.D. Publishing Sciences Group. 1974.

It should be pointed out that time to response in Table 1, is very important when considering the health effects of a particular concentration of CO since a concentration that can be tolerated for short periods may be fatal over several hours. The medical condition of the individual involved is also important in assessing the potential health hazard. Thus, pregnant women (as well as fetuses), smokers, those living at high altitudes or taking certain medication, those with heart/lung impairment or anemia may be subject to increased risk of injury or death even from relatively low concentrations of CO ([*2 D–3, D–5*], *16, 17, 20*).

Exposure to low concentrations of CO from unvented gas space heaters may, however, also occur over a period of weeks or months, thereby rasing the possibility of chronic health effects, that is, health impairment resulting from prolonged or continuous use. Thus, a concentration of CO which might be tolerated for a period of hours may result in health impairment or death if allowed to continue over weeks or months. Studies with animals have indicated that the heart and central nervous system are the organs most sensitive to CO. A number of epidemiological and physiological studies have reported heart and central nervous system effects in humans due to CO exposure. As with acute exposure, the presence of sensitive populations must also be considered, since these same types of individuals as described above might be similarly subject to increased risk of injury or death from chronic CO exposure. ([*2 D–4, D–5*] *16, 17, 20*).

The risk of injury associated with unvented gas space heaters, therefore, derives from the inhalation of CO and the resultant decrease in blood oxygen. Depending on the degree to which blood oxygen is lowered and the period for which it is lowered, there is the possibility of tissue damage and even death. The degree of risk is thus a direct function of the concentration of CO and the duration of exposure and individual sensitivity (*2 D–3, D–4*).

As is evident from the discussion below in Degree of the Risk of Injury, the information available to the Commission on the hazard arising from CO poisoning associated with unvented gas-fired space heaters is predominantly death data. The information suggests that the primary risk is from a sufficiently high, one-time (acute) exposure to CO emissions. The information shows that such acute exposure to CO emissions results in anoxia and death and is, therefore, of particular concern during sleeping hours (*2 D–3*).

As described elsewhere in this preamble, at this time it is economically unfeasible and technologically impracticable to produce a device that can detect certain CO levels of emission and shut off the supply of gas to a heater (*6*). However, as discussed below under Technical Considerations, the acute health risk from high levels of CO that may be produced by unvented gas-fired space heaters can be eliminated or reduced by the proposed standard because the requirement for an ODS can help detect and avoid an atmosphere hazardous to human life (*11*).

Since an ODS functions as a detector and monitor of oxygen depletion, it cannot postively prevent a buildup of CO above levels that may present chronic hazards to certain, sensitive persons. However, insofar as an ODS-equipped unvented heater can affect a reduction of CO emissions by detecting the depletion of oxygen and shutting off the gas supply, such heaters are expected to at least reduce levels of CO available that may present a possible chronic hazard (*2 D–1, D–3, D–5*).

In addition, the standard proposed below requires a permanently-affixed label that warns of CO poisoning and describes persons who may be particularly susceptible to CO emissions.

Notwithstanding these factors, additional work remains to be done in relation to the possible chronic hazard associated with CO emissions from this and other products. Therefore, the Commission staff will continue to study the chronic effects of exposure to CO (including sensitive populations) in order to more fully evaluate the problem of CO exposure in the home.

In assessing the nature and degree of the risk of injury associated with unvented gas-fired space heaters, the Commission was also assisted by experimental and human studies that have been published in the scientific literature and elsewhere (*14* through *21*).

C. Degree of the Risk of Injury

The epidemiological data available to the Commission concerning CO poisoning associated with unvented gas-fired space heaters is summarized in the Commission's 1978 Hazard Analysis Report concerning this product (*3*), and has been updated since that time. The data, predominately death data, are based primarily on a death certificate collection program rather than in-depth investigations, since during most of that time, not many in-depth investigations had been made (*2 C–2*).

An in-depth investigation is usually a personal interview with family or witnesses to the incident. Although these investigations may not be statistically representative of all injuries, they do provide helpful details concerning product identification as well as the cause of injury. The death certificate program collects information from 54 health jurisdictions which include the 50 states and New York City, the District of Columbia, Puerto Rico and the Virgin Islands (*2 C–2*).

As reported in the 1978 Hazard Analysis of Unvented Gas-Fired Space Heaters the Commission death certificate files contain 533 deaths related to gas-fired space heaters for the period from January 1973 to May 1978; 412 of these deaths resulted from CO poisoning. In 72 of the 412 deaths, the gas-fired space heater involved was identified as unvented.[3] From the language used in the cause of death narratives on the death certificates, 64 additional deaths were attributed to unvented gas-fired space heaters bringing the total to 136. A portion of the remaining death certificates involving CO poisoning and gas space heaters could also involve unvented gas space heaters, but this proportion is unknown because the information included in the death certificates was limited (*2 C–2*).

Aside from the Commission data sources, 50 deaths from CO poisoning for the period 1958 through 1978 were reported by consumers and state officials during the comment period for the Commission's proposed ban of unvented gas-fired space heaters (*2 C–1*) published in the **Federal Register** on February 14, 1978 (the proposal was subsequently withdrawn (*2 B–1, B–2*)).

[3] In an effort to help determine the levels of fatal blood carboxyhemoglobin (COHb) for these 72 victims, Commission epidemiologists learned from the medical examiners involved that autopsies had been performed in 23 of these cases; COHb levels had been noted for 15 victims. Also, the medical examiner for Dade County, Florida submitted COHb information from 7 additional autopsies involving CO poisoning associated with unvented gas heaters (*9*). The small sample, graphically described in table 2, (*2 C–1*) shows that tolerances to COHb levels vary greatly.

Of the 50 reported deaths, 10 deaths were confirmed by Commission epidemiologists as having resulted from CO poisoning associated with unvented gas-fired space heaters. These ten deaths are represented in the data discussed above.

To estimate the number of deaths annually attributable to CO poisoning from unvented gas-fired space heaters, the Commission staff reviewed the Commission's death certificate files for 1977 and compared the findings to the death certificates for CO poisoning from the use of residential fuels (excluding those associated with actual fires) compiled by the National Center for Health Statistics (NCHS) of the Department of Health, Education, and Welfare for the same time period.

In the case of CO poisoning associated with the use of domestic fuels, the Commission's death certificate file has, since 1974, identified about 75 percent of the total number of such deaths reported to NCHS, the source of our national mortality data. In 1977, 348 poisonings were reported from the use of residential fuels; CPSC death certificate files include 289 or 83 percent of these deaths. A distribution of these 289 deaths by the product involved indicates that about one half involved gas space heaters. Although 30 of these cases specified unvented heaters, the majority did not specifically identify the kind of heater involved. Therefore, other data sources were reviewed to provide more specificity.

Between 1973 and 1979, Commission in-depth investigation files show that 41 investigations were made of 41 CO poisoning incidents associated with gas-fired space heaters. A review of this information indicates that of the 41 incidents, 25 (61%) involved vented gas-fired space heaters; 12 incidents (22%) were unvented gas-fired space heaters; the type of heater in the remaining 10% are unknown.

These 41 in-depth investigations do not represent a randomly drawn sample of gas space heater deaths represented in the death certificate file. Most of them were initiated on the basis of newspaper accounts and others from NEISS or consumer complaints. The value of an IDI, in addition to providing information on the cause of injury, is as a source of product information.

On the basis of this detailed product information, CPSC staff assumed that the ratio of unvented to vented gas-fired space heater deaths shown in the IDI files could be extrapolated to the 176 CO poisoning deaths from all domestic-fueled heaters estimated to have occurred in 1977. These calculations, after adjustment for regional differences and possible bias in IDI heater files, result in an overall estimate of about 70 deaths from unvented and 110 deaths from vented gas-fired space heaters (*2 C–2*).

Thus, the Commission estimates that approximately 70 deaths associated with CO poisoning and unvented gas-fired space heaters occur each year in the U.S. This may represent a conservative estimate of such deaths because the effects of CO poisoning impact strongly on the cardiovascular and neurological systems of the body; therefore CO deaths may be easily misdiagnosed and thus may be attributed to other physiological causes (*9*).

There is evidence, from information provided from comments to the proposed ban, to indicate that many nonfatal cases of CO poisoning may go undocumented. In these cases, either an improper diagnosis is made because the symptoms of CO poisoning resemble those of other illnesses such as headaches, dizziness, nausea, or the victims recover at home and do not seek medical attention. These incidents would not appear on any medical records, or in any data sources, as CO poisoning. Therefore, the above number of CO poisonings resulting in injuries and/or deaths that have been reported must be considered a minimum number for this type of injury (*2 C–2*).

TABLE 2

CO POISONING DEATHS FROM UNVENTED GAS HEATERS FOR WHICH CPSC HAS COHb LEVELS

COHb Scale	COHb Levels From Records of Death	Age of Victim and Comments
75%	76%	37
70%	73% 72%	21 19-pregnant; fetus had 84%
65%	68%	81-coronary history
60%	60%	21
55%	57% 56% 55%	36 43 36
50%	54% 52%	35 45
45%	47% 45% 45%	46 77 21
40%	43% 42% 41% 40%	40 48 67-hypertensive heart disease 22
35%	36% 35%	52 69-arteriosclerotic Disease
30%	33% 33%	49 23-cardiorespiratory failure
25%	26%	54-blood alcohol 0.12%
20%		
15%		
10%		
5%		
0%		

D. Description of the Proposed Standard

Purpose and coverage

The Consumer Product Safety Commission has preliminarily determined that unvented gas-fired space heaters present an unreasonable risk of injury to the public of carbon monoxide poisoning, because carbon monoxide (CO), a toxic product of combustion, can be emitted directly into the atmosphere of the area being heated. The Commission has also preliminarily determined that a device known as an oxygen depletion safety shutoff system (ODS) can shut off the heater's gas supply before the CO can build up to an atmosphere hazardous to human life. Therefore, the Commission believes that an ODS would be adequate to help eliminate or reduce the unreasonable risk.

Proposed Part 1212 provides that on the effective date of the standard, an ODS, as defined in § 1212.3(n) shall be contained in all unvented gas-fired space heaters, not specifically excluded from the standard, that are customarily produced for sale to or for the personal use or enjoyment of consumers in or around a household or residence, a school, in recreation or otherwise. Proposed Part 1212 contains two Subparts—Subpart A describes the safety standard; Subpart B contains the rules for manufacturers and importers to follow concerning certification of compliance with the standard and the maintenance of records showing the basis, in testing, of such certification. The proposed standard also provides for permanently affixed cautionary labels. Also provided is a test procedure which the Commission will use to determine compliance with the standard.

Unvented gas-fired space heaters—inclusions and exclusions

For the purposes of this proposal, an unvented gas-fired space heater is an unvented, self-contained, free-standing or recessed, gas-burning appliance which furnishes warm air to the surrounding living space by gravity convection, fan circulation, or radiation directly from the heater and without duct connections. The heater discharges carbon dioxide and water vapor, and any carbon monoxide in the combustion products, directly into the heated space. Although kitchen ranges and ovens may fit this product description, they are not included within this definition because their function is not to provide room

heat, but to serve as a source of localized heat for food preparation.

Within the scope of this definition, unvented gas-fired space heaters include unvented circulators, radiant heaters, and wall heaters with unvented closed fronts. These products are defined as follows:

(1) "Unvented circulator" is a room heater designed to convert the energy in the fuel to convected and radiant heat, by direct mixing of air to be heated with the combustion products and excess air inside the jacket. Unvented circulators have an external jacket surrounding the burner and may be equipped with radiants with the jacket open in front of the radiants.

(2) "Radiant heater" is an open front unvented room heater designed primarily to convert the energy in the fuel to radiant heat by means of refractory radiants or similar radiating materials. A radiant heater has no external jacket.

(3) "Wall heater, unvented closed front" is an unvented circulator having a closed front for insertion in or attachment to a wall or partition.

The following unvented heaters are excluded from the proposed rule for the reasons set forth below: Gas logs; coal baskets; fireplace inserts (categorized as decorative gas appliances for purposes of this rule); portable catalytic camp heaters; portable camp heaters other than catalytic; and infrared heaters.

(1) "Decorative gas appliances" are excluded. These are gas logs, coal baskets, and fireplace inserts; they are excluded from the rule for the following reasons:

(a) An investigation of available data bases for product-related injuries/deaths revealed no data specific to these products. Although the magnitude of the injury/death problem associated with these decorative gas appliances cannot be accurately determined, it appears to the Commission that consumer use of these appliances is primarily limited to decorative use in vented fireplaces where the risk of CO poisoning is minimal.

(b) The American National Standards Institute (ANSI), a voluntary standards organization, has published a certification standard and labeling requirement for decorative gas appliances for installation in vented fireplaces (ANSI–Z21.60). The large majority of such decorative gas appliances are labeled for use in a vented fireplace.

(c) There has been a steadily declining market for these products over the past several years—approximately 20,000 units were produced in 1976 compared to approximately 42,000 units in 1974.

(2) Catalytic camp heaters and non-catalytic camp heaters are excluded.

(a) Catalytic camp heaters are open faced, unvented heating appliances which utilize a catalyst in the combustion process. The Commission has denied a petition, (CP 75–16, 42 FR 32565, June 27, 1977), to develop a safety standard addressing the hazards of CO poisoning, anoxia and hot surfaces associated with catalytic heaters because, among other considerations, the voluntary standard developed by the ANSI Z21 Subcommittee on standards for Portable Gas-Fired Camping Equipment (Camping Equipment), and adopted by ANSI, appears to reasonably address the possible hazards which may be associated with catalytic heaters. Therefore, the Commission sees no need to include these in the proposed rule.

(b) Non-catalytic camp heaters are unvented portable heating devices of other than the catalytic type for use with liquefied petroleum gases. Because the safety problems inherent to these heaters are essentially the same as the safety problems encountered with catalytic heaters, the ANSI Z21 Camping Equipment Subcommittee has developed and ANSI has adopted a voluntary standard for non-catalytic camp heaters which closely parallels the catalytic heater standard. Therefore, the Commission proposes to exclude non-catalytic camp heaters from this rule.

(3) Infrared heaters are excluded because they are generally used for heating outdoor spaces or non-residential, non-recreational indoor spaces. In these situations the CO poisoning hazard of unvented gas-fired space heaters is not likely to occur.

Requirements

The standard requires that manufacturers, including importers (referred to collectively as manufacturers) of unvented gas-fired space heaters shall be responsible for equipping their products with an oxygen depletion safety shutoff system (ODS). The ODS must shut off the gas supply to the heater when oxygen in the surrounding atmosphere is depleted to less than 18%. In order to avoid the possibility that the ODS would be rendered insensitive to hazardous oxygen depletion levels, the standard provides that the ODS shall be constructed or placed in such a manner that it cannot be adjusted by home users.

Test procedure, certification and recordkeeping

For enforcement purposes, all unvented gas-fired space heaters subject to the standard must be able to pass the test described in proposed § 1212.6. That section requires an unvented gas-fired space heater equipped with an ODS to be placed in a chamber which is closed against outside air. The heater is operated at maximum gas input and measurements are made as the oxygen is depleted. The Commission will use the test to determine whether the ODS on products subject to the standard shuts off the gas supply to the heater when oxygen in the surrounding atmosphere is depleted to less than 18%. While manufacturers are not required to perform this test, they must certify that their products comply with the standard. Such certification of compliance must be based either on a test of each heater or on a reasonable testing program. Manufacturers are responsible for maintaining records of testing performed for certification purposes, whether the tests are performed by the manufacturer or an independent, qualified laboratory in accordance with the provisions of Subpart B.

Origin of the proposed standard for ODS

The proposed standard is adapted from sections of an existing voluntary standard of the American National Standards Institute (ANSI) entitled, *Gas-Fired Room Heaters, Vol. II—Unvented Room Heaters,* Z21.11.2–1978, (ANSI standard) (*1*). Under section 7(c) of the CPSA, as amended (15 U.S.C. 2056(c)), the Commission may publish as a consumer product safety rule, in whole or in part, or in combination with any other standard or portion thereof, a standard proposed or adopted by a qualified agency, organization or institution, and may make nonmaterial modifications to the existing standard before proposing it for public comment.

The ODS part of the ANSI standard was included as an optional provision of the ANSI standard in 1974 for manufacturers of unvented gas-fired space heaters. In 1979, ANSI revised its standard to make this optional provision a requirement, (*2L*), although AGA, the industry's organization responsible for certifying conformance of gas heaters to the ANSI standard, is not yet requiring the ODS device for certification. Consequently, and ODS has not yet been used by U.S. manufacturers of unvented gas-fired space heaters.

However, the ODS section of the ANSI standard was proposed and adopted by the usual procedures of ANSI, a qualified organization, and the ODS sections of the ANSI standard are therefore considered by the Commission to be appropriate for adoption under section 7(c) of the CPSA.

Labeling

The proposed standard provides that a label be permanently attached to unvented gas-fired heaters complying with the standard. The label is cautionary and describes the hazard of CO poisoning; it also describes the ODS system.

E. Technical Considerations

In proposing this standard to eliminate or reduce deaths from CO poisoning associated with unvented gas-fired space heaters, the Commission considered the process by which CO evolution takes place, and measures needed to avoid CO build up. This section of the preamble discusses that process (*11*), and also discusses the ODS systems and the Commission's reasons for proposing this standard.

How carbon monoxide is produced

Many materials react with oxygen, a process called oxidation. When oxygen reacts with a substance to produce large amounts of heat rapidly the process is called combustion or burning. Three things are needed for combustion to take place—fuel, oxygen and heat. For burning the fuel gas, all three elements must be present. Gas alone will not burn. Air, which at sea level normally consists of 20.9% oxygen, supplies the oxygen needed. An open flame (pilot) or electrical means may be used to ignite the gas in gas appliances. Then the gas flame itself provides the heat needed to sustain combustion. Combustion of gas is a chemical reaction between fuel gas and oxygen. The basic elements of fuel gases are hydrogen and carbon. When hydrogen burns, water vapor is produced. Complete burning of carbon in fuel gases carbon dioxide. The water vapor and carbon dioxide are called the products of combustion and are the only by-products that result if a fuel gas is completely burned. To obtain complete combustion enough air must be supplied to the process. This air must have a reasonably normal oxygen content. If not enough air is supplied there is not enough oxygen to combine with the carbon to form carbon dioxide; instead carbon monoxide is formed. Carbon monoxide is a colorless, oderless and highly poisonous gas (*11*).

There are many products that operate by the combustion of fuel gas, including furnaces, boilers, ranges, water heaters and space heaters. Most gas burning appliances are vented which means that the products of combustion are removed from the inside of the building by means of vent pipes. This presents a minimal hazard of carbon monoxide poisoning since any CO produced by incomplete burning of gas is discharged outside. However, appliances which are unvented discharge the products of combustion directly into the space being heated. Gas-fired space heaters may be manufactured as either vented or unvented heaters.

Why unvented heaters produce CO

Unvented gas space heaters can produce CO for several different reasons. If the air supply is not adequate to allow complete combustion, CO will be produced. This is caused by poor ventilation—too few openings in the building to allow air to enter. Other reasons for CO production are related to design of the burner and adjustment of the parts that control the combustion process (*2D–3*).

When an unvented heater is operated in a room that is sealed tightly against air coming in or leaving, the oxygen concentration decreases with time and the CO concentration increases as the combustion process is starved for oxygen. The oxygen concentration decreases steadily from the normal 20.9 percent to between 15 and 16 percent. At about 15% oxygen, the combustion process for most gas appliances stops due to lack of oxygen. The CO concentration increases gradually at first until the oxygen concentration is reduced to below 18% and then proceeds to rise more rapidly. The time it takes for this to occur depends on the room size and the fuel burning rate of the heater. A graphic example of this process as it occurs in a closed room is shown in figure 1. As oxygen is depleted in the combustion process, carbon dioxide is produced and increases steadily. However, CO is produced at an increasing rate at the combustion process is starved (*2D–3*). (To find the CO produced at any given oxygen level, find that oxygen level on the O_2 scale on figure 1; trace right to the oxygen line, then from that point, up or down to CO line. Read this point on the CO scale.)

BILLING CODE 6355-01-M

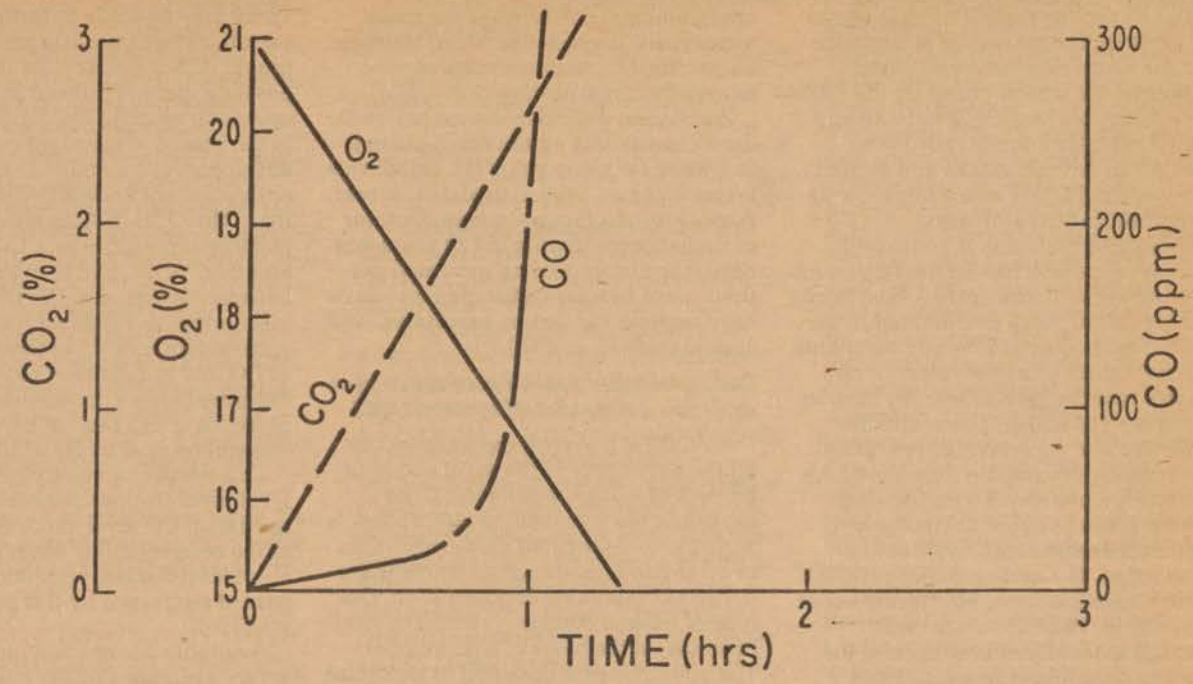


FIG 1—TYPICAL *CLOSED ROOM* CONDITIONS
for
UNVENTED HEATER OPERATION

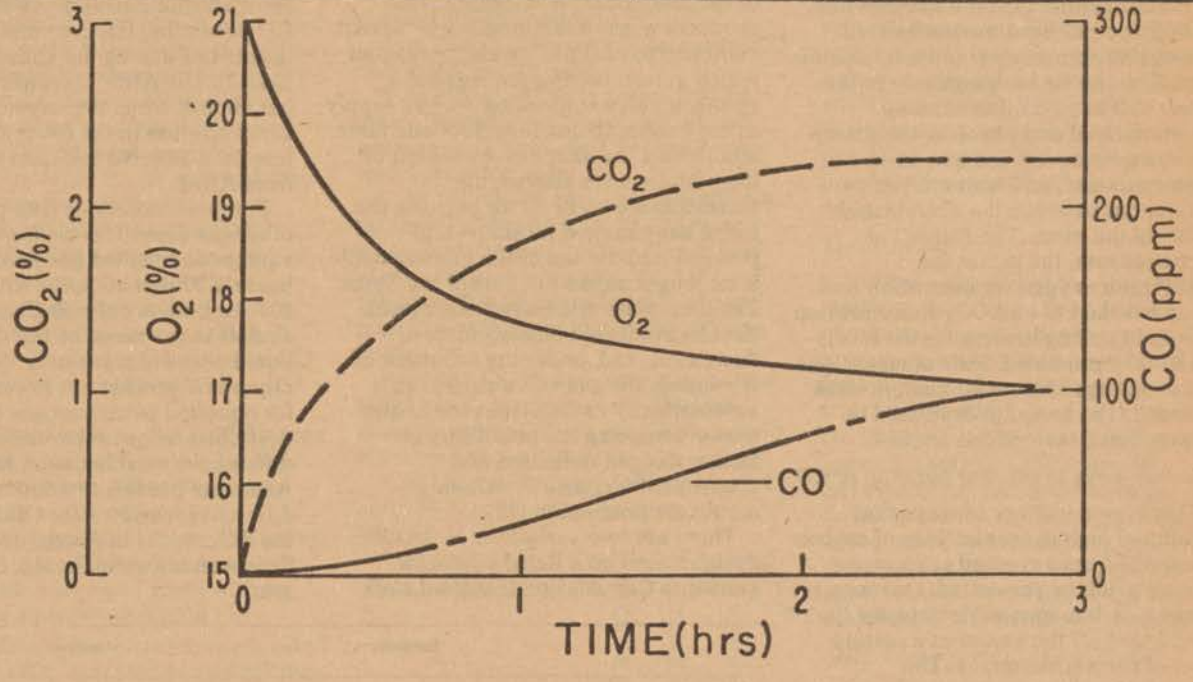


FIG 2—TYPICAL *VENTILATED ROOM* CONDITIONS
for
UNVENTED HEATER OPERATION

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The closed (or sealed) room is useful for studying the process of combustion and for measuring the depletion of oxygen at the time of cutoff for the ODS, but a house or dwelling is not a tightly sealed unit. Air is constantly being exchanged through cracks and around windows and doors which allow air to enter (infiltration) and leave (exfiltration) the room. A ventilated room is one which has air passages such as windows or doors opened specifically to allow air to move into and out of the room. The oxygen and carbon monoxide concentrations in a ventilated (or non-sealed) room behave differently than in the closed (or sealed) room, and the room size and air exchange rate affect this behavior. A graphic example of the combustion process in a non-sealed room is given in figure 2. The oxygen content decreases and levels out at some value. The carbon dioxide (CO_2) content increases, and also levels out at some value. The CO content will increase gradually at first; then as the oxygen content is reduced, CO will increase more rapidly and finally will level out at a certain concentration as did the oxygen and CO_2. This condition is known as equilibrium, which means that the conditions of the room will remain the same as long as the heater fuel burning rate, the air exchange rate, and other conditions are unchanged. The equilibrium oxygen content depends in part on the air exchange rate in the room. This is a function of many environmental and physical conditions such as the amount and size of air openings, wind, and temperature differences between the outside and inside of the room. The higher the exchange rate, the higher the equilibrium oxygen concentration and the lower the CO and CO_2 concentration (*2D–3*). In testing heaters for the levels of CO they produced, tests at conditions of various equilibrium air change were included. The tests are described in greater detail later in this section.

Possible ways to prevent build-up of CO

There are a number of ways that buildup of high concentrations of carbon monoxide from unvented gas space heaters could be prevented. One way is to use a carbon monoxide detector that would shut off the heater at a certain level of carbon monoxide. The Commission determined that this was not feasible because there is no device, at present, that is both technically and economically practicable for performing this function (*6*). A second way is to ban the manufacture of unvented gas space heaters. The Commission proposed this action, but withdrew the proposal after learning that it is possible to measure an environmental condition of the room atmosphere (oxygen depletion) that can be predictably related to carbon monoxide concentration (*2 B–1, B–2*).

An oxygen depletion device has been used successfully on unvented heaters in Europe for many years (*8*). The device is known as an oxygen depletion sensor. According to a European manufacturer of such devices, during the 20 years this device has been used on unvented gas-fired space heaters in Europe there have been no reported deaths associated with such heaters (*8*, p. 32ff.).

Description and operation of the oxygen depletion safety shutoff system (ODS)

An ODS is a system designed to shut off the gas supply to the main and pilot burners of a gas space heater if the oxygen in the surrounding atmosphere is depleted to a specified value regardless of other conditions such as temperature or carbon monoxide concentration. One type of oxygen depletion shutoff system operates on the basis of a flame pilot. The pilot burner is designed to maximize the effect on the flame of operating in an atmosphere in which the oxygen content has been decreased. A device called a thermocouple is positioned in the flame. When the flame is normal (that is, burning in a normal atmosphere) the top of the thermocouple is heated. This produces a small thermoelectric current sufficient to energize an electromagnet which in turn holds open, against a spring, a valve controlling the gas supply to the heater. If, due to lack of adequate ventilation, the shape and position of the pilot flame is altered, the thermocouple cools down because the flame has changed its shape and position and the top of the thermocouple is no longer on the hot part of the flame. The thermoelectric current decreases, the electromagnet holding force is decreased; and, under the influence of the spring, the gas valve closes. This automatically extinguishes the heater burner removing the possibility of further oxygen reduction and consequent increase in carbon monoxide production (*11*).

There are two variations of the ODS design based on a flame pilot now known to Commission technical staff. There may be other potential design variations but the basic principle of operation would likely be the same. It is possible that other basic principles of operation meeting the definition of ODS in the proposed standard could be developed, but no other feasible theories or devices are known to CPSC at this time. The ODS devices now considered feasible cannot measure CO directly, and there is no precise relationship between oxygen and CO that is valid for all conditions. However, there is a general relationship between production of CO and reduction of oxygen, as described above, from which the presence of CO can be inferred from the measurement of oxygen (*2D–2*).

The selection of an oxygen shutdown level involves consideration of a maximum CO level and a determination of the corresponding oxygen level that provides adequate protection from the hazard addressed by this proposed standard.

Available information indicates that severe symptoms of CO poisoning would not occur until CO levels of 200–300 parts per million or more exist for over four hours, and death not until exposure to 1000–2000 ppm or more for at least 2–4 hours (2 D–4).

In considering an oxygen shutdown level adequate to address the hazard of CO poisoning, the Commission noted disparities among the known standards (2 D–2). The ANSI standard provides for gas shutoff when the oxygen concentration in the room atmosphere is less than 18%. No test data are available from ANSI.

European countries (26), provide for other gas shutoff levels for ODS-equipped unvented gas fired space heaters. France requires shutoff at 19.4–20% for butane only. England requires shutoff in the range of 18.7–19.7 for liquid petroleum gas only. Germany requires shutoff at not lower than 19.4% for liquefied petroleum gas only. As described below, other important differences exist between European and American heaters in addtion to the different provisions for ODS. Some of the differences in American and European unvented heater technology are:

	European	American
Installation	Portable	Fixed
Rated Input	16,000 Btu/hr max	15,000–40,000 Btu/hour.
Valves	Off/on type valve	Throttling valve.
Burners	Vertical face	Horizontal face.
Fuel	LPG	Natural gas LPG, and manfactured gas.
Fuel Supply	Self contained LPG bottle	External supply: ● Natural gas main; ● LP gas tank.
Fuel Composition	Constant and controlled	Variable—Natural gas can be Algerian natural gas, peak shaving gas, domestic gas or combinations.
Ignition	Manual	Automatic.
Pilot	Intermittent	Continuous.

The higher than 18% shutdown levels provided for in European heaters present difficulties of application to American heaters. Among the important differences that could affect such application are size and geometry of the heater, fuel composition and fuel supply pressure. U.S. heaters are generally larger and have higher gas input rates. This could require relocation of the pilot which in turn could affect ignition of the heater. In the U.S., a variety of different gases are available and the burning characteristics of these gases could affect the shutdown point of the ODS. Fuel for European heaters is generally located in a container on the heater itself, whereas fuels for U.S. heaters are outside the residence; thus the gas pressure regulator for the European heater serves a much smaller range. The differences in gas pressures could also have an effect on ODS shutdown (2 D–2).

ODS Shutoff at Less Than 18% Oxygen

Information developed during testing of the ODS by the National Bureau of Standards was helpful in determining an oxygen depletion level that would reasonably address the hazard of CO poisoning associated with unvented gas-fired space heaters. The tests of ODS at NBS consisted of: (a) Testing of ODS devices in closed room or non-ventilated conditions to study the levels of oxygen at which the ODS would shut off under various conditions; and (b) testing of unvented heaters to study the level of CO emitted by the heaters under partially ventilated conditions that may be experienced in residences. The testing also included operating the heaters at full and partial inputs of fuel and with primary air shutters in different positions to simulate foreseeable maladjustments which would result in greater quantities of CO being produced during combustion (*11, 12*).

The series of tests on the ODS devices at NBS was conducted on two foreign heaters using seven different foreign ODS devices under various gas pressures and gas input rates, and using different types of gases. The heaters were placed in a closed room with no ventilation and operated until the oxygen content decreased to the level at which the ODS operated to shut off the heater. The tests resulted in the following data relative to the selection of an oxygen depletion shutoff level:

- The ODS devices operated to shut off the heaters at room oxygen concentration of 18.2–20.4%.
- The carbon monoxide concentrations in the closed room at ODS shutoff operated were in the range of 7–90 ppm and averaged 37 ppm.
- The extreme concentrations of both CO and O_2 were:

Extreme O_2 (percent):	CO (ppm)
18.2	51
20.4	7
Extreme CO (ppm):	**O_2 (per cent)**
7	20.4
90	19.0

- Deliberate changes to heater and ODS characteristics to simulate maladjustment and abnormal conditions did not affect ODS operation.
- The ODS operated satisfactorily when used with various representative fuel gases including propane, butane and several natural gases.

The series of tests conducted to study CO levels emitted under partial ventilation conditions was performed on a total of four American-made heaters, representing each of the three American manufacturers, under various gas input rates, air shutter settings, and flame disturbance from drafts. The oxygen content was stabilized at various levels and CO content was allowed to buildup until constant. These conditions were designated in order to simulate foreseeable conditions in homes in which the amount of ventilation provided is a critical level resulting in a CO buildup prior to heater shutdown by the ODS (*11, 12, 2D–2*). The results showed the following:

- At 19% O_2, two data points were CO levels of 5 and 36 ppm.
- At 18% O_2, 13 data points for CO levels ranged from 7–120 ppm with an average at 43 ppm. All CO levels were well below 200 ppm.
- At 17% O_2, 20 data points were in a range of CO levels from 10–245 ppm with an average of 71. The four values above 100 ppm were 245, 190, 155, and 140 ppm. The highest CO level of 245 ppm is significantly above the 200 ppm level.
- At 16% O_2, 17 data points were in a range of CO levels from 41–395 ppm with an average of 182 ppm. Five values were well above 200 ppm.
- CO levels for these tests at 16, 17, 18 and 19% O_2 concentration were as follows:

Equilibrium O_2 in %	16	17	18	19
CO levels in ppm	41	10	7	5
	60	12	8	36
	75	12	15	
	80	15	15	
	85	20	15	
	135	20	20	
	150	20	20	
	160	25	30	
	170	25	60	
	170	45	72	
	170	65	78	
	175	75	105	
	225	80	120	
	280	85		
	355	87		
	375	100		
	395	140		
		155		
		190		
		245		

For an 18% oxygen level, NBS tests show that under partial ventilation conditions in the room the range of CO in the room was between 7 and 120 ppm, with an average of 43 ppm, well below the level of 200–300 ppm which health data indicate could result in severe symptoms of CO poisoning if experienced for over 4 hours (*2 D–3, D–4, D–5*). In addition, the highest level of CO reached at 18% in the NBS tests was only 120 ppm, a level generated by maladjusting the primary air shutter to the full open position (*2 D–2*). Also from the death data available to the Commission at this time (see table 2 under Degree of the Risk of Injury) the lowest figure of COHb associated with a death is 26% COHb. The Commission believes that the lowest CO exposure which is likely to have resulted in this figure is 200 ppm for exposure of 10–15 hours or more.

The Commission concludes, therefore, that an ODS which shuts off gas to the heater when surrounding oxygen is depleted to less than 18%, would be adequate to address the acute hazard and thereby reduce the number of deaths from CO poisoning assoicated with unvented gas-fired space heaters. Further, since the ODS can be expected to effect a reduction in CO emissions by shutting off the gas supply, such a reduction can also help reduce levels of available CO that may present a chronic hazard as described above in Nature of the Risk of Injury. Therefore, a Commission proposes to adopt the ODS provision of the ANSI standard which provides for shutoff at less than 18% oxygen.

Test Gases

Section 1212.6(b) of the proposed standard describes the approximate characteristics of gases that would be used to measure the oxygen cutoff point for purposes of testing under the standard. In addition, measurements of the oxygen cutoff point using four other gases to represent the range of combustion characteristics of gases found in the United States, are also being made by industry (27, 28). The Commission welcomes comments on the gases, and their use in tests, from members of the industry and others.

ODS in the Proposed Standard

In proposing to mandate the ODS described in the ANSI standard, the Commission does not imply that this is the only ODS device that would be acceptable under this Part, and would welcome information about other ODS devices that are capable of complying with the standard.

The chart below, presented for ease of comparison, provides the ANSI

requirements for ODS, the requirements of the proposed standard, and explanations of differences between them. In some instances the CPSC provision is the same as the ANSI provision, but both are presented in order that each standard can be read as a separate entity. In addition, the rationale column may contain no explanation of an ANSI provision that CPSC has accepted unchanged. In general, such items in the ANSI standard result from engineering judgment based on experience and skill in the development and manufacture of gas appliances, and the Commission is not aware of any basis for questioning these technical assumptions.

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ANSI	CPSC	RATIONALE
	DEFINITIONS	
Part 4	Section 1212.3	
BTU. Abbreviation for British Thermal Unit. The quantity of heat required to raise the temperature of one pound of water 1°F.	(a) BTU. Abbreviation for British Thermal Unit. The quantity of heat required to raise the temperature 1 pound ( ) of water 1°F ( ).	No modifications except that metric equivalent to be inserted in standard.
BURNER. A device for the final conveyance of the gas or a mixture of gas and air, to the combustion zone. 1. Injection Bunsen Burner. A burner employing the energy of a jet of gas to inject air for combustion into the burner and mix it with the gas. a. Atmospheric Injection Burner. A burner in which the air at atmospheric pressure is injected into the burner by a jet of gas. 2. Luminous or Yellow-Flame Burner. A burner in which secondary air only is depended on for the combustion of gas. 3. Power Burner. A burner in which either gas or air or both are supplied at pressures exceeding, for gas, the line pressure; and for air, atmospheric pressure; this added pressure being applied at the burner. a. Premixing Burner. A power burner in which all or nearly all of the air for combustion is mixed with the gas as primary air. 4. Pressure Burner. A burner which is supplied with an air-gas mixture under pressure (usually 0.5 to 14 inches of water and occasionallly higher).	(b) BURNER. A device for the final conveyance of the gas, or a mixture of gas and air, to the combustion zone.	The specific types of burners defined in the ANSI standard may have some bearing on other parts of the standard. They have been deleted from the CPSC proposal as they are not needed for ODS purposes.
CUBIC FOOT OF GAS. The amount of gas would occupy 1 cubic foot when at a temperature of 60° F if saturated with water vapor and under a pressure equivilant to that of 30 inches of mercury.	(c) CUBIC FOOT OF GAS. The amount of gas which would occupy 1 cubic foot ( ) when at a temperature of 60° F if saturated with water vapor and under a pressure equivalent to that of 30 inches of mercury ( ).	No modifications, except that metric equivalent will be inserted in standard.
NONE	(d) FIELD ADJUSTMENT MEANS. A part, device, or mechanism which allows a change in setting by the user.	The definition is added by Commission staff to clarify the term used in Sec. 1212.5.
HEATING VALUE TOTAL. The number of British Thermal Units produced by the combustion at constant pressure of 1 cubic foot of gas when the products of combustion are cooled to the initial temperature of the gas and air, when the water vapor formed during combustion is condensed, and when all the necessary corrections have been applied.	(e) HEATING VALUE. The number of British Thermal Units ( ) produced by the combustion at constant pressure of 1 cubic foot ( ) of gas when the the products of combustion are cooled to the initial temperature of the gas and air, when the water vapor formed during combustion is condensed, and when corrected to a temperature of 60° F ( ) at a pressure equivalent to 30 inches of mercury ( ).	The definition is changed to incorporate the temperature and pressure corrections which appear elsewhere in the ANSI standard.
INPUT RATING. The gas burning capacity of an appliance in Btu per hour as specified by the manufacturer. Appliance input ratings are based on sea level operation and need not be changed for operation up to 2,000 feet elevation. For operation at elevations above 2, 000 feet, input ratings should be reduced at the rate of 4 percent for each 1,000 feet above sea level.	(f) INPUT RATING. The maximum gas-burning capacity of an appliance in Btu per hour ( ) as specified on the nameplate by the manufacturer.	The definition is changed to specify that input rating be the "maximum" achievable by the heater being tested. The input rating shall be that which appears "on the nameplate" so that if more than one input is shown by the manufacturer the maximum value will be used for the purposes of this test.

ANSI	CPSC	RATIONALE
	DEFINITIONS	
Part 4	Section 1212.3	
Class I. Integral Marking. Marking that is embossed, cast, stamped or otherwise formed in the part.	(g) INTEGRAL MARKING. Marking that is embossed, cast, stamped or otherwise formed in the part.	No modifications.
LIQUEFIED PETROLEUM GASES. The terms "Liquefied Petroleum Gases," "LPG," and "LP-Gas," as used in this standard shall mean and include any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them; propane, propylene, butanes (normal butane or isobutane), and butylenes.	(h) LIQUEFIED PETROLEUM GASES. Any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them: propane, propylene, butanes (normal butane or isobutane), and butylenes.	No modifications.
LP GAS-AIR MIXTURES. Liquefied petroleum gases distributed at relatively low pressures and normal atmospheric temperatures which have been diluted with air to produce desired heating value and utlization characteristics.	(i) LP GAS-AIR MIXTURES. Liquefied petroleum gas, distributed at relatively low pressures, and normal atmospheric temperatures, which nave been diluted with air to produce desired heating value and utilization characteristics.	Editorial changes are made for clarity.
NONE	(j) MANUFACTURED GAS. A gas produced from coal, coke, or oil, or by reforming of natural or liquified petroleum gases or any mixtures thereof, and including any natural or liquified petroleum gas if used for enriching.	This definition has been added for completeness. The definition is taken from the Gas Engineer's Handbook. The gas is typical of the gases recommended by manufacturers for use with their heaters. Where a manufacturer specifies the use of a particular gas, that gas would be the gas used by CPSC staff in testing procedures to determine compliance.
NONE	(k) MIXED GAS. A gas in which manufactured gas is co-mingled with natural or liquefied petroleum gas in such a manner that the resulting product has a Btu value higher than that previously produced by the utility prior to the time of the introduction of natural or liquefied petroleum gas.	(See "Manufactured Gas" above)
NONE	(l) NATURAL GAS. A naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in porous formations beneath the earth's surface, often in association with crude petroleum. The natural gas of commerce supplied to fuel gas markets, usually contains from 80 to 95 percent methane and lesser amounts of ethane and propane. Most of the remainder is nitrogen.	(See "Manfuactured Gas" above)
NORMAL BUTANE (N-BUTANE), TECHNICAL GRADE. A liquefied petroleum gas composed of a minimum of 95 percent n-butane (C_4H_{10}) which may contain other impurities such as isobutane, butylenes and propane not in excess of 5 percent.	(m) NORMAL BUTANE (N-BUTANE), TECHNICAL GRADE A liquefied petroleum gas composed of a minimum of 95 percent n-butane (C_4H_{10}) which may contain other impurities such as isobutane, butylenes and propane not in excess of 5 percent.	No modifications.
OXYGEN DEPLETION SAFETY SHUTOFF SYSTEM. A system designed to act to shut off the gas supply to the main and pilot burners if the oxygen in the surrounding atmosphere is depleted to the percent concentration specified by the manufacturer, but not lower than 18.0 percent.	(n) OXYGEN DEPLETION SAFETY SHUTOFF SYSTEM (ODS). A system designed to act to shut off the gas supply to the main and pilot burners if the oxygen in the surrounding atmosphere is depleted to a specified value (see Section 1212.5(b), regardless of other conditions, such as temperature or carbon monoxide concentration. (The system shall depend primarily on lack of oxygen for actuation and not on other phenomena in the surrounding atmosphere such as temperature or CO concentration.)	Specifying the 18% oxygen level is a requirement and not necessary for the definition. A phrase was added to clarify and emphasize that the ODS shall operate at a specified oxygen level regardless of of other conditions such as temperature or carbon monoxide concentration. This was done to preclude other types of devices from qualifying under this standard by chance without necessarily responding to a depleted oxygen condition.

ANSI	CPSC	RATIONALE
	DEFINITIONS	
Part 4	Section 1212.3	
Class II. Permanent Plate Shall be made of metal having a minimum thickness of 0.012 inch and shall be securely attached by mechanical means.	(o) PERMANENT PLATE MARKING. Marking that is made of metal having a minimum thickness of 0.012 inch ( ) and that is securely attached so that it will remain with the heater throughout its life expectancy.	The purpose of this modification is to require that the label remain with the heater throughout its life expectancy. Any technique to accomplish this purpose would be acceptable.
PILOT. A gas flame(s)utilized to ignite the gas at the main burner(s).	(p) PILOT. A small flame which is utilized to ignite the gas at the main burner(s).	No modifications.
PROPANE HD-5. A special grade of liquefied petroleum gas composed of a minimum of 90 percent liquid volume of propane (C_3H_8) and a maximum of 5 percent liquid volume of propylene (C_3H_6).	(q) PROPANE HD-5. A special grade of liquified petroleum gas composed of a minimum of 90 percent liquid volume of propane (C_3H_8) and a maximum of 5 percent liquid volume of propylene (C_3H_6).	No modifications.
SPECIFIC GRAVITY. As applied to gas, the ratio of the weight of a given volume to that of the same volume of air, both measured at the same temperature and pressure.	(r) SPECIFIC GRAVITY. As applied to gas specific gravity is the ratio of the weight of a given volume to that of the same volume of air, both measured at the same temperature and pressure.	No modifications.
NONE	(s) STOICHIOMETRIC COMBUSTION. The rapid oxidation of fuel gases, having the exact proportions of fuel and air required for theoretically complete chemical reaction.	This definition has been added to aid in understanding the standard, since the term is used in the test procedure.
UNVENTED ROOM HEATER. An unvented self-contained, free-standing, nonrecessed (except as noted under 6 of the following classifications), gas-burning appliance for furnishing warm air by gravity or fan circulation to the space in which installed directly from the room heater without duct connection. Unvented room heaters shall not have a normal input rating in excess of 40,000 Btu per hour, except as noted under 6 of the following classifications.	(t) UNVENTED GAS SPACE HEATER. A self-contained, free-standing or recessed, gas-burning appliance which furnishes warm air to the surrounding or adjacent living space by gravity convection, fan circulation or radiation directly from the heater and without duct connections, and which discharges combustion products such as carbon monoxide, carbon dioxide, and water vapor directly into the heated space. The term includes the following:	The definition in the Commission draft is taken from the proposed ban on unvented heaters published in the Federal Register of February 14, 1978 (43 FR 6235). This definition defines the products identified as associated with the unreasonable risk of injury. The basis for the definition is discussed in Section D above.
1. Unvented Circulator. A room heater designed to convert the energy in fuel gas to convected and radiant heat by direct mixing of air to be heated with the combustion products and excess air inside the jacket. Unvented circulators have an external jacket surrounding the burner and may be equipped with radiants with the jacket open in front of the radiants.	(1) "Unvented Circulator." A room heater designed to convert the energy in the fuel to convected and radiant heat by direct mixing of air to be heated with the combustion products and excess air inside the jacket. Unvented circulators have an external jacket surrounding the burner and may be equipped with radiants with the jacket open in front of the radiants.	
2. Coal Basket. An unvented, open-flame type room heater consisting of a metal basket filled with simulated coals which gives the appearance of a coal fire when in operation. A coal basket is for installation in an incombustible fireplace only.	(2) "Wall Heater, Unvented Closed Front." An unvented circulator having a closed front for insertion in or attachment to a wall or partition.	
3. Fireplace Insert. An unvented open-flame radiant-type heater mounted in a decorative metal panel to cover the fireplace or mantel opening. A fireplace insert is for installation in an incombustible fireplace only.	(3) "Radiant Heater." An open-front unvented room heater designed primarily to convert the energy in the fuel to radiant heat by means of refractory radiants or similar radiating materials. A radiant heater has no external jacket.	

ANSI	CPSC	RATIONALE
	DEFINITIONS	
Part 4	Section 1212.3	
4. Gas Log. An unvented, open-flame type room heater consisting of a metal frame or base supporting simulated logs. A gas log is for installation in an incombustible fireplace only.		
5. Radiant Heater. An open-front unvented room heater designed primarily to convert the energy in fuel gas to radiant heat by means of refractory radiants or similar radiating materials. A radiant heater has no external jacket. A radiant heater is for installation in an incombustible fireplace only.		
6. Wall Heater, Unvented Closed Front. An unvented circulator having closed front, for insertion in or attachment to a wall or partition. These heaters shall be plainly marked, "UNVENTED HEATER" in letters ½ inch high and shall not have normal input ratings in excess of 25,000 Btu per hour.		
	REQUIREMENTS	
Oxygen Depletion Safety Shutoff Systems		
Section 1.8 A room heater equipped with an oxygen depletion sensitive safety shutoff system shall comply with the applicable provisions of this standard and, in addition, shall comply with the following specifications.	Section 1212.5 Requirements for ODS (a) Each heater shall be equipped with an oxygen depletion safety shutoff system (ODS) capable of shutting off the gas supply if the oxygen in the surrounding atmosphere is depleted. (The system shall depend primarily on lack of oxygen for actuation and not on other phenomena in the surrounding atmosphere such as temperature or CO concentration.)	Section 1212.5 of the proposal lists three requirements for Oxygen Depletion Sensors as discussed below.
1.8.1 The system shall shut off the gas supply to the main and pilot burners when the oxygen in the surrounding atmosphere is depleted to the percent concentration specified by the manufacturer, but not lower than 18.0 percent.	(b) The concentration of oxygen in the surrounding atmosphere at time of shutoff shall not be less than 18% when corrected to 70 degrees Fahrenheit ( ) at a barometric pressure equivalent to 30 inches of mercury ( ).	Section 1212.5(b) requires the ODS to shut off the main and pilot burners of the unvented gas space heater when the oxygen in the surrounding atmosphere is depleted to less than 18% concentration when corrected to a standard condition of 70°F and a pressure of 30 inches of mercury. The requirement for shutoff not lower than at 18% oxygen was added to the ANSI standard in 1974. The Commission has verified through testing in 1978 at the National Bureau of Standards that an 18% oxygen concentration at heater shutdown is adequate for addressing the risk of carbon monoxide poisoning/asphyxiation associated with unvented gas space heaters. The NBS report suggests that a 19% oxygen concentration requirement might be desirable because higher shutdown levels have been established for European heaters and would provide assurance that high carbon monoxide levels would never occur. Review of NBS data by Commission staff, however, indicates that the risk of acute lethality from overnight exposure to CO at an oxygen depletion level of 18% is relatively low. The rationale for the 18% shutoff level is discussed in detail in Section F above, "Technical Considerations." The ANSI standard allows the manufacturer to specify oxygen cutoff concentration down to and including 18%, but this is irrelevant for the purpose of the proposed standard and has been deleted.
1.8.2 The system shall not incorporate field adjustment means capable of changing the set point at which the system acts to shut off the gas supply to the room heater.	(c) The ODS system shall not incorporate field adjustment means capable of changing the set point at which the system acts to shut off the gas supply to the heater	Section 1212.5(c) requires the ODS to be manufactured so that its set point for oxygen depletion shutdown cannot be adjusted by the user. This requirement is from the ANSI standard and is necessary to prevent users from tampering with the ODS, rendering it inoperative or insensitive to hazardous oxygen depletion.

ANSI	CPSC	RATIONALE
	TEST EQUIPMENT AND PROCEDURES	
Section 2.9 Oxygen Depletion Safety Shutoff Systems	Section 1212.6 Test Equipment and Procedures	
On a room heater equipped with an oxygen depletion sensitive safety shutoff system, the system shall act to shut off the gas to the main and pilot burners when the oxygen level in the surrounding atmosphere is reduced to not less than 18.0 percent.	This section describes the equipment and procedures to be used by CPSC for evaluating the shutdown performance of unvented gas space heaters fitted with oxygen depletion sensors. Alternate procedures and equipment may be substituted where equivalency can be demonstrated to CPSC.	The purpose of the test is to verify that the oxygen depletion sensor shuts off the gas flow to the unvented heater before the room oxygen concentration decreases below 18%. This test method is based on the ANSI standard. The format has been reorganized substantially. Some aspects have been changed as noted below.
Method of Test	(a) Facilities Equipment and Conditions	
The burner and primary air adjustments shall be made in accordance with 2.3.3.		
The room heater shall be installed in a 1000 cubic foot room constructed so as to prevent infiltration of air. The room heater shall be operated for 15 minutes with the door of the room open and the room completely ventilated. The door shall then be sealed and the ventilation stopped. The heater shall be operated at normal test pressure. During the conduct of this test, the room air temperature shall be maintained at 80 F, plus or minus 5 F.	(1) Test Room or Chamber Size. The test shall be conducted in a room or chamber of sufficient size to hold the necessary equipment for conduction of the test, but no larger than 1000 cubic feet ( ) in volume.	The procedure requires the test to be conducted in a room of sufficient size to hold the necessary equipment but not larger than 1000 cubic feet in volume. The ANSI standard specifies that the test be conducted in a 1000 cubic foot room. However, room size is not significant in conducting this test. As the room becomes larger the time to deplete the oxygen increases, thereby increasing the time to conduct the test. The 1000 cubic foot limit on room size is equivalent to the ANSI requirement.
A sample of the room atmosphere shall be withdrawn at the start of the test and analyzed for CO_2 and O_2. The percent oxygen* in the room atmosphere shall be continuously monitored during the entire test. When the oxygen depletion shutoff system acts to shut off the gas supply to the room heater, the oxygen content of the room atmosphere, expressed in percent volume, shall not be less than 18.0 percent.		
This test shall be repeated with the heater operating at both the reduced and increased inlet test pressures specified in 2.3.1 with no change in adjustments.		
The above tests shall be conducted with the type(s) of gas selected by the manufacturer.		
	2) Air Infiltration The room, including the door, shall be constructed so that air infiltration into the room shall not exceed 0.25 volume changes per hour when determined under the following conditions: Heater input rate = 40,000 Btu/hr ( ), Room Temperature = 70°F ( ), Temperature External to Test Room = 70°F ( ), Wind velocity External to Test Room = Zero mph ( ).	The test is best conducted in a sealed room since the greater the amount of air leaking into the room, the longer it will take oxygen to deplete to the 18% shut off level. However, since the test is only measuring the level of oxygen at ODS shutdown, air filtration is not critical. Section 1212.6(a)(2) of the CPSC standard requires the room to be constructed so that air infiltration into the room shall not exceed 0.25 volume changes per hour when determined under specific conditions. This is a change from the ANSI standard which requires prevention of infiltration. However, the Commission believes that since the NBS achieved satisfactory performance of the ODS in a room constructed so that air infiltration was limited to 0.25 volume changes per hour, it is not necessary to require a test facility with a better seal. Air infiltration of 0.25 changes per hour is sufficiently low that the test can be conducted and accurate results achieved.
	These restrictions are specified to establish a base for determining air infiltration rate only and are not conditions for the test.	

* As an alternate to monitoring oxygen concentration, carbon dioxide concentration may be monitored and converted to percentage oxygen by use of the graph or formulas shown in Appendix E.

APPENDIX E.

RELATIONSHIP OF CARBON DIOXIDE TO OXYGEN IN THE CLOSED ROOM TEST SPECIFIED IN 2.9 OF THIS STANDARD
(This Appendix is informative and is not part of the standard).
When a gas-burning appliance is operated in a room constructed so as to prevent the infiltration of air, the rate of increase in the precent carbon dioxide in the closed room atmosphere is directly proportional to the rate of decrease in the precent oxygen in that closed room atmosphere. The specific ratio between CO_2 and O_2 is dependent on the ultimate CO_2 resulting from the combustion of the particular fuel gas used. The ultimate CO_2, which will vary as a result of the specific composition of the fuel gas, for each of the Test Gases specified in this standard is as follows:

ANSI	CPSC	RATIONALE
TEST EQUIPMENT AND PROCEDURES		

Test Gases	Ultimate CO_2
A	12.2
B and C	11.82
D, E, F, and G	14.0

The following equations may be used to calculate the relative values of CO_2 and O_2 in the closed room atmosphere for a specific test gas.

$$x = 20.93 - y\left(\frac{20.93}{y_1}\right)$$

When a gas-burning appliance is operated

$$y = \frac{y_1}{20.93}\ (20.93 - x)$$

where:

x = percent O_2
y = percent CO_2, and
y_1 = ultimate percent CO_2

Using the above equations, the graph shown in Figure A-1 was developed as an example to show the relationship of oxygen to carbon dioxide in the atmosphere of a closed room in which a gas-fired appliance is operated on natural gas (test Gas A) and on liquefied petroleum gases (test Gases D and E) and a 1400 LP gas-air mixture (test Gas G.)

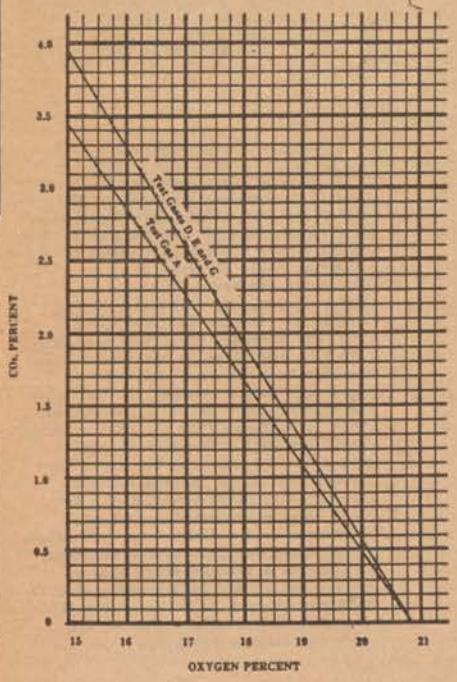


Figure E-1

Relationship of CO_2 to O_2 in the Closed Room Test (Sec 2.9)

3) Provisions for Remote Measurement

Provisions shall be made for the remote measurement and recording of the room air temperature, oxygen or carbon dioxide concentration, and barometric pressure. Room air temperature shall be measured with at least five thermocouples at different levels and plan locations to provide an average room air temperature. The oxygen or carbon monoxide concentration in the room atmosphere shall be measured at a minimum of five locations, the same as the thermocouples above. Five separate measurements or a single measurement through the use of a manifold which samples at the five locations may be used. Barometric pressure may be measured at any location in the test room.

The requirement in Section 1212.6(a)(3) provides for remote measurement and recording of room air temperature, oxygen or carbon dioxide concentration and barometric pressure. This is not a specific requirement in the ANSI standard but is implied because these parameters are necessary in the determination of the heater and ODS performance. CPSC wishes to make clear the parameters which are necessary to measure. The same section specifies that the temperature shall be measured with at least five thermocouples at different locations, that the oxygen or carbon dioxide concentration shall be measured at the same locations as the temperature, and that the barometric pressure may be measured anywhere in the test room. Measurement of temperature and oxygen concentrations are necessary at several locations in order to assure an accurate average. CPSC will use five locations for measuring temperature and oxygen or carbon dioxide concentration in order to assure an accurate average temperature and an accurate oxygen or carbon dioxide concentration. Barometric pressure is naturally uniform through the room.

4) Air Temperature. During the conduct of this test the room air temperature shall not exceed 80°F ( ) nor fall below 60°F ( ). The temperature shall be measured and recorded during the entire test to the nearest 1°F (°C). The correction for conversion to the standard condition of 70 degrees Fahrenheit and 30 inches of mercury is:

Corrected Oxygen at Shutdown =
Measured Oxygen at Shutdown $\times \frac{(460+70)}{(460+T_R)} \times \frac{(P_B)}{(30)}$

Where T_R = ambient temperature (°F) in test room at shutdown, and P_B = barometric pressure (inches Hg) in test room at shutdown.

In section 1212.6(a)(4) the allowable variation in room temperature has been changed from the ANSI requirement of 80 ± 5 °F to between 60-80° F. This has been done because a 10°F range is too restrictive. The room temperature is not a critical factor in the test because the results are corrected to 70° F regardless of the test conditions. The requirement for measuring temperture to 1° F is specifed in the CPSC standard so that the use of temperature measuring devices with sufficient accuracy are used to assure reasonable maintanence of conditions without being unnecessarily severe. The correction to 70° F is not included in the ANSI standard but has been added to the proposed standard so that test results of different temperatures and barometric pressures can be referenced to a standard condition for purposes of evaluation.

ANSI	CPSC	RATIONALE
	TEST EQUIPMENT AND PROCEDURES	
	5) Oxygen/Carbon Dioxide Concentration. The oxygen or carbon dioxide concentration in the room atmosphere shall be measured during the entire test and recorded to the nearest 0.1%. When carbon dioxide is measured the following equation will be used to calculate the relative value of oxygen in the room atmosphere for a specific test gas. $x = 20.93 - y \frac{(20.93)}{y_1}$ where: x = percent O_2 in room, y = percent CO_2 measured in room, y_1 = ultimate percent CO_2 resulting from stoichiometric combustion of the specific test gas, 20.93 = maximum percent oxygen	The test procedure at Section 1212.6(a)(5) of the proposed standard incorporates provisions of the ANSI standard which address measurement of oxygen or carbon dioxide in the room atmosphere. The ANSI standard requires sampling for CO_2 and O_2 at the start of the test. This requirement has been excluded from the proposed standard because it is not necessary for the ODS test. ANSI uses it when the ODS test and a test required in another part of the ANSI standard (the combustion test) are performed concurrently. The proposed standard does however, contain a requirement for monitoring oxygen or carbon dioxide during the entire test, including ODS shutoff, but not continuously as specified in the ANSI standard. The Commission believes that while it is necessary to have a coherent record of O_2 and CO_2, it is not necessary to have a continuous history. Periodic measurements of O_2 and CO_2 are believed to be sufficient for the purposes of the ODS test. Another requirement of the proposed test procedure is concerned with the method of converting the measurement of CO_2 to the appropriate O_2 value by means of a basic equation. This procedure is taken from the ANSI Standard and is used when CO_2 is monitored instead of direct monitoring of O_2. Monitoring CO_2 is easier than monitoring O_2 because equipment is less complex and less costly. There is no difference in test results when measuring either CO_2 or O_2 because there is an explicit and predictable relationship between CO_2 and O_2 in a closed room.
	6) Air Circulation. The atmosphere of the room shall be evenly mixed and shall not interfere with the operation of the heater under test. Air circulation shall be provided so that sufficient mixing is attained without causing movement of the main burner, pilot burner or oxygen depletion sensor flame. A fan or blower with a discharge capacity of 320 cubic feet per minute ( ) shall be used in a 1000 cubic foot ( ) room. (Smaller test rooms will require a lower discharge capacity.)	At Section 1212.6(a)(6) the requirement for air circulation to mix the room atmosphere has been added so that meaningful test results can be obtained from any part of the room. ANSI has added this to its standard for certain other tests in Z21.11.2 and is proposing to add it to the ODS test requirement. In addition, NBS recommended that this requirement be added. The air circulation equipment discharge rate is not a part of the ANSI standard but included in the proposal to provide information about the air movement.
2.2 TEST GASES In conducting the performance tests specified herein, gases with characteristics approximately as shown in Table VIII shall be used. TABLE VIII CHARACTERISTICS OF TEST GASES Gas A (Natural) 1075 0.65 Gas B (Manufactured) 535 0.38 Gas C (Mixed) 800 0.50 Gas D (N-Butane) 3200 2.00 Gas E (Propane HD-5) 2500 1.55 Gas F (Propane-Air) 700 1.16 Gas G (Butane-Air) 1400 1.42 Gas H (Propane-Air) 1400 1.30	(b) Test Gases The test shall be conducted with the type(s) of gas for which the heater is designed, as specified by the manufacturer, except that a heater for use with Natural gas shall be tested with Natural gas and butane-air. Gases with characteristics approximately as shown below shall be used. CHARACTERISTICS OF TEST GASES Natural 1075 0.65 12.2 Manufactured 535 0.38 11.82 Mixed 800 0.50 11.82 N-Butane 3200 2.00 14.0 Propane HD-5 2500 1.55 14.0 Propane-Air 700 1.16 14.0 Butane-Air 1400 1.42 14.0 Propane-Air 1400 1.30 14.0	The proposed standard requires at section 1212.6(b) that the test of the ODS is to be conducted with the types of gases for which it is designed The characteristics of the test gases to be used are described. This requirement is taken from the ANSI standard and is justified on the basis that the ODS should be tested with the gas for which the heater is designed. Natural gas heaters are to be tested with natural gas and butane air gas to demonstrate the ODS equipped heater is capable of operating with a variety of gas compositions likely to be available in Natural gas lines in the United States. The column showing ultimate CO_2 (%) values is included in this chart for convenience. It is taken from Appendix A of ANSI Z21.11.2.

ANSI	CPSC	RATIONALE
	TEST EQUIPMENT AND PROCEDURES	
(See paragraph 2.9 Oxygen Depletion Safety Shutoff Systems - Method of Test, above)	(c) Procedures The heater shall be assembled and adjusted in accordance with any instructions provided by the manufacturer. It shall be installed near the geometric center of the test room floor. The heater shall be started and set at maximum input. The door of the room shall then be closed. The heater shall be operated at maximum input until the oxygen depletion sensor shuts off the heater. When the oxygen depletion sensor acts to shut off the gas supply to the heater the following shall be determined and recorded: 1) oxygen (or carbon dioxide) concentration of the room atmosphere 2) average room temperature 3) barometric pressure The necessary corrections and conversions shall be made and the test results recorded.	The proposed procedure at section 1212.6(c) requires the heater to be assembled and adjusted in accordance with the manufacturer instructions. This is a change from the ANSI standard which specifies certain detailed adjustment requirements that the Commission believes are unnecessarily restrictive for the intended purpose of the test. Consumers generally would assemble and operate a heater in accordance with instructions supplied with the heater by the manufacturer. Therefore, assembling the heater for testing in accordance with the manufacturers instructions tends to simulate actual consumer use. The proposed procedure also at section 1212.6(c) requires installation of the heater in the test room, operation of the heater at maximum input rating, closing the door, and then continuing to operate the heater at maximum input until the oxygen depletion sensor operates to shut off the heater. These requirements are from the ANSI standard test procedure. However, the ANSI requirement for 15 minutes of preheating has been deleted because ANSI runs the ODS shutdown test concurrently with a closed room combustion test that is not part of the proposed standard. The preheating period is needed in that test so that the heater temperature is stabilized. Gas combustion in the presence of cold surfaces can generate higher levels of CO, thereby causing an undue bias in combustion test results. The requirement for operating the heater at the maximum input rating has been added in section 1212.6(c) for clarity. It is specified in other sections of the ANSI standard and should be applied also to this test. Heaters designed for operation over a range of inputs shall be operated at the maximum input of gas only because there is no need to simulate a particular set of room atmosphere conditions, good or bad, to determine the oxygen level at ODS operation. A requirement in the ANSI standard which has not been included in the proposal specifies that the ODS test is to be repeated with the heater operating at both reduced and increased inlet test pressures. This requirement has been excluded because testing at NBS has shown than inlet test pressures had a negligible effect on ODS shutdown performance. Also, heaters are required by ANSI to have pressure regulators which control inlet pressures and, therefore, only slight non-critical pressure variations would occur.

ANSI	CPSC	RATIONALE
	LABELING	
Section 1.21 Marking 1.21.4 Each room heater shall bear a clearly legible Class III marking adjacent to the lighting or control area on which appears the following statement: "WARNING: Minimum fresh air opening of _____ square inch must be provided for ventilation." The size opening specified shall be no less than 1 square inch per 1,000 Btu per hour input. The word "WARNING" shall be in letters at least ¼ inch high and the remainder of the wording in letters at least 1/8 inch high. 1.21.5 A room heater equipped with an oxygen depletion safety shutoff system shall bear a Class IIIA marking in a location where it can be easily observed on which appears the following statement: "This heater is equipped with an oxygen depletion safety shutoff system."	Section 1212.8 Labeling (a) Each heater shall bear an Integral Marking or Permanent Plate Marking which shall be conspicuous and clearly legible when the heater is in an installed position. The marking shall contain the following statement: **WARNING** When used without fresh air this heater may give off CARBON MONOXIDE, an odorless, poisonous gas. Open a window an inch or two for fresh air. This heater has a pilot light safety system that turns off the heater if not enough fresh air is available. Do not tamper with this safety system. If the heater shuts off, do not relight until you provide fresh air. If the heater keeps shutting off, have it serviced. Keep the burner and control compartment clean. Carbon monoxide poisoning may lead to death. Early signs of carbon monoxide poisoning resemble the flu, with headache, dizziness and/or nausea. If you have these signs, the heater may not be working properly. Get fresh air at once, and have the heater serviced Some people -- pregnant women, persons with heart or lung disease, anemia, those under the influence of alcohol, those at high altitudes -- are more affected by carbon monoxide than others. The word "WARNING" shall be in letters at least 1/4 inch high and the remainder of the wording in letters at least 1/8 inch high.	The proposed standard has a labeling requirement which is more comprehensive than the the labeling requirement in the ANSI standard. The label provides warning information on ventilation requirements, identifies populations which are at greatest risk, provides information on the function of the ODS, and instructions on what action to take if the heater shuts off. The warnings are necessary to provide sufficient information to allow the user to operate the heater safely, and to be aware of the potential hazards associated with the use of unvented gas space heaters in unventilated spaces. The label construction and material are specified in the proposed standard to insure that it will remain with the heater during its useful life. Definitions of label types are taken from the ANSI standard (see Class I and Class II labels in the definitions section above). The requirement also contains provisions related to the visibility of the labels.

BILLING CODE 6355-01-C

Modifications to the ANSI Standard

The section of the CPSA unde which the Commission proposes to adopt these sections of the ANSI standard, section 7(c)(2), (15 U.S.C. 2056(c)), provides that the Commission may make nonmaterial modifications to the existing standard before adopting the standard. A material modification is one which would substantially alter the purpose of the existing standard or the way in which the purpose of the standard is achieved. In this case, the purpose of the provision of the ANSI standard dealing with ODS is to shut off the supply of gas to unvented gas fired space heaters in order to avoid creation of high CO concentrations. Further, the ODS provision of the ANSI standard requires gas shutoff at less than 18% oxygen which is adequate for achieving the purpose of avoiding creation of high CO concentrations (2D–2). In proposing to adopt unchanged these provisions of the ANSI standard, the Commission is proposing those substantive provisions which are the essence of the ODS sections of the ANSI standard. The changes referred to in the chart above as well as the comprehensive labeling provisions of the proposed standard described, do not affect the inherent nature of the ANSI ODS provisions. Therefore, the changes noted in the above chart and the labeling requirement are nonmaterial modifications and are within the provisions of section 7(c)(2) of the CPSA.

Another function of the labeling requirements is to provide consumers with performance and safety information. Section 27(e) of the CPSA (15 U.S.C. 2076(e)) provides that the Commission may, by rule, require manufacturers to provide such information. Therefore, the labeling provisions, in addition to being proposed under the authority of Section 7(c)(2) are also proposed under the authority of section 27(e).

Labeling—Notification to Consumers of Performance and Safety Information

In considering what information should be provided to users of unvented gas-fired space heaters containing an ODS device, the Commission examined the information called for by labels required to be permanently installed on the heater under the ANSI standard. Such labels contain statements on (1) the necessity for keeping the burner and control compartment clean; (2) the need to provide for fresh air; and (3) a note that the heater is supplied with an ODS device (if it is so supplied).

However, since no information is provided on the reasons that an ODS is needed, namely, to avoid the hazard of CO poisoning, the ANSI label appears to be deficient in meeting the purpose of the ODS section of the ANSI standard. To remedy this situation § 1212.8 of the standard provides a requirement for a label warning of the hazards of CO exposure and describing the functioning of the ODS system (2G). Because the hazard of CO poisoning is not one of which people may ordinarily be aware as they might be of hazards that can be seen or touched, this information should be permanently and prominently affixed to the heater.

As described elsewhere in the preamble, the ODS system detects and monitors oxygen depletion; it cannot positively prevent CO emissions that could be a cause of concern to certain sensitive members of the population. Therefore, the label emphasizes the need for adequate ventilation.

Relationship of ODS to Other Parts of the Product

The proposed standard requiring and ODS system for unvented gas-fired space heaters to address the hazard of CO poisoning, should have no effect on other parts of the heaters or on any other potential hazards that may exist. On the other hand, the effectiveness of the ODS in reducing the CO hazard can depend, in part, on the predictable operating characteristics of the heater, such as providing for proper combustion with a minimum of CO production (1).

The Commission considers that the proposed ODS standard does not replace any voluntary standards or parts of such standards that may apply to other performance or construction characteristics of the heaters for addressing any other potential hazards such as thermal burns or fires. The Commission has not evaluated any provisions of voluntary standards that may deal with these other hazards and, therefore, neither approves nor disapproves them. However, a properly designed and constructed consumer product helps promote safety. Therefore, manufacturers of unvented gas-fired space heaters equipped with ODS systems are encouraged to adhere to customary good manufacturing practices such as may be needed to ensure that the products would be generally acceptable under state and local building codes.

F. Economic Considerations

The Commission has considered the potential economic effects of the proposed standard on industry and consumers, including possible changes in the cost of production and retail prices of unvented gas-fired space heaters equipped with ODS systems. A preliminary economic impact report, prepared by the Commission's economics staff in October, 1979 provides a more detailed discussion of the matters summarized below (*2E, 24*).

Owners of unvented gas-fired space heaters are concentrated in the south central and southeastern United States where climate conditions make central heating systems uneconomic for many households. These owners tend to be the elderly and low income groups of these regions and are most likely to be from among the rural population. Most households chose unvented gas-fired space heaters primarily for the low initial purchase price and low operating costs. These heaters have been among the least expensive heating appliances on the market, although improved voluntary industry standards have increased the price of these heaters. Retail gas space heater prices in 1978 for both vented and unvented heaters were about $140.00 for medium-sized 25,000 BTU heaters. Nevertheless, unvented gas-fired space heaters are not expensive to operate; since they have no flue openings to exhaust energy away from the heated area, they have a thermal efficiency approaching 100 percent and their fuel costs are lower than fuel costs for vented heaters.

Sales of unvented gas-fired space heaters have been steadily declining since 1967, due to rising consumer affluence, preference for central heating, and higher purchase price. In 1976, the last full year of production, about 180,000 heaters were produced. Production was sharply curtailed in 1977 to 82,000 heaters (possibly because industry anticipated government regulation) and was nonexistent in 1978. The declining production and sales pattern might change, however, in light of the rapid increase of energy costs and the efficiency and relatively low operating costs of unvented gas-fired space heaters. Information from the industry indicates that after these years of curtailed production, manufacture of unvented gas-fired space heaters (without ODS devices) has been resumed (*2 J–2*). While specific production data are not yet available, based on informal discussions with manufacturers and industry associations, Commission economists estimate that production for the year 1979 would be about 120,000, mostly targeted at the heater replacement market.

United States heater manufacturers are engaged in research to produce

unvented gas-fired space heaters equipped with ODS systems, and some have submitted their heaters to the French manufacturer of ODS devices for testing application of the European ODS device to U.S. heaters. A heater manufacturer has also sent heaters for testing of ODS application to a U.S. manufacturer of gas controls (*2 J–3*). Commission economists estimate that the cost to manufacturers of applying the European ODS device would be no more than $5.00, including materials and development costs. If design changes to U.S. heaters are needed, as some heater manufacturers believe, the increase at the retail level for ODS-equipped heaters is estimated to be between $10.00 and $17.50. It may be, however, that competitive pressures could keep the final retail price increase using the European device to about $10.00.

If heater manufacturers use an American ODS device now being tested by an American gas controls manufacturer, the cost picture could change because no new hardware or significant heater redesign appears to be needed. Thus, increased cost (about $2.00) would be incurred only for laboratory testing and certification of the ODS system and prototype heaters equipped with ODS systems, resulting in a possible retail price increase of from $4.00 to $7.00.

Commission economists estimate that beginning with 1980, production of unvented gas-fired space heaters could approach the 1976 production level of 180,000, the last year of full production. Rising production may continue, since unvented gas-fired space heaters provide efficient, inexpensive, noncentral heat. Constantly rising fuel costs are considered a factor in the expectation of rising production (*2E*).

Costs and Benefits

Commission economists examined the matter of costs and benefits in relation to a standard for unvented gas-fired space heaters equipped with ODS systems (*2E*). The staff assumed based on industry projections, that 120,000 units would be produced in 1980. Based on industry information, the average life expectancy of such a heater was assumed to be 15 years, plus or minus 5 years (that is, at the end of 15 years, one half of the original 120,000 heaters would still be in use). A maximum lifespan of 25 years was assumed, by the end of which most of the 120,000 heaters would be replaced by newer heaters. From such factors as heater life and number of heaters produced in the past, it was estimated that 7,681,000 heaters were in use in 1977, the same year for which CPSC staff estimated 70 deaths were associated with unvented gas-fired space heaters (see discussion above under Degree of the Risk of Injury). Using the figures 7,681,000 heaters in use and the estimate of 70 deaths per year, an expected death rate associated with CO poisoning of .0000091 per heater was derived. This number was then applied to the 120,000 heaters predicted to be manufactured in 1980, in order to calculate the number of deaths that would occur over the lifespan of these heaters.

For the 120,000 heaters produced in 1980 without an ODS device, it is estimated that 16 lives would be lost. If these 120,000 could have been equipped with ODS devices, and assuming that the ODS is 90 percent effective in preventing CO deaths, the addition of an ODS would save 14 of the 16 lives. (The figure of 16 lives lost is derived over the 25 year lifespan of the heater.) * It would be expected that deaths associated with these 1980 produced heaters would rise as the heaters age. The ratio of .0000091, the estimate of 70 deaths a year, and the number of 1980 units in use over 25 years, result in the estimate of 16 lives lost from the 1980 units during their 25 year lifespan. The estimate of 90 percent effectiveness of ODS in reducing CO deaths is based on an examination of autopsy reports for 22 CO deaths described in table 2, Degree of the Risk of Injury. CPSC estimates from the amount of carboxyhemoglobin detected in the autopsies, that 20 of the 22 individuals would have survived if an ODS system had been attached to these heaters and shut off the gas supply when oxygen was depleted below 18 percent.

The benefit to society from lives saved are extremely difficult to estimate in dollars. Therefore, the Commission staff examined price increases of unvented gas-fired space heaters equipped with ODS to determine how much it would cost to save lives that could be lost to heaters not equipped with ODS systems. Assuming that the American-produced ODS discussed earlier would increase by $2.00 the cost to the manufacturer, the figure of 120,000 heaters produced in 1980 would cost manufacturers an additional $240,000 if equipped with ODS systems. For consumers, the American-produced ODS would increase the cost for a heater by $4.00 to $7.00, or by an additional $480,000 to $840,000 for the projected 1980 output of 120,000. For heaters with the European system the increased cost for 120,000 units to manufacturers would be no more than $5.00 per heater or $600,000 for 120,000 heaters. The increased cost to consumers for the European device would be $10 to $17.50 for a single heater or between $1.2 million and $2.1 million for the projected 1980 output of 120,000.

If the cost estimate of $480,000 to $840,000 for the American ODS is divided by the number of lives expected to be saved, 14, the ODS device would cost approximately $33,300 to $40,000 per life saved. If the cost estimates of $1.2 million to $2.1 million of the European device are used, the cost for a life saved would range from $83,300 to $146,000 (*2E*).

In the area of consumer product safety, the Commission believes it is inappropriate and further, it is not necessary, to assign a monetary value to human life. Nevertheless, since value-of-life estimates (based either on the discounted future earnings methodology which start at about ¼ million dollars per life, or the willingness-to-pay approach which ranges upward to 2 million dollars per life) are considerably higher than $146,000, the highest estimate of a cost per life saved, the Commission considers adoption of an ODS system to be a worthwhile objective. (For a discussion of the methodology of cost/benefit analysis and estimates of the value of life, refer to "Suggested Readings for Cost Benefit Analysis, Value of Life and Discount Rates", a summary of readings on these subjects suggested by Commission economist, (*10*).

The safety benefits (lives saved) by requiring that unvented gas-fired space heaters be equipped with ODS, would occur over a number of years, while costs for such heaters would occur in the year of purchase. In the years following adoption of the proposed standard, the benefits would increase as heaters equipped with ODS devices replace older heaters not similarly equipped. By the time almost all unvented gas-fired space heaters comply with the standard, the expected safety benefits would be 63 lives saved per year (*2E*).

G. Environmental Considerations

An assessment has been made of the potential environmental impact of the proposed standard (*2E*). The assessment addresses potential effects of the proposed regulatory action on the production, distribution, consumption and disposal of unvented gas-fired

* It assumes that in the first year of life of the 120,000 heaters, all 120,000 are in use. Therefore, 120,000 heaters times the death rate (.0000091) means that 1.09 deaths occur in the first year. In each succeeding year some of the 120,000 heaters go out of service and thus the number of deaths attributable to that year's production is lowered. When the deaths for each year for 25 years are added together, the result is 16 deaths.

space heaters and concludes that the proposed standard would not have a significant effect on the quality of the human environment.

Unvented gas-fired space heaters equipped with ODS would result in a safe product that is 100% thermally efficient because energy is not exhausted outside the residence. Thus, consumers could experience savings in fuel consumption over other kinds of heaters. Technical innovation related to this standard could have a beneficial impact on fuel consumption in the future, since the use of ODS could be considered for other products. Patterns of disposal of this product are not expected to be altered by this proposed standard. Moreover, a safety standard would not be expected to result in such changes in methods, materials or other factors of production and distribution that would be of significant consequence to the environment.

Upon reviewing these factors and others raised in the environmental assessment report and accompanying finding of no significant impact on file at the Office of the Secretary, it appears to the Commission that the proposed standard would not lead to any significant impact on air and water quality, solid waste disposal, land use, energy use, or other aspects of the physical environment. Since a significant effect on the quality of the human environment is not anticipated from this proposed standard, the Commission concludes that an environmental impact statement is not needed.

H. Effective Date

Among the factors considered in determining a proposed effective date are the need for the standard in order to reduce the risk of injury adressed by the standard and the time it would take the industry to produce the product described in the standard that is intended to reduce the risk.

In proposing this standard, the Commission preliminarily determines that an unreasonable risk of injury from CO poisoning is associated with unvented gas-fired space heaters. Information available to the Commission indicates that 120,000 of these heaters were produced in 1979, and that a like number will be produced in 1980, (*2E*).

Therefore, the proposed standard, which requires products to be equipped with ODS systems for the purpose of preventing an atmosphere that may be hazardous to human life, should be issued at the earliest possible time. Although ODS systems are not now available on unvented gas-fired heaters produced in the U.S., the Commission has preliminarily concluded that the technology exists for U.S. manufacturers to apply ODS systems to U.S. products, and that it is feasible to manufacture unvented gas-fired space heaters equipped with ODS systems (*2 D–2*).

Upon careful consideration of the relevant information, as discussed below, the Commission proposes that the effective date of this proposed standard be December 31, 1980.

Additional time is needed to develop an ODS for application to U.S. heaters. In the gas appliance industry, it is customary to have a device of new application such as ODS tested by an independent qualified gas testing laboratory prior to using it in a product (*25*). This customary industry practice of having gas appliances evaluated by a qualified gas testing laboratory appears to be a routine practice and is a prerequisite, in many areas, to acceptance of the gas appliance under state and local building codes. The laboratory certifies to the user of the device, in this case the heater manufacturer that the device is suitable for use. The heater manufacturer would then obtain the ODS devices from the manufacturer of gas controls and incorporate the device into the gas appliance after making whatever modifications may be necessary to the appliance. Further, in accordance with usual industry practice, the assembled product, an unvented gas-fired space heater equipped with ODS, would then be examined and tested as an entity by the gas testing laboratory which would certify to the heater manufacturer and customers of the heater manufacturer that the unit is suitable for use. Production of the heater by the manufacturer would generally not take place until the examination is concluded in order to be certain that further modification of the heater is not needed (*2 J–3*).

Manufacturers of unvented gas-fired space heaters are having their heaters examined by manufacturers of gas controls with a view toward developing an ODS that can be applied to U.S. heaters. The manufacturer of ODS systems generally used in European heaters plans to submit to the American Gas Association testing laboratory for evaluation, an ODS device suitable for American heaters (*2 D–2*).

Several American manufacturers of gas controls are also developing ODS systems for American heaters. One of the ODS systems now being tested has shown the capability of gas cutoff at 17.9% oxygen when tested alone in a test chamber. On a heater, this ODS system has achieved gas shutoff at 17.4% oxygen in just a few months of application effort. Three other U.S. manufacturers of gas controls have also committed resources to ODS development.

On the basis of this continuing effort, the Commission's engineering staff estimates that a working ODS device will be available from manufacturers of gas controls by the end of 1979. At that time, the gas testing laboratory would be expected to take approximately 3 months to conduct the performance and life cycle tests necessary to evaluate the ODS device (*2 D–2, J–3*).

Once an ODS device has been tested by the gas testing laboratory, manufacturers of unvented gas-fired space heaters can take the steps needed to begin production. The first and most technical phase of this process is development of prototype models containing the ODS, and testing and evaluation by the laboratory of these prototypes. Manufacturers have estimated the time for this activity to be from 6–12 months depending on the extent of heater redesign needed to incorporate the ODS device. Minor redesign would require about 6 months; more extensive redesign could require 12 months. Commission technical staff and industry spokesmen do not consider it likely that major redesign would be needed; therefore, the Commission considers that 6 months would be adequate for any redesign. Optimistic estimates of the time needed for production of ODS-equipped heaters, based on the assumption that redesign would not be needed, were two to three months (*2 D–2*).

For the second or production phase, manufacturers estimate that to prepare the qualified prototypes for production could take from 6–12 months to redesign and fabricate tooling, order materials, establish a quality control program and set up the production line. The technical problems of heater redesign for the purpose of incorporating ODS devices that might be needed during the first phase of the process are likely to be more complex than the second phase, preparing for production. Thus, where heater redesign problems are considered to be minor, it is likely that production problems would also be minor. Therefore, since heater redesign, if needed, could probably take place within six months, it is likely that six months would be sufficient to prepare for production of ODS-equipped unvented gas-fired space heaters.

These estimates, provided by members of the industry, indicate that ODS-equipped heaters could be ready for the American market from 9 to 15 months after an ODS system is

submitted to a gas testing laboratory for evaluation, (*2 D–2, J–3*). This means that by allowing a reasonable development period estimated by industry for its needs, the production of tested and evaluated unvented gas-fired space heaters equipped with ODS systems could be accomplished by March 31, 1981; by allowing a short development period, for example, if no redesign is needed, production of ODS-equipped heaters could be accomplished some time in September 1980.

Theoretically, a September 1980 effective date for the proposed standard could effect the most immediate reduction in the risk of injury addressed by the standard. However, a review of the usual manufacturing and marketing practices of the unvented gas-fired space heater industry shows that September 1980 would not be a practicable effective date.

The usual practice of the industry is to obtain order commitments from heater distributors during the first calendar quarter of the year. Manufacture and distribution of the product generally does not take place until the second and third calendar quarters. Consumers usually buy unvented gas-fired space heaters in the fall and winter (*2E*). Thus, an effective date in September 1980 would have little influence on 1980 production, since 1980 production would have begun by March 1980 and probably ended by late May or early June 1980. (A March 1980 effective date would not be reasonable since the most optimistic prediction for ability to produce an ODS-equipped heater is September 1980). Therefore, an early effective date such as September 1980, since it could not affect a production cycle, would provide little benefit in the way of reduced risk of injury.

To avoid marketing of unvented gas-fired space heaters manufactured during the next, 1981, production cycle, it would be necessary for the effective date of the standard to be no later than March 31, 1981. Coincidentally, this is the end date for the industry estimated development period for producing ODS-equipped heaters that appears, at this time, to be reasonable. Therefore, it could be assumed that a March 31, 1981 effective date would probably have no adverse impact on industry. Since a March 31, 1981 effective date would precede the 1981 production cycle, it would also avoid possible proliferation of products not equipped with ODS systems.

However, a March 31, 1981 effective date may still contain elements of uncertainty because it occurs three months into the manufacturing/marketing cycle. Distributors may not know whether or not the heaters for the selling season will be equipped with ODS systems. Manufacturers of gas controls may be uncertain as to whether ODS systems are required components of unvented gas-fired space heaters for the 1981 production season. To avoid these uncertainties, it appears to the Commission that an effective date of December 31, 1980 would be preferable. It is consonant with the beginning of the production cycle and provides certainty to all the elements of the industry. Since December 31, 1980 is just prior to usual industry planning for the 1981 production year, it would be expected to have even less impact on industry than would an effective date of March 31, 1981.

The Commission believes it worthy of commendation that many elements of the industry, including heater manufacturers, gas controls manufacturers, as well as voluntary standards and trade groups are diligently engaged in resolving the remaining problems of applying ODS systems to unvented gas-fired space heaters. This ongoing activity, in which the Commission staff is actively involved, indicates that ODS technology is ready for application to U.S. heaters (*2 D–2, F–1, J–3*). Therefore, the proposed effective date of the proposed standard contained in § 1212.2 below, December 31, 1980, is realistic and technologically attainable.

Comments are particularly invited on the issue of the proposed effective date. Such comments will be carefully considered by the Commission before any final standard is issued.

Stockpiling

Section 9(d)(2) of the CPSA (15 U.S.C. 2058(d)(2)) provides that the Commission may, by rule, prohibit manufacturers from stockpiling a product to which a standard applies. Stockpiling to circumvent the purpose of a standard, is defined in the CPSA as manufacturing or importing a product between the date a standard is issued and its effective date, at a rate which is significantly greater than the rate at which it was produced during a base period stated in the rule.

A stockpiling requirement for the period between the issuance and effective dates of this proposed standard is not provided because, at this time, it would serve no useful purpose. As explained in the discussion above on effective date, the production of unvented gas-fired space heaters is generally confined to the second quarter of the production cycle (which corresponds to the second quarter of the calendar year). The probable issuance of a final standard for this product is some time in the third quarter of 1980 and the proposed effective date is December 31, 1980. This means that the period between issuance and effective date would fall during a period of the production cycle when manufacture of unvented gas-fired space heaters would not be taking place. Since section 9(d)(2) provides that a stockpiling provision would apply only to the period between issuance and effective date of the standard, the Commission concludes there is no need for such a provision at a time when only distribution and sale rather than manufacture is taking place. Subsequent events such as changes in manufacturing practices, not now foreseen, may show that a rule is needed, in which case a stockpiling rule would be proposed for public comment. In the interim, the Commission solicits comments from manufacturer of unvented gas-fired space heaters concerning their anticipated manufacturing cycles for the next several years.

I. Enforcement Considerations

Certification of Compliance by Manufacturers and Importers

All manufacturers and importers of unvented gas-fired space heaters subject to the standard are responsible for manufacturing products that meet its requirements.

Section 14(a) of the CPSA (15 U.S.C. 2063(a)) requires manufacturers (including importers) and private labelers of a product subject to standard to issue a certificate of compliance that accompanies the product to the distributor or retailer to whom it is delivered. The certificate must state that the product complies with any applicable standard, name the standard, provide the name of the manufacturer, and the date and place of manufacture. The certificate must be based on a test of each product or upon a reasonable testing program.

Section 14(b) of the CPSA also provides that the Commission may, by rule, prescribe reasonable testing programs for products requiring certification. In addition, section 14(b) provides that, at the option of the manufacturer, the tests which are the basis for certification of compliance may be performed by another person such as an independent laboratory qualified to perform such tests.

Section 14(c) provides that the Commission may, by rule, require the use and prescribe the form and content of labels containing certification by manufacturers that products comply with the standard, and information

relating to identification of the manufacturer.

Under the proposed standard, manufacturers are responsible for certifying that their products comply with the standard. Since it would serve no useful purpose to have private labelers also certify that products manufactured by another comply with the standard, it would be unnecessarily duplicative to require certification by private labelers. Further, manufacturers are in the best position to either test the product or provide for a reasonable testing program. Therefore, manufacturers continue to be responsible for certifying that their products comply with the standard even though the product bears the name of a private labeler and is distributed through the facilities of the private labeler. Thus, manufacturers are responsible for issuing certificates of compliance.

Importers of unvented gas-fired space heaters are responsible for issuing certificates of compliance. If tests or a reasonable testing program have been performed by the foreign manufacturer, the importer may rely on such tests to support the certificate of compliance so long as the importer is a resident of the U.S. or has a resident agent in the U.S. and the test records are maintained in the U.S. Importers are responsible for assuring that the testing required to support the certificate of compliance has been performed properly with acceptable results, and that records of the tests are accurate and complete. Manufacturers and importers are also responsible for maintaining records of tests or testing programs whether these are performed by the manufacturer, or a qualified, independent laboratory. The proposed standard provides that certification by the manufacturer or importer shall be stated on a permanently affixed label which also explains the presence of the ODS system.

Testing

Section 1212.6 of the proposed standard describes the test procedures which the Commission will use to determine whether unvented gas-fired heaters meet the requirements of the standard, although there is no provision in the standard requiring manufacturers to use the same test procedures to determine compliance with the standard. Section 1212.21 describes general requirements for manufacturers concerning testing but does not specify a reasonable testing program.

The test described at § 1212.6 is fairly simple and inexpensive to perform, and does not impair the product. The test may be used for each individual heater or may provide the basis of a reasonable testing program.

The Commission observes that U.S. manufacturers of gas appliances have had considerable experience in being responsible for testing their products because many state and local jurisdictions provide that gas appliances must meet certain building code requirements before they can be installed for residential use. Many jurisdictions require, in addition, that gas appliances such as unvented gas-fired space heaters be certified by qualified testing laboratories as a prerequisite to permitting installation in homes (*13*). Thus, the Commission anticipates that manufacturers who adhere to customary good manufacturing practices that are generally acceptable under state and local building codes would be able to certify to the Commission that their products comply with the proposed standard.

The Commission is presently unaware of information indicating that it will be necessary to prescribe a specific reasonable testing program for unvented gas-fired space heaters equipped with ODS. Therefore, manufacturers and importers may either test each heater, or develop their own reasonable testing programs for certification purposes. Further, so long as the responsible firm certifies compliance with the standard, a reasonable testing program may be performed by a qualified testing laboratory, such as those qualified testing laboratories that perform tests generally found acceptable under state and local building codes.

Should the Commission's enforcement activities relative to these products indicate that the testing programs used are not adequate to ensure that the heaters comply with the standard, the Commission could develop and issue a mandatory testing program.

Recordkeeping

Proposed § 1212.23 of Subpart B requires that manufacturers and importers of unvented gas-fired space heaters subject to the standard maintain written records demonstrating that compliance certificates are based on tests of unvented gas-fired space heaters or a reasonable testing program, and to retain such records for 3 years.

No specific format is prescribed for the record, but the records are required to contain sufficient information to show the nature of a firm's testing procedures, to identify the heater or group of heaters that are certified as a result of the test data, and to show whether the space heaters which are being marketed and certified to comply with the standard, are essentially identical in every respect that relates to compliance with the standard, to the space heaters that were tested for conformance with the standard.

These records, besides aiding Commission enforcement of the standard could be helpful to a manufacturer or importer in limiting the scope of a possible recall order under section 15 of the CPSA. (The Commission is authorized under section 15 to order a manufacturer (including importer), or distributor or retailer of a product which is found, after opportunity for a hearing, to present a "substantial product hazard" to elect one of the following remedies: repair the defective product, replace the product with a non-defective product, or refund the purchase price of the product.) "Substantial product hazard" is described in section 15 to mean a failure to comply with an applicable consumer product safety rule which creates a substantial risk of injury to the public, or a product defect, which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of risk, or otherwise) creates a substantial risk of injury to the public.

The recordkeeping requirements of § 1212.23 are issued under the authority of section 16(b) of the CPSA, which authorizes requirements for the establishement and maintenance of records that are necessary to implement the act or to determine compliance with regulations issued under the act. The records are necessary to monitor compliance with the standard requiring ODS systems for unvented gas-fired space heaters.

Section 16(b) further provides that these records must be made available for inspection by duly designated agents of the Commission upon request.

Product Certification and Labeling

Proposed § 1212.22 requires manufacturers and importers of unvented gas-fired space heaters to affix to the heaters permanent labels which shall be considered a "certificate" of compliance, as the term is used in section 14(a) of the CPSA. Section 14(c) authorizes the Commission to issue rules requiring a product to bear a label containing information similar to that required by section 14(a) for certificates.

The proposed certification label is required to be visible and legible to the consumer and is to include the following information:

1. The statement "Meets CPSC requirements for oxygen depletion safety shutoff systems."

2. The name of the manufacturer or importer issuing the certification label, (unless this information is permanently affixed elsewhere on the heater in a place easily visible to the consumer). This information may be in code when the product bears a private label provided the code mark permits the seller to identify the manufacturer to the purchaser upon his request.

3. The month, year and place of manufacture. This information may be provided in code, such as a serial number, so long as the meaning of each symbol in the code can be made available upon request by consumers, persons in the distribution chain and CPSC.

The proposed certification label is required to be incorporated in the permanent label described in § 1212.8(a) which describes the purpose of the oxygen depletion system in the unvented gas-fired space heater. To avoid confusion as to coverage of the certification, this label is to be separate and distinct from any use or operation labels provided by the manufacturer.

In deciding that certification for unvented gas-fired space heaters should be in the form of a permanent label rather than a separate certificate supplied to persons in the distribution chain, the Commission notes that the label will be visible to all in the distribution chain, and the certification will be immediately available if any questions concerning compliance with the standard arise about a particular heater. A permanent label will benefit consumers and industry, as well as the Commission, in the following ways:

1. For a period of time after the standard goes into effect, both complying and noncomplying heaters may be available on the retail market. A label affixed to the individual product will help consumers make an informed choice between complying and noncomplying products.

2. A permanent label will enable CPSC investigators screening products for compliance to distinguish between those manufactured before and those manufactured after the standard without examining retailers' or distributors' shipping records. Such an examination can be time-consuming and difficult.

3. A permanent label with an identification of the date and location of manufacture will be advantageous to manufacturers, importers, private labelers, distributors, retailers, and consumers in the event of a recall under section 15 of the CPSA.

Proposed Enforcement Policy

Compliance with a mandatory standard for unvented gas-fired space heaters would generally be established during on-site inspections at the manufacturing facility. The Commission plans to conduct such inspections during the second quarter of the calendar year, since that appears to be the peak production period for the heaters. During the inspection, the investigator would examine the product labeling and review the firm's records on testing and certification. If during any such inspection the investigator concluded that there was reason to believe that a particular heater did not meet the requirements of the standard, a sample heater would be collected for testing in accordance with the standard. In addition, before the first heating season after the effective date of the standard, a representative sample of heaters that have been manufactured to comply with the standard would be tested by or under Commission supervision to determine compliance with the standard.

Notice of Noncompliance

Section 15(b) of the CPSA (15 U.S.C. 2064(b)) provides that every manufacturer and importer of a consumer product distributed in commerce, and every distributor and retailer of that product who obtains information which reasonably supports the conclusion that the product is subject to and fails to comply with an applicable consumer product safety rule, shall immediately inform the Commission of such a failure. Thus, manufacturers, importers, distributors and retailers have a duty to report to the Commission any information they may have on the distribution in commerce of noncomplying unvented gas-fired space heaters. Commission regulations describing these requirements in detail can be found at Title 16 of the Code of Federal Regulations, Part 1115.

Failure to comply with the certification requirements in Subpart B below are not subject to the reporting requirements of section 15(b) since such requirements apply only to the standard itself at Subpart A, rather than to the procedures for certification and recordkeeping. Of course, failure to comply with the certification and recordkeeping requirements of Subpart B are subject other enforcement actions under the CPSA as appropriate, such as Civil penalties, criminal penalties or injunctive enforcement (sections 20–22 of the CPSA, 15 U.S.C. 2069–2071).

Since the reporting requirements of section 15(b) apply only to consumer products distributed in commerce, a test failure that occurs during a reasonable testing program for unvented gas-fired space heaters before the heater is distributed in commerce, is not subject to the reporting requirements.

J. Preliminary Statutory Findings

Section 9(c) of the Consumer Product Safety Act requires that prior to issuing a consumer product safety rule the Commission shall consider and make appropriate findings for inclusion in the rule. From information available to the Commission, as set forth in the bibliography to the proposed standard, the Commission has been able to draw preliminary conclusions which are set forth in § 1212.9 as proposed findings in the proposed standard. The proposed findings are subject to change by relevant information. Therefore, the Commission is particularly interested in obtaining information on the following matters:

(1) The degree and nature of the risk of injury which the rule is designed to eliminate or reduce;

(2) The approximate number of consumer products, or types or classes thereof, subject to such rule;

(3) The need of the public for the consumer products subject to such rule, and the probable effect of such rule upon the utility, cost, or availability of such products to meet such need;

(4) Any means of achieving the effect of the rule while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety;

(5) That the rule (including its effective date) is reasonably necessary to eliminate or reduce an unreasonable risk associated with unvented gas space heaters; and

(6) That promulgation of the rule is in the public interest (15 U.S.C. 2058 (b) and (c)).

Section 9(b) of the Act (15 U.S.C. 2058(b)) requires that in promulgating a consumer product safety rule, the Commission shall also consider and take into account the special needs of elderly and handicapped persons to determine the extent to which such persons may be adversely affected by the rule. Since it appears that many users of unvented gas-fired space heaters are elderly and possibly handicapped, the Commission solicits comments as to the potential effect of the proposed standard on this segment of the population.

Information currently available to the Commission on the degree and nature of the risk of injury from CO poisoning associated with unvented gas-fired space heaters, is mostly "death" data. A conservative estimate of 70 deaths a year is indicated by this data. Many of these deaths occur during sleep while

people are unaware and unprotected against CO emissions from these heaters. Since the symptoms of CO poisoning on a lesser scale such as headache, dizziness and nausea ((*2 D–4*) *9*) can be attributed to other illnesses, such symptoms are not generally reported.

The number of products that would be affected by the rule does not appear to be significant. Information from undustry indicates that the production of unvented gas-fired space heaters was stopped in 1978, although manufacture of this product has resumed.

Unvented gas-fired space heaters equipped with ODS devices will provide safe products to the primary users of these heaters who tend to be elderly, low-income residents of southern regions of the U.S. These unvented heaters have a high thermal efficiency, almost 100%, because the energy of the heater is not exhausted to the outside. When ODS systems are attached to such heaters, it would be reasonable to assume that their utility will be greatly enhanced by supplying safety while conserving energy. The retail price of a medium-sized unit of 25,000 BTU capacity was about $140 in 1978. Addition of the ODS would result in a minor price increase; it may range between $4 to $17.50 at retail depending on the ODS system used and the degree of modification needed to apply the ODS to the heater. Commission economists estimate that competitive pressures could result in a retail price increase of about $10 (*2E*).

The Commission is encouraged that industry is actively working toward incorporating ODS into unventd gas-fired space heaters although industry reports that additional research is needed before the product can be manufactured (*2 D–2*). The provisions concerning labeling as well as those concerning certification of compliance and recordkeeping required by the proposed standard are not expected to be a significant part of this price increase. The voluntary ANSI standard to which manufacturers now conform contains provisions on labeling and testing (*2 D–2*) which are required in order to obtain acceptance under many state and local building codes. Thus, since the requirements for certifiction, labeling, and recordkeeping of the proposed standard are not expected to significantly increase the usual administrative burdens on manufacturers for maintaining this kind of information, the Commission does not believe these factors are meaningfully involved in increased costs. The Commission believes that ODS equipped heaters will be available for use by the public in the near future.

In considering this information, the Commission weighed the factors of cost, utility and availability of unvented gas-fired space heaters and compared them with the hazards from CO emissions associated with the product. The factors of unknowing exposure to an atmosphere made life-threatening by CO buildup, particularly during sleep, and the consequent lack of opportunity for people to take steps to remove themselves from the harzard, causes the Commission to preliminarily conclude that the hazard of CO poisoning associated with unvented gas-fired space heaters outweighs the anticipated effect of the rule on the cost, utility and availability of these heaters. Therefore, the Commission preliminarily concludes that these heaters present an unreasonable risk of injury to the public.

Although the voluntary ANSI standard provides for an ODS system for unvented gas-fired space heaters, that provision is not currently required by the industry's certification program which is the basis of acceptance of gas appliances by state and local building and code officials. Further, although maufacturers are diligently engaged in efforts to apply ODS systems to unvented gas-fired space heaters, they are also currently producing and marketing unvented gas-fired space heaters that do not contain ODS systems. Based on statements by industry spokesmen (*2 J–3, I–5*), the Commission believes that production of such heaters, without ODS systems, would continue in the absence of a mandatory standard. Therefore, the Commission concludes that the proposed standard requiring unvented gas-fired space heaters to be equipped with ODS systems is reasonably necessary to eliminate or reduce the unreasonable risk, and that the proposed standard is in the public interest.

K. Possible Preemption

Section 26(a) of the CPSA (15 U.S.C. 2075(a)) provides that when a Commission standard is in effect, it preempts state and local standards or other regulations which apply to the same risk of injury associated with a consumer product—in this case the risk of CO poisoning associated with unvented gas-fired space heaters. An exception to preemption is provided in section 26(b) for state and local standards concerning products for a state or locality's own use, if those standards provide a higher degree of protection than the CPSA standard. In addition, section 26(c) provides that upon application by a state or locality, the Commission may, by rule, exempt from preemption a state or local regulation addressed to the same risk of injury from a consumer product where the Commission determines that such a regulation provides a significantly higher degree of protection than does the federal standard, and that the state/local regulation does not unduly burden interstate commerce.

The Commission believes that a discussion on preemption in the preamble to any final rule issued for this product could be helpful to the numerous jurisdictions that enforce rules on unvented gas-fired space heaters, as well as to consumers and industry members. The Commission recognizes that there may be a wide variety of different rules among state and local jurisdictions. In order to provide guidance concerning rules and regulations that are in effect, the Commission solicits responses to the questions set forth below from persons associated with administering state and municipal regulations, including building codes that would apply to unvented gas-fired space heaters. The questions are for guidance in gathering this information and should not be considered as limiting the kinds of information state and local official believe should be provided:

(1) Name of political entity.
(2) Title of rule.
(3) When was the rule adopted?
(4) Why was the rule adopted?
(5) Please provide the text of the rule.
(6) What potential injury or injuries are addressed by the rule and how are they addressed?
(7) Please state any provisions for enforcing the rule.
(8) If the Commission issues a final standard on unvented gas-fired space heaters, would you expect that your rule would continue in effect?
(9) If the Commission issues a final standard, would you expect your jurisdication to issue an identical rule that could be locally enforced?
(10) Please state the position, title and address of a person who could be contacted for further information.

In addition to soliciting comments on this subject by this notice, the Commission also intends to contact directly those state and local officials whose names are known to Commission staff members.

L. Extension of Time To Publish Final Rule

Section 9(a)(2) of the CPSA (15 U.S.C. 2058(a)(2)) requires the Commission to publish a notice of proposed rulemaking and to provide interested persons with

an opportunity to participate in the rulemaking through submission of written data, views, or arguments. In addition to these written comments, interested persons must also be given an opportunity to make oral presentations of data, views, or arguments.

Section 9(a)(1) of the CPSA provides that within 60 days after publication of a proposed rule, the Commission shall promulgate a final rule or withdraw the proposal. The Commission may extend the 60-day period for good cause and must publish its reasons for extension.

In order to encourage wide dissemination of the proposed rule on unvented gas-fired space heaters and to afford sufficient time for persons to submit written comments, the Commission is permitting a 60-day comment period. The Commission believes that additional time will be needed for staff analysis, Commission evaluation, and publication of any final rule. Therefore, the Commission believes that the 60-day time period provided in section 9(a) between publication of a proposed standard and publication of a final rule should be extended. To conserve the resources that would be needed to issue an extension of time during the comment period, the Commission announces the extension in this proposal, and finds that the need for additional time constitutes good cause for this extension. Therefore, the Commission extends for five months from March 18, 1980 to August 18, 1980 the period in which it must either issue a final rule for unvented gas-fired space heaters containing ODS systems or withdraw the proposed consumer product safety standard. This period may be further extended for good cause published in the **Federal Register.**

M. Date of Promulgation

Section 9 of the CPSA (15 U.S.C. 2058) sets forth the administrative procedures applicable to promulgation of consumer product safety rules and provides guidance concerning the time period for a rule to take effect after the date it has been promulgated by the Commission. However, the CPSA does not define the date of promulgation. In the absence of statutory direction or Commission guidance, therefore, there is an element of uncertainty as to when a rule is considered to be promulgated. Promulgation could take place when the Commission, at a public meeting, votes to issue a rule or when the **Federal Register** notice announcing the rule is signed by the Commission's Secretary, or at another time.

The uncertainty of date of promulgation may be important to those who believe they are adversely affected by a rule issued by the Commission. Section 11 of the CPSA (15 U.S.C. 2060) provides that such persons or groups may petition a U.S. Court of Appeals in the circuit of their residence or principal place of business for judicial review of the rule. In such a case, the Commission is required to respond by filing the record of the rule in the court chosen by the first person or group to file for judicial review.

Thus, persons or groups that are represented at a public meeting where the Commission votes to issue a rule and believe they are adversely affected by the rule, may properly try to be first to file for judicial review in a circuit of their own choosing. Persons or groups unable to be represented at such public meetings, whether for reasons of geographical or financial inconvenience, or otherwise, may also believe they are adversely affected by a Commission decision to issue a rule and yet not have an opportunity to file for judicial review in a forum of their own choosing.

The Commission believes it is important to remove the elements of uncertainty and possible unfairness that may occur concerning opportunity for judicial review of this proposed standard on unvented gas-fired space heaters by promulgating the rule on a date certain after its publication. The Commission observes that courts have traditionally approved a great deal of discretion to agencies in determining the manner in which their actions are promulgated; courts have deferred to the agency's choice as long as the choice is reasonable.

Accordingly, in order to provide the maximum amount of guidance possible to the courts and interested persons, the Commission proposes that this standard be promulgated at noon, Eastern Time, ten days after it is published as a final rule in the **Federal Register.** The Commission believes this choice of promulgation date is reasonable in that it provides sufficient time for interested persons to learn about the rule before a court can be petitioned for judicial review.

N. Conclusion and Proposal

Based on the foregoing information, the Commission preliminarily determines that unvented gas-fired space heaters present an unreasonable risk of injury due to CO poisoning, and that a consumer product safety rule is reasonably necessary to eliminate or reduce this risk. Therefore, the Commission proposes to issue a consumer product safety standard that addresses this risk by requiring that unvented gas-fired space heaters contain ODS systems and specified labeling, and that manufacturers certify compliance and maintain test and certification records.

Accordingly, the Consumer Product Safety Commission proposes to amend Title 16, Chapter II, Subchapter B, of the Code of Federal Regulations, by adding Part 1212, as follows:

PART 1212—SAFETY STANDARD REQUIRING OXYGEN DEPLETION SAFETY SHUTOFF SYSTEMS (ODS) FOR UNVENTED GAS-FIRED SPACE HEATERS

Subpart A—Safety Standard

Sec.
1212.1 Scope and purpose of the standard.
1212.2 Effective date.
1212.3 Definitions.
1212.4 Exclusions.
1212.5 Requirements for ODS.
1212.6 Test equipment and procedures.
1212.7 Certification and recordkeeping.
1212.8 Labeling.
1212.9 Findings.

Subpart B—Certification

Sec.
1212.20 Purpose of certification.
1212.21 Reasonable testing program.
1212.22 Certification of compliance.
1212.23 Records.

Authority: Secs. 2, 3, 7, 9, 14, 16, 27, Pub. L. 92–573, as amended, Pub. L. 94–284, Pub. L. 95–631; 86 Stat. 1207, 1208, 1212, 1220, 1228 as amended 90 Stat. 503, 92 Stat. 3742; 15 U.S.C. 2051, 2052, 2056, 2058, 2063, 2065, 2076.

Subpart A—Safety Standard

§ 1212.1 Scope and purpose of the standard.

(a) *Scope.* This part requires an oxygen depletion safety shutoff system (ODS) and specified labeling for unvented gas-fired space heaters that are customarily produced or distributed for sale to or for the personal use or enjoyment of consumers in or around a household or residence, a school, in recreation or otherwise. Manufacturers (including importers) are responsible for certifying that their products comply with the requirements of the standard and for maintaining records which describe the testing performed as the basis for such certification. Manufacturers are in the best position to provide for testing and certifying compliance with the standard and it is not necessary to also have private labelers certify compliance or maintain testing records. Therefore, private labelers are not required to certify that products comply or to maintain records of testing. (Unvented gas-fired space heaters are defined at § 1212.3; exclusions from this definition are provided at § 1212.4.)

(b) *Purpose.* This standard is intended to reduce the unreasonable risk of injury associated with unvented gas-fired space heaters due to carbon monoxide (CO) poisoning. The standard addresses only the risks arising from carbon monoxide and does not deal with any other possible safety aspects of unvented gas-fired space heaters. The proposed ODS standard does not replace any other voluntary standards or parts of such standards that may apply to other performance or construction characteristics of the heaters for addressing any other potential hazards such as thermal burns or fires. However, to help ensure the quality of the entire product, manufacturers are encouraged to adhere to customary good manufacturing practices for their products such as may be needed to ensure that the products would be generally acceptable under state and local building codes.

§ 1212.2 Effective date.

All unvented gas-fired space heaters defined at § 1212.3 that are manufactured or imported after midnight December 30, 1980 are subject to the requirements of Subpart A and, as provided by Subpart B, shall be certified as complying with Subpart A.

§ 1212.3 Definitions.

In addition to the definitions provided in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)), the following definitions apply to this Part. (Metric equivalents appear in parentheses where appropriate.)

(a) BTU. Abbreviation for British Thermal Unit. The quantity of heat required to raise the temperature of 1 pound ( ) of water 1°F. ( )

(b) Burner. A device for the final conveyance of the gas, or a mixture of gas and air, to the combustion zone.

(c) Cubic foot of gas. The amount of gas which would occupy 1 cubic foot ( ) when at a temperature of 60°F ( ) if saturated with water vapor and under a pressure equivalent to that of 30 inches of mercury. ( )

(d) Field adjustment means. A part, device or mechanism which allows a change in setting by the user.

(e) Heating value. The number of British Thermal Units ( ) produced by the combustion at constant pressure, of 1 cubic foot ( ) of gas when the products of combustion are cooled to the initial temperature of the gas and air, when the water vapor formed during combustion is condensed, and when corrected to a temperature of 60°F ( ) at a pressure equivalent to 30 inches of mercury. ( )

(f) Input rating. The maximum gas-burning capacity of an appliance in BTU per hour ( ) as specified on the nameplate by the manufacturer.

(g) Integral marking. Marking that is embossed, cast, stamped or otherwise formed in the part.

(h) Liquefied petroleum gases. Any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them: propane, propylene, butanes (normal butane or isobutane), and butylenes.

(i) LP gas-air mixtures. Liquefied petroleum gas distributed at relatively low pressures and normal atmospheric temperatures, which have been diluted with air to produce desired heating value and utilization characteristics.

(j) Manufactured gas. A gas produced from coal, coke, or oil, or by reforming of natural or liquefied petroleum gases or any mixtures thereof, and including any natural or liquefied petroleum gas if used for enriching.

(k) Mixed gas. A gas in which manufactured gas is comingled with natural or liquefied petroleum gas in such a manner that the resulting product has a BTU value higher than that previously produced by the utility prior to the time of the introduction of natural or liquefied petroleum gas.

(l) Natural gas. A naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in porous formation beneath the earth's surface, ofter in association with crude petroleum. The natural gas or commerce, supplied to fuel gas markets, usually contains from 80 to 95 percent methane and lesser amounts of ethane and propane. Most of the remainder is nitrogen.

(m) Normal butane (N-butane), technical grade. a liquefied petroleum gas composed of a minimum of 95 percent n-butane (C_4H_{10}) which may contain other impurities such as isobutane, butylenes and propane not in excess of 5 percent.

(n) Oxygen depletion safety shutoff system (ODS). A system designed to act to shut off the gas supply to the main and pilot burners if the oxygen in the surrounding atmosphere is depleted to a specified value (see § 1212.5(b)). (The system shall depend primarily on lack of oxygen for actuation and not on other phenomena in the surrounding atmosphere such as temperature or CO concentration.)

(o) Permanent plate marking. Marking that is made of metal of a minimum thickness of 0.012 inch ( ) and that is securely attached so that it will remain with the heater throughout its life expectancy.

(p) Pilot. A small flame which is utilized to ignite the gas at the main burner(s).

(q) Propane HD–5. A special grade of liquefied petroleum gas composed of a minimum of 90 percent liquid volume of propane (C_3H_8) and a maximum of 5 percent liquid volume of propylene (C_3H_6).

(r) Specific gravity. As applied to gas, specific gravity is the ratio of the weight of a given volume to that of the same volume of air, both measured at the same temperature and pressure.

(s) Stoichiometric combustion. The rapid oxidation of fuel gases, having the exact proportions of fuel and air required for theoretically complete chemical reaction.

(t) Unvented gas-fired space heater. A self-contained, free-standing or recessed, gas-burning appliance which furnishes warm air to the surrounding or adjacent living space by gravity convection, fan circulation or radiation directly from the heater and without duct connections, and which discharges combustion products such as carbon monoxide, carbon dioxide, and water vapor directly into the heated space. The term includes the following:

(1) *Unvented circulator.* A room heater that coverts the energy in the fuel to convected and radiant heat by direct mixing of air to be heated with the combustion products and excess air inside the jacket. Unvented circulators have an external jacket surrounding the burner and may be equipped with radiants with the jacket open in front of the radiants.

(2) *Wall heater, unvented, closed front.* An unvented circulator having a closed front for insertion in or attachment to a wall or partition.

(3) *Radiant heater.* An open-front unvented room heater designed primarily to convert the energy in the fuel to radiant heat by means of refractory radiants or similar radiating materials. A radiant heater has not external jacket.

§ 1212.4 Exclusions.

The following categories of products are excluded from this standard:

(a) *Kitchen range and oven.* An appliance which provides a source of localized heat for food preparation.

(b) *Decorative gas appliance.* An appliance generally used in a vented fireplace to simulate the appearance of a natural burning material such as wood or coal. The term includes but is not limited to "gas logs", "coal baskets" and "fireplace inserts."

(c) *Catalytic camp heater.* An open faced, unvented heating appliance which utilizes a catalyst in the

combustion process. An existing voluntary standard addresses this product.

(d) *Non-catalytic camp heater.* An unvented portable heating appliance of other than the catalytic type. A voluntary standard addresses this product.

(e) *Infrared heater.* An appliance which directs a substantial amount of its energy in the form of infrared energy into the area to be heated and is generally used for heating of outdoor spaces or non-residential indoor spaces.

§ 1212.5 Requirements for ODS.

(a) Each heater shall be equipped with an oxygen depletion sensor (ODS) safety shutoff system capable of shutting off the gas supply to the heater when oxygen in the surrounding atmosphere is depleted.

(b) The concentration of oxygen in the surrounding atmosphere at time of shutoff shall not be less than 18% when corrected to 70 degrees Fahrenheit ( ) at a barometric pressure equivalent to 30 inches of mercury ( ), when tested in accordance with the procedures at § 1212.6. (The system shall depend primarily on lack of oxygen for actuation and not on other phenomena in the surrounding atmosphere such as temperature or CO concentration.)

(c) The ODS system shall not incorporate field adjustment means capable of changing the set point at which the system acts to shut off the gas supply to the heater.

§ 1212.6 Test equipment and procedures.

This section describes the equipment and procedures to be used by CPSC for evaluating the shutdown performance of unvented gas-fired space heaters fitted with oxygen depletion sensors.

(a) *Facilities, equipment and conditions*—(1) *Test room or chamber size.* The test shall be conducted in a room or chamber of sufficient size to hold the necessary equipment for conducting the test, but no larger than 1000 cubic feet ( ) in volume.

(2) *Air infiltration.* The room, including the door, shall be constructed so that air infiltration into the room shall not exceed 0.25 volume changes per hour when determined under the following conditions:

Heater input rate=40,000 Btu/hr ( ). Room temperature=70°F ( ). Temperature external to test room=70°F ( ). Wind velocity external to test room=Zero mph ( ).

These restrictions are specified to establish a base for determining air infiltration rate only and are not conditions for the test.

(3) *Provisions for remote measurement.* Provisions shall be made for the remote measurement and recording of the room air temperature, oxygen or carbon dioxide concentration and barometric pressure. Room air temperature shall be measured with at least five thermocouples at different levels and plan locations to provide an average room air temperature. The oxygen or carbon dioxide concentration in the room atmosphere shall be measured at a minimum of five locations, the same as the thermocouples above. Five separate measurements or a single measurement through the use of a manifold may be used. Barometric pressure may be measured at any location in the test room.

(4) *Air temperature.* During the conduct of this test the room air temperature shall not exceed 80°F ( ) nor fall below 60°F ( ). The temperature shall be measured and recorded during the entire test to the nearest 1°F (°C). The correction for conversion to the standard condition of 70 degrees Fahrenheit and 30 inches of mercury is:

$$\left(\begin{matrix}\text{Corrected oxygen}\\ \text{at shutdown}\end{matrix}\right)=\left(\begin{matrix}\text{measured oxygen}\\ \text{at shutdown}\end{matrix}\right)\times\left(\frac{460+70}{460+{}^{\circ}F_R}\right)\times\frac{{}^{\circ}F_B}{30}$$

Where

$^{\circ}F_R$ = ambient temperature (°F) in test room at shutdown.

$^{\circ}F_B$ = barometric pressure (inches Hg) in test room at shutdown.

(5) *Oxygen/carbon dioxide concentration.* The oxygen or carbon dioxide concentration in the room atmosphere shall be measured during the entire test and recorded to the nearest 0.1 percent. When carbon dioxide is measured the following equation will be used to calculate the relative value of oxygen in the room atmosphere for a specific test gas.

$$x=20.93-y\frac{(20.93)}{y_1}$$

Where;

x = percent 02 in room,

y = percent CO_2 measured in room,

y_1 = ultimate percent CO_2 resulting from stoichiometric combustion of the specific test gas,

20.93 = maximum percent oxygen content of air.

(6) *Air circulation.* The atmosphere of the room shall be evenly mixed and shall not interfere with the operation of the heater under test. Air circulation shall be provided so that sufficient mixing is attained without causing movement of the main burner, pilot burner or oxygen depletion sensor flame. A fan or blower with a discharge capacity of 320 cubic feet per minute shall be used for a 1000 cubic foot room. (Smaller test rooms will require a lower discharge capacity in the same proportion to the reduction in room size.)

(b) *Test gases.* The tests shall be conducted with the type(s) of gas for which the heater is deisgned, as specified by the manufacturer, except that heaters for use with natural gas shall be tested with natural gas and butane-air. Gases with characteristics approximately as shown below shall be used.

Characteristics of Test Gases

	Heating value (Btu per Ft³)	Specific gravity (Air=1.0)	Ultimate CO_2 (%)
Natural	1075	0.65	12.2
Manufactured	535	0.38	11.82
Mixed	800	0.50	11.82
n-Butane	3200	2.00	14.0
Propane HD-5	2500	1.55	14.0
Propane-Air	700	1.16	14.0
Butane-Air	1400	1.42	14.0
Propane-Air	1400	1.30	14.0

(c) *Procedures.* The heater shall be assembled and adjusted in accordance with any instructions provided by the manufacturer. It shall be installed near the geometric center of the test room floor. The heater shall be started and set at maximum input. The door of the room shall then be closed. The heater shall be operated at maximum input until the oxygen depletion sensor shuts off the heater. When the oxygen depletion sensor acts to shut off the gas supply to the heater the following shall be determined and recorded:

(1) Oxygen (or carbon dioxide) concentration of the room atomosphere;

(2) Average room temperature;

(3) Barometric pressure.

The necessary corrections and conversions shall be made and the test results recorded.

§ 1212.7 Certification and enforcement.

(a) *Testing required for certification.* The test procedures described at § 1212.6 will be used for enforcement purposes by the Commission to determine whether unvented gas-fired space heaters subject to this standard actually meet its requirements. Although the standard does not require that a manufacturer or importer perform these tests, section 14 of the CPSA (15 U.S.C. 2063) requires them to certify that their products conform with all applicable consumer product safety standards. The certificate must be based on either a test of each product or on a reasonable testing program. Subpart B below prescribes the requirements that manufacturers and importers shall follow to certify that their unvented gas-fired space heaters comply with the requirements of the standard.

(b) *Reporting of noncompliance.* Every manufacturer and importer of unvented gas-fired space heaters that have been distributed in commerce and every distributor and retailer of such products who obtains information which reasonably supports the conclusion that the product is subject to and fails to comply with the requirements of Subpart A, shall immediately inform the Commission of the failure to comply, in accordance with the reporting provisions of section 15(b) of the CPSA (15 U.S.C. 2064(b), 16 CFR Part 1115). (A test failure that occurs during a reasonable testing program before distribution of any such units is not subject to the reporting requirements of section 15(b). Failure to comply with the certification and recordkeeping requirements of Subpart B is not subject to the reporting requirements of Section 15(b) of the CPSA.)

§ 1212.8 Labeling.

(a) Each heater shall bear an integral marking or permanent plate marking which shall be conspicuous and clearly legible when the heater is in an installed position and shall be separate from any use or operation label supplied by the manufacturer. The marking shall contain the following statement:

Warning

When used without fresh air this heater may give off CARBON MONOXIDE, an odorless, poisonous gas. Open a window an inch or two for fresh air.

This heater has a pilot light safety system that turns off the heater if not enough fresh air is available.

Do not tamper with this safety system. If the heater shuts off, do not relight until you provide fresh air.

If the heater keeps shutting off, have it serviced. Keep the burner and control compartment clean.

Carbon monoxide poisoning may lead to death. Early signs of carbon monoxide poisoning resemble the flu, with headache, dizziness and/or nausea. If you have these signs, the heater may not be working properly. Get fresh air *at once,* and have the heater serviced.

Some people—pregnant women, persons with heart or lung disease, anemia, those under the influence of alcohol, those at high altitudes—are more affected by carbon monoxide than others.

(b) The word "WARNING" shall be in capital letters at least ¼ inch high and the remainder of the wording in letters at least ⅛ inch high.

§ 1212.9 Findings.

(a) *General.* Section 9(c) of the CPSA (15 U.S.C. 2058(c)) provides that to issue a rule, the Commission must make certain findings for inclusion in the rule. (The findings discussed here are preliminary and are subject to change, by subsequent events, or by information and comments received from the public during the comment period permitted after publication of this proposal.)

(b) *The degree and nature of the risk of injury the proposed standard is designed to eliminate or reduce.* (1) The risk of injury addressed by this standard is from the poisonous gas, carbon monoxide (CO) entering the human respiratory system due to the CO hazard associated with unvented gas-fired space heaters. Where room oxygen is sufficiently depleted due to inadequate ventilation or maladjustment of the heater's burner, a dangerous buildup of CO may occur. CO combines readily with hemoglobin in the blood thereby reducing the capability of the blood to carry oxygen needed to maintain body tissues. The dangers of CO poisoning may be higher for certain sensitive persons such as those suffering heart/lung impairments, for pregnant women, and smokers, for examples. There is also the possibility of chronic health effects from prolonged exposure to low concentrations of CO. Depending on the degree to which CO results in the lowering of blood oxygen, and the period for which it is lowered, tissue damage or death can occur. The degree of risk is a direct function of the concentration of CO, the duration of exposure and individual sensitivity. Information available to the Commission on the hazard of CO poisoning associated with unvented gas-fired space heaters is predominantly death data. The information suggests that the primary risk is from a high, one-time (acute) exposure to CO emissions. Such acute exposure is of particular concern during sleeping hours. Lack of data other than death data may be related to the fact that symptoms of CO poisoning such as headache, dizziness, and nausea resemble those of other illnesses.

(2) The Commission has information on 200 deaths for the period from October 1973 to March 1979. This may represent a conservative estimate because the effects of CO poisoning impact strongly on the cardiovascular and neurological systems of the body and this factor may cause CO deaths to be misdiagnosed and attributed to other physiological causes. Commission data indicate that about 70 deaths a year can be attributed to CO poisoning associated with unvented gas-fired space heaters.

(3) A 1979 Commission study of CO blood levels (COHb) describing 22 autopsy reports of CO poisoning associated with unvented gas-fired space heaters, indicates that if the heaters involved in the incidents had been equipped with oxygen depletion systems as required by the proposed standard, the gas supply to the heaters would probably have been shut off before the fatal COHb blood levels could have been reached in 20 of the 22 cases. On this basis, the Commission estimates that the proposed standard can be expected to reduce the annual estimated death figure of 70 by about 90%.

(c) *Products subject to the rule.* The production of unvented gas-fired space heaters defined at § 1212.3(t) declined about 70% between 1967 and 1976. This decline may have been due to rising consumer affluence, preference for central heating, or higher purchase prices. In 1976, 182,000 units were produced. In 1977, production was down to about 82,000, possibly in expectation of CPSC regulation. No unvented gas-fired space heaters were produced in 1978. Production began again in 1979 and is estimated to number 120,000 for the year. For 1980, in light of possible increased demand due to the rapid increase in energy costs and the relatively low operating costs of unvented gas-fired space heaters, industry estimates that another 120,000 units would be produced.

(d) *The need of the public for consumer products subject to the rule.* Owners of unvented gas-fired space heaters are concentrated in southern areas of the United States where the climate may make central heating systems uneconomical for certain households. These owners tend to be the elderly and low income groups of this area. The energy efficiency of unvented gas-fired space heaters means fairly low operating costs. Therefore, this product is particularly important for those in the lower socio-economic brackets for whom substitute heaters such as vented gas heaters or electric heaters may be too costly because of higher operating costs.

(e) *Probable effect of the rule on the utility of the product.* The Commission believes that the utility of the product will be greatly increased by the proposed rule. Those who have historically used this form of heating could be assured that heaters equipped with ODS systems are safer than those not so equipped. In addition to safer products for the replacement market, an ODS-equipped heater may appeal to those who may have hesitated to use unvented heaters because of the CO hazard.

(f) *Probable effect of the rule on the cost of the product.* (1) Cost estimates are made on the basis of two known

ODS devices. The cost of one of the devices to the heater manufacturers is estimated to be about $2; the other is estimated at no more than $5.00. In 1978, the retail price of a medium size unvented gas-fired space heater of 25,000 BTU capacity was about $140. Competitive pressures should keep the retail price increase down. The Commission estimates, on the basis of information submitted by industry, that the retail price could increase in a range between $4 and $17.50. The proposed provisions concerning labeling as well as those concerning certification of compliance and recordkeeping are not expected to be a significant part of this price increase. The voluntary standard to which U.S. manufacturers now conform contains provisions on labeling and testing which are generally needed for acceptance by many state and local jurisdictions. In addition, manufacturers currently maintain production records. Thus, since the proposed requirements for certification labeling and recordkeeping are not expected to significantly increase the usual administrative burdens a manufacturer may incur in maintaining this kind of business information, the Commission believes that the certification, labeling and recordkeeping requirements of the proposed standard are not meaningfully involved in any possible increased costs of this product.

(2) Commission economists estimated, on the basis of the industry-projected 1980 output of 120,000 unvented gas-fired space heaters, that the addition of the least expensive ODS (American) currently know, $2, would add an additional $240,000 to the manufacturers' cost of producing the entire year's output. To the consumer, the increased cost would be $4 to $7 per unit or $480,000 to $840,000 total price increase. For the European device, the added cost for manufacturers to apply the device to the 1980 projected output, $5.00, could be about $600,000. The consumers' increased cost for the European device would be $10 to $17.50 per heater or a total increase of $1.2 million to $2.1 million.

(3) By using an equation based primarily on the number of unvented gas-fired space heaters produced in the past, the expected usage life of the units, the expected production for the year 1980, and the estimate of 70 deaths a year derived from a Commission study of autopsy reports of CO poisoning deaths from these products, the staff calculated that the number of deaths likely to occur during the 25-year usage span of the 120,000 heaters produced in 1980, would be 16. On the assumption, discussed in paragraph (b) of this section that the ODS would be 90% effective in preventing CO deaths, Commission staff estimates that the addition of ODS could have saved 14 of the 16 lives.

(4) If the cost estimate of $480,000 to $840,000 for the American ODS is divided by the number of lives expected to be saved, 14, the ODS device would cost approximately $33,300 to $40,000 per life saved. If the cost estimates of $1.2 million to $2.1 million of the European device are used, the cost for a life saved would range from $83,300 to $146,000. Value-of-life estimates, based on the methodology of discounted future earnings start at about ¼ million dollars per life, the willingness-to-pay theory ranges upward to 2 million dollars per life. In the area of product safety and consumer health, however, the Commission believes it is inappropriate and unnecessary to assign a monetary value to human life. Nevertheless, the Commission observes that these value-of-life estimates are considerably higher than $146,000, the highest estimated increased cost for equipping a year's production of unvented gas-fired space heaters with ODS systems. On this basis, the increased cost can be considered minimal. (For a dicussion of the methodology of cost/benefit analysis and estimates of the value of life, refer to "Suggested Readings for Cost-Benefit Analysis, Value of Life and Discount Rates", a summary of readings on these subjects suggested by Commission economists, on file at the Office of the Secretary. Also on file there is the Commission staff's October 1979 Preliminary Report on the Economic Impact of this proposed standard, which provides further details on the cost/benefit study summarized briefly in this subsection.)

(g) *The probable effect of the rule on the availability of the product.* The Commission believes that the standard would not have a significant effect on the availability of unvented gas-fired space heaters. Historically, the availability of this product declined over the last decade; none appear to have been manufactured in 1978. Production of the heater in 1979 is estimated to be about 120,000. This figure is considerably less than the total of 182,000 manufactured in the last full production year of 1976. Further the three known manufacturers of the product are actively engaged in measures to equip their heaters with ODS devices. The Commission believes there will be only a short period of time before ODS-equipped unvented gas-fired heaters will be ready for the market, and that manufacturers will be better able to make production plans when they are certain of their obligations under the standard.

(h) *Other means of achieving the objective of the proposed standard.* The Commission considered other means of attaining the objective of the standard—that is, to eliminate or reduce the hazard of CO poisoning associated with unvented gas-fired space heaters. Among the means considered was a CO detector and shutoff device, but the Commission found this to be technically impracticable and economically unfeasible. The Commission also considered banning manufacture and distribution of unvented gas-fired space heaters before learning of the ODS and its capability to respond to oxygen depletion and thereby help avoid exposure to high concentrations of CO emissions.

(i) *Unreasonable risk of injury.* (1) The term "unreasonable risk of injury" is not defined in the CPSA; however, the term "risk of injury" is defined at section 3(a)(3) to mean a risk of death, personal injury or serious or frequent illness. The legislative history of the CPSA (H.R. Rep. No. 92–1153, 92d Cong., 2d Sess., 1972, p. 33) states that determining unreasonable hazards (risks) involves balancing the probability that risk will result in harm and the gravity of such harm against the effect of regulation on the product's utility, cost, and availability to the consumer. The primary risk of CO poisoning associated with unvented gas-fired space heaters is death. The hazard of CO poisoning is particularly insidious since CO is colorless and odorless, as well as poisonous. Thus even people who are awake and active, and move in and out of the space where CO buildup may be occurring from an unvented gas-fired space heater in an oxygen-deficient atmosphere, would generally be unaware of CO emissions. During sleeping hours, this lack of awareness can mean death. The ODS system required for unvented gas-fired space heaters in this standard functions as a detector and monitor of oxygen depletion and its accompanying condition of CO buildup. The ODS acts to shut off the gas supply to the heater if oxygen is depleted to less than 18%. The Commission estimates (see item (f)) above that the ODS can effect a death reduction of 90% for a cost increase that is small for the industry and for consumers. Since assigning a monetary value to human life is difficult, it is also difficult to estimate the benefits of this potential death reduction. In reviewing the possible increased costs, the

Commission concludes that the benefits in death reduction far outweigh the costs of incorporating ODS system in unvented gas-fired space heaters.

(2) An ancillary benefit of the ODS system is that it may help reduce any chronic health effects from CO poisoning associated with unvented gas-fired space heaters, because the ODS would reduce CO levels that may present a chronic hazard to susceptible individuals such as smokers, persons with heart or lung impairment, and pregnant women. The Commission believes, in addition, that the utility of unvented gas-fired space heaters would be increased by the addition of ODS systems. Persons who may not formerly have purchased this product because of safety considerations, may now do so because of assurance that the ODS would protect them from an atmosphere hazardous to human life. Other benefits of possibly increased use of ODS-equipped unvented gas-fired space heaters are energy conservation because no energy is exhausted through flue openings, and therefore generally lower operating costs for consumers who wish to purchase these now safer products. The Commission anticipates that ODS-equipped unvented gas-fired space heaters will be available on the market by the 1981 heating season because manufacturers of this product, their trade associations and related testing laboratories are actively engaged in expediting application of ODS systems to their products.

(j) *Conclusion.* In considering the anticipated costs of equipping unvented gas-fired space heaters with ODS systems, discussed in paragraph (f) of this section, the Commission concluded that they are not substantial when weighted against the gravity of the harm from unvented gas-fired space heaters not so equipped. Because CO is colorless and odorless as well as toxic, individuals can be unknowingly exposed; these characteristics present extreme danger during sleeping hours. Therefore, the Commission preliminarily determines that the hazards of CO poisoning associated with unvented gas-fired space heaters present an unreasonable risk of injury to the public. On the basis that unvented gas-fired space heaters continue to be manufactured, notwithstanding this hazard, the Commission also concludes that a standard requiring such products to be equipped with ODS systems is reasonably necessary to eliminate or reduce the unreasonable risk, and that the proposed standard is in the public interest.

Subpart B—Certification

§ 1212.20 Purpose of Subpart B.

The purpose of this Subpart B is to establish requirements that manufacturers and importers must follow to certify that their products comply with the requirements in Subpart A. This Subpart B includes testing, certification labeling and recordkeeping requirements.

§ 1212.21 Certification based on testing.

(a) *Requirements.* Certification by manufacturers and importers, as described in § 1212.22 shall be based either on a test of each individual unvented gas-fired space heater equipped with an ODS system or on a reasonable testing program.

(b) *Reasonable testing program.* A reasonable testing program for unvented gas-fired space heaters equipped with ODS systems is one which provides reasonable assurance that the products comply with the standard. Manufacturers and importers may establish their own reasonable testing programs. At the option of the manufacturer or importer the reasonable testing program may be performed by an independent third party qualified to conduct such testing programs.

§ 1212.22 Certification of compliance.

(a) *Certification requirements for manufacturers.* Manufacturers shall issue a certification of compliance for unvented gas-fired space heaters that are subject to the standard in the form of a lable that is permanently affixed to the heater and can reasonably be expected to last for the lifetime of the product. Such labeling shall be considered a certificate of compliance as that term is used in section 14 of the CPSA.

(1) *Placement of the certification.* The certification required by this section shall be placed at the end of the permanent plate marking label described in § 1212.8(a).

(2) *Contents of label certification.*

(i) The certification required by this section shall be visible and legible to the ultimate consumer and contain the following information:

(A) the statement, "Meets CPSC requirements for oxygen depletion safety shutoff systems";

(B) the name of the person or firm issuing the certificate, unless permanently affixed elsewhere on the heater in a place easily visible to the consumer; and

(C) the month, year, and place of manufacture.

(ii) The information required in paragraph (a)(2)(i)(B) of this section may be in code when the product bears a private label provided the code mark permits the seller of such a product to identify the manufacturer thereof to the purchaser upon his request.

(iii) The information required in paragraph (a)(2)(i)(C) of this section may be in code provided the person or firm issuing the certificate retains a written record of the meaning of each symbol used in the code that can be made available upon request by consumers, persons in the distribution chain and CPSC.

(b) *Certification requirements for importers.* The importer of any unvented gas-fired space heater that is subject to the standard must issue the certificate of compliance required by section 14(a) of the CPSA and paragraph (a) of this section. If the testing or reasonable testing program required by § 1212.21(b) of this section has been performed by or for the overseas manufacturer of the heater, the importer may rely on any such tests to support the certificate of compliance if the importer is a resident of the United States or has a resident agent in the U.S. and the records are maintained in the United States in accordance with § 1212.23. The importer bears responsibility for assuring that all testing required to support the certificate of compliance has been performed properly with passing or acceptable results and that all records of such tests are accurate and complete.

§ 1212.23 Records.

Every person issuing certificates of compliance for heaters subject to this standard is responsible for maintaining records of tests or testing programs that are the basis for the certification of compliance, whether the tests are performed by the person issuing the certificate of compliance or an independent laboratory. The records shall describe the test the heaters have been subjected to and the test results. The records shall also identify the heater or group of heaters that are certified as a result of the test data and establish that the heaters which are being marketed and certified to comply with the standard, are identical in every respect that relates to compliance with the standard, to the heaters that were tested for conformance with the standard. The records may be in any format that clearly provides this information. Records shall be maintained for a period of at least three years and shall be made available to CPSC for inspection upon request by a CPSC officer or employee, in accordance with section 16(b) of the CPSA (15 U.S.C. 2065(b)).

Dated: January 9, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

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Tab B—**Federal Register** Notices.

B–1 Unvented Gas-fired Space Heaters—Proposed Withdrawal of Proposed Rule, November 29, 1978.

B–2 Unvented Gas-Fired Space Heaters—Withdrawal of Proposed Rule, March 28, 1979.

Tab C—Staff Memoranda on Injury Data.

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Tab H—Staff Memoranda on Certification and Enforcement Strategy.

H–1 Certification Requirements for Unvented Gas-fired Space Heaters, September 21, 1979, Jones, CERM/Buxbaum, CEEE.

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Tab I—Correspondence

I–1 Letter from ANSI Z 21 Committee to James Talentino, E&S, Concerning Status of Committee Actions, March 30, 1979.

I–2 Letter from AGA to Commissioner Sloan concerning AGA Certification, April 25, 1979.

I–3 Notice from AGA Laboratories to Manufacturers of Unvented Room Heaters Concerning Revisions to the ANSI Standard and Their Effective Dates, April 18, 1979.

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I–5 Letter from Martin Industries to Commissioners Sloan and Pittle, Concerning Status of Martin Industry Position on Unvented Heaters, May 8, 1979.

Tab J—Logs of Meetings & Phone Conversations

J–1 Meeting between AGA, Manufacturers to Unvented Gas Heaters, Sourdillon Co. and Commission staff, March 3, 1979.

J–2 Meeting between Commissioners Sloan and Pittle and Representatives of AGA, GAMA, and Unvented Space Heater Manufacturers, April 24, 1979.

J–3 Meeting between Manufacturers of Unvented Gas Heaters, GAMA, AGA, Commission staff, August 14, 1979.

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K–2 Consideration of HS Comments, August 1, 1979, George Anikis, OPM.

TAB L—Addenda to American National Standard Z21.11.2—1978 for Gas-fired Room Heaters—Unvented.

TAB M—American National Standard for Gas-Fired Room Heaters—Unvented, ANSI Z21.11.2—1978.

TAB N—Sample of Labels as Drafted by Staff in Proposed Rule.

TAB O—Examples of Warning Labels and Instruction Books Currently Used by Unvented Gas Space Heater Manufacturers.

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(26) CPSC ODS Related Provisions of the ANSI, French and British Standards for Unvented Gas-Fired Space Heaters. Undated.

(27) American Gas Association; Letter from S. L. Blachman to G. Anikis, CPSC, discusses testing gases. Nov. 29, 1979.

(28) CPSC: Memo A. Thomas to G. Anikis, discusses testing gases. Nov. 30, 1979.

[FR Doc. 80–1281 Filed 1–17–80; 8:45 am]

BILLING CODE 6355–01–M

federal register

Friday
January 18, 1980

Part IV

Office of Personnel Management

Lists of Formerly Non-Career Executives Who Received Career Appointments to Senior Executive Service Positions and of Career Reserved and Other Authorized Senior Executive Service Positions

OFFICE OF PERSONNEL MANAGEMENT

Executives in Noncareer Positions Prior to Conversion Who Received a Career Appointment to Senior Executive Service Positions

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required in section 413(g) of the Civil Service Reform Act of 1978 (CSRA), we list below the names of executives in noncareer positions prior to conversion who received a career appointment to a Senior Executive Service position under the provisions of this section.

FOR FURTHER INFORMATION CONTACT: Anne Andrews, Executive Personnel and Management Development, (202) 632–6820.

SUPPLEMENTARY INFORMATION: The first list below is of people who received a career appointment to a position in the Senior Executive Service (SES) because they had reinstatement eligibility to a position in the competitive service. The second list below is of people who received a career appointment to an SES position because of their substantial career-oriented service under a career-type appointment.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

People Who Were Reinstated Based on Their Eligibility for Reinstatement to the Competitive Service

Action
- Green Donald
- Leyland Mary

Commodity Futures Trading Commission
- Tendick Donald L

Department of Agriculture
- Bertrand Anson R
- Bjorlie Arnold
- Brock H Allen
- Bull Chipman C
- Buntrock Grant
- Cherry William T Jr
- Deal James
- Denny Weldon B
- Foust Jack C
- Gordy Clarence M
- Grumbly Thomas P
- Hjort Howard W
- Jennings C B
- Johnson W Otto
- Latcholia Kenneth E
- McCracken Ralph
- Schaller W Neill
- Simpson John P
- Thornton James E

Department of Air Force
- Jordon Kenneth L
- Mitchell Willard H

Department of Army
- Johnson Paul W

Department of Commerce
- Ahern Veronica
- Brooks Calvin
- DePaulo Raymond
- Falcone Lucy A
- Foster Richard A
- Galler Sidney R
- Houstoun Lawrence
- Karras George T
- Keating Richard J
- Knickerbocker Frederick
- Levin Edward M
- Shepherd Robert E
- Stephenson Allan A
- Wamsley Herbert C
- Williams Harold W

Department of Defense
- Blaker James R
- Brinkerhoff John R
- Davis Ruth M
- Durbin Eugene P
- Frost Ellen L
- Gaffney Henry H Jr
- Greenberg Isidore M
- Johnson Gerald W
- Lacer Donald A
- Marienthal George
- McKenzie Vernon
- McLain Clifford E
- Moore Robert A
- Murray Robert J
- Porter Gene H
- Wolfowitz Paul D

Department of Energy
- Arntz William C
- Bauer Robert H
- Brunenkart Edward J
- Bulman Richard B
- Clagett Wm H IV
- Cooper Jeffrey R
- Cross Robert J
- Fischer C William
- Foleen Carl R
- Gens Ralph S
- Hammett James B
- Harvey Gordon W
- Heffelfinger William S
- Hobbs Jack E
- House Barton R
- Kerr Donald M Jr
- Legassie Roger W
- Linden Albert H Jr
- Lindsay Wm W
- Liverman James L
- McDonald Wm G
- McElvey John O
- McPhail Robert L
- Pagnotta Frank R
- Rawicz Lenonard
- Savitz Maxine L
- Stewart Lawrence G
- Wald Haskell P
- Walters Raymond L
- Wright Harry F

Department of Health Education and Welfare
- Barth Michael C
- Bean John F
- Britten Gerald
- Brown Cynthia G
- Cheatham Wilbert A
- Craig Sara V
- Foley Henry A
- Gardner Sherwin
- Gaus Clifton R
- Gipp Gerald E
- Hanft Ruth S
- Kelly Bernard E
- MaCrae James B Jr
- Martin Edwin W
- Palmer John L
- Pinney John
- Rhoads Margaret M
- Sexton Kevin J
- Smith Marshall S
- Timpane Michael
- Tippeconnic John W
- Turem Jerry S

Department of Housing and Urban Development
- Anderson William
- Appleby L Thomas
- Armstrong Thomas J
- Baruch Morton
- Fair Rita I
- Gatton Ronald M
- Kaplan Peter
- Martin Edward T
- McFarlin Emma
- McHenry Clyde T
- Miller Albert
- Roybal George
- Taylor R Frederick

Department of Interior
- Close Carl C
- Cobb Gary D
- Hutchinson Ira
- Krenzke Theodore C
- Milner George R Jr
- Morris Manuel
- Pritchard Paul C
- Reeves Paul L
- Whalen Wm J
- Wood Roy K

Department of Justice
- Carlson Norman A
- Dennis Robert L
- Hall William E

Department of Labor
- Anderson Robert
- Hewitt William B
- McConnon Robert J
- Weatherford Lawrence
- Young Raymond E

Department of Navy
- Pyatt Everett A
- Silva Alexander A
- Snavely Mary M

Department of State
- Atwood J Brian
- Friedkin Joseph
- Gathright Wreatham E
- Henkin Charles J
- Linneman Joseph
- Mantel Robert
- Phillips Ruth
- Vanwert James

Department of Transportation
- Berndt Frank A
- Brownlee Michael B
- Davis Aubrey
- Ditmeyer Steven R
- Dugoff Howard
- Fearnsides John J
- Gallamore Robert E
- Gedney David S
- Kelm John D
- Smith Linda L

Department of Treasury
- King Colbert I
- Nachmanoff Arnold
- Sinai Arthur
- Sunley Emil M Jr
- Vaccara Beatrice N

Environmental Protection Agency
- Beck Eckardt C
- Defalco Paul Jr
- Ford Charles Robert
- Smith James N
- Thompson Doris C

Equal Employment Opportunity Commission
- Frank Charlotte S

Executive Office of the President
- Huberman Benjamin

Farm Credit Administration
- Cardwell Carroll K
- Fredrickson Carl T.

Federal Maritime Commission
- Pankopf Arthur

Federal Trade Commission
Thomas Carol M
General Services Administration
Beres Allen W
Bretta Lawrence F
Casad, Richard D
Doughty Olive A
Jensen Dennis A
Johnson Wesley L
Kallaur Walter V
Kelly William P
Latimer Allie B
Markon Roy
Mendenhall Janice K
Paz William
Rhoads, James
Sochowski Clarence S
Walden David W
International Communications Agency
Marcy Mildred K
Interstate Commerce Commission
Quinlan Pierce A
National Aeronautics and Space Administration
Allnutt Robert F
Calio Anthony J
Kline Raymond
Kramer James J
Lilly William E
Schneider Wm C
National Commission on International Year of the Child
Pomeroy Barbara
National Endowment for the Humanities
Litzenburg Thomas V
National Labor Relations Board
Leet Harry M
Reiner Helen C
Segal Henry L
Nuclear Regulatory Commission
Dircks W. J.
Office of Management and Budget
Woolsey Suzanne H
Office of Personnel Management
Greenberg Sally
Gregg James M
Newton Paul W
Pranger Sylvester B
Ramsay Arch S
Presidential Commission on World Hunger
Shaughnessy Daniel E
Securities and Exchange Commission
Milk Benjamin
Sampson A Clarence
Small Business Administration
Gourlie Larry C
Lawlor Conrad E
Lewis Jean P
Lupkey Francis Dean
U.S. Metric Board
Parent Stanley R
Veterans Administration
Leffler John J
Noll Carl T
Starbuck Dorothy L
Water Resources Council
Botts Leila L
Seinwill Gerald D

People Who Were Reinstated Based on Their Substantial Career-Type Service

Civil Aeronautics Board
Clark Barbara
Department of Air Force
Reichart Stuart R
Department of Commerce
Curlin James W
Department of Defense
Church D W
Hermann Robert J
Komer Robert W
Stempler Jack L
Department of Energy
Fygi Eric J
Yohalem Harry M
Department of Housing and Urban Development
Latham Weldon H
Norton Edward
Department of Interior
Eddy Charles P
Ferguson Frederick N
Van Cleve Ruth G
Department of Justice
Frey Andrew
Gainer Ronald L
Keeney John C
Keuch Robert L
Liotta Anthony C
Ruff Charles F C
Shiffer Stuart E
Turner James P
Wallace Lawrence G
Department of Labor
Berrington Craig A
Hartman Ralph M
Lanoff Ian D
Department of State
Aldrich George
Walker Jenonne
Department of Treasury
Wigrizer Leon G
Federal Home Loan Bank Board
Miskovsky Milan C
Federal Trade Commission
Johnson E Perry
Reich Robert B
Sohn Michael N
White Christian S
National Labor Relations Board
Baisinger Wm C Jr
Higgins John E Jr
Wall Tamara J
Nuclear Regulatory Commission
Denton H R
Fouchard J J
Gossick Lee V
Levine S
Occupational Safety and Health Review Commission
Flynn Thomas B
Hollenbach Joan M
Kaplan James M
Office of Personnel Management
Waxman Margery
Small Business Administration
Harrigan Donna R
US Arms Control and Disarmament Agency
Graham Thomas

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BILLING CODE 1505-01-M

List of Career Reserved Positions in the Senior Executive Service and List of All Other Authorized Senior Executive Service Positions

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with requirements of the Civil Service Reform Act of 1978 (CSRA), this gives notice of the titles of all positions authorized to be in the Senior Executive Service (SES). This also gives notice of the titles of all SES positions that are designed career reserved.

FOR FURTHER INFORMATION CONTACT: Anne Andrews, Executive Personnel and Management Development, (202) 632-6820.

SUPPLEMENTAL INFORMATION: The first list below is a key to the abbreviated agency title as listed in the first column of lists two and three. The second list below is a list of titles of positions that are designated career reserved. Section 3393(f) of the CSRA requires publication of the titles of each career reserved position. The third list below is a list of titles of positions that are designated General; together, the second and third lists meet the requirements of section 413(b)(2) of the CSRA for publication of the titles of authorized positions in the SES.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Key to the Abbreviated Agency Title

ACFP Advisory Committee on Federal Pay
ACOHP Advisory Council on Historic Preservation
ACTIO Action
ACUS Administrative Conference of the United States
AF Department of Air Force
AGRIC Department of Agriculture
AID Agency for International Development
AOUSC Administrative Office of the US Courts
ARC Appalachian Regional Commission
ARMY Department of Army
BIB Board for International Broadcasting
CAB Civil Aeronautics Board
CCR Commission on Civil Rights
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CIA Central Intelligence Agency
COFA Commission on Fine Arts
COMM Department of Commerce
CPSC Consumer Product Safety Commission
CSA Community Services Administration
DC GO District of Columbia Government
DOE Department of Energy
DOT Department of Transportation
DRBC Delaware River Basin Commission
EEOC Equal Employment Opportunity Commission
EOP Executive Office of the President
EPA Environmental Protection Agency
EXIMB Export-Import Bank
FCA Farm Credit Administration
FCC Federal Communications Commission
FCSC Foreign Claims Settlement Commission
FDIC Federal Deposit Insurance Corp
FEC Federal Elections Commission
FEMA Federal Emergency Management Agency
FHLBB Federal Home Loan Bank Board
FLRA Federal Labor Relations Authority
FM&CS Federal Mediation and Conciliation Service
FMC Federal Maritime Commission

FMSHR Federal Mine Safety & Health Review Commission
FRS Federal Reserve System
FTC Federal Trade Commission
GAO General Accounting Office
GSA General Services Administration
HEW Department of Health Education and Welfare
HSTSF H S Truman Scholarship Foundation
HUD Department of Housing and Urban Development
ICA International Communications Agency
ICC Interstate Commerce Commission
IN CL Indian Claims Commission
IN-AM Inter-American Foundation
INT Department of Interior
JUSFC Japan United States Friendship Commission
JUST Department of Justice
LABOR Department of Labor
LC Library of Congress
MISC International Boundary Commission US and Canada
MISC Miscellaneous Agencies
MISC Advisory Commission on Intergovernmental Relations
MMC Marine Mammal Commission
MSPB Merit Systems Protection Board
N R C Nuclear Regulatory Commission
NAC E Natl Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NAVY Department of Navy
NCIO Natl Council on Indian Opportunity
NCIYC National Commission on International Year of the Child
NCL&I National Commission on Libraries & Information Science
NCP National Commission on Productivity & Work Quality
NCPC National Capital Planning Commission
NCSS National Commission on Social Security
NCUA National Credit Union Adm
NEFA National Endowment for the Arts
NEH National Endowment for the Humanities
NFAH National Foundation on the Arts and Humanities
NG AR National Gallery of Art
NHIRC Navajo-Hopi Indian Relocation Commission
NLRB National Labor Relations Board
NMB National Mediation Board
NSC National Security Council
NSF National Science Foundation
NTPSC National Transportation Pol Study Commission
NTSB National Transportation Safety Board
ODA Office of Drug Abuse Policy
OFFI Ofc of the Fed Insp of the Alaska Nat Gas Transp Sys
OMB Office of Management and Budget
OP US Postal Service
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OSD Department of Defense
OSHRC Occupational Safety and Health Review Commission
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PCC Panama Canal Co/Canal Zone Government
PCEH Presidents Committee on Employment of Handicapped
PCOTH Presidents Comm on the Holocaust
PCPP Presidents Commission on Pension Policy
PCTMI President's Comm on Acc at Three Mile Island
PCWH Presidential Commission on World Hunger
PRC Postal Rate Commission
RB Renegotiation Board
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities & Exchange Comm
SMITH Smithsonian Institution
SP-RE Bem Special Referrals or Invalid Agency Codes
SRBC Susquehanna River Basin Commission
SSS Selective Service System
STATE Department of State
TAX C Tax Court of the United States
TREAS Department of Treasury
TVA Tennessee Valley Authority
USACD US Arms Control and Disarmament Agency
USCMA US Court of Military Appeals
USITC US International Trade Commission
USMB US Metric Board
VA Veterans Administration
WRC Water Resources Council

List of Positions That Are Designated Career Reserved

ACTIO

Off of the Director
Budget Officer
Off, Assoc Dir for Domestic & Anti-Poverty Operations
Director-Accounting Division

ACUS

Administrative Conference of the U.S.
Executive Director
Executive Secy
Research Director

ACOHP

Ofc of the Exec Director
Princ Dep Exec Dir
Dep Exec Dir

AGRIC

Ofc of the Inspector General
Asst Inspector General for Investigation
Dep Asst Inspector General for Investigation
Asst Inspector General for Auditing
Dep Asst Inspector General for Auditing
Office of Asst Sec'y Administration
Assistant Secretary for Administration
Office of Operations and Finance
Dep Dir for Administrative Services
Farmers Home Administration
Dep Admr-Financial and Administrative Opers
Dir, Finance Ofc
Rural Electrification Administration
Financial Mgr (Director) REA
Asst Admr-Mgmt
Agricultural Marketing Service
Deputy Administrator, Management
Director, Fruit & Vegetable Division
Dep Dir, Transportation & Warehouse Division
Director, Cotton Division
Director, Dairy Division
Dir-Livestock Poultry Grain and Seed Division
Animal and Plant Health Inspection Service
Dep Admr for Management
Asst Dep Admin for Mgt
Veterinary Services
Asst Dep Adm:R-Animal Health Progs-Vet Serv
Asst Dep Admr, Inrnatl Prog, Vet Services
Dir, Veterinary Services Laboratories, AMES
Dir, Nat Prog Planning Staffs, Vet Services
Co-Dir, US/Mexico Screwworm Comm
Director, Northern Region
Dir, SE Region, Veterinary Services
Dir, Natl Brucellosis Eradication Program
Plant Protection and Quarantine Service
Dir, Nat Prog Plan Staff, Plant Prot and Quarantine
Dir, SE Region, Plant Prot & Quarantine
Federal Grain Inspection Service
Asst Dep Admr-Program Operations
Asst Dep Admin-Program Opers
Food and Nutrition Service
Dep Admr-Financial Mgmt (Comptroller)
Food Safety and Quality Service
Dir, Poultry & Dairy Quality Div
Dep Admir-Administrative Mgmt
Dir Scientific Services Staff
Dir, Technical Service Staff
Dir Northeast Region, Phila., Pa
Regl Director, Atlanta, Georgia
Dir, North Central Region, Des Moines, Iowa
Director, Southwestern Region, Dallas, Texas
Dir, Western Region, Alameda, California
Dir Fruit & Vegetable Quality Div FSQS
Assistant Deputy Admr Compliance FSQS
Dir Meat Quality Div FSQS
Director of Operations MPI-FO FSQS
Assistant Deputy Admr Science FSQS
Asst Dep Admin (Admin Mgt)
Agricultural Stabilization and Conservation Service
Director, Fiscal Division
Foreign Agricultural Service
Asst Administrator, Management
Commodity Programs
Dir Tobacco and Cotton Div
Dir, Grain & Feed Div
Dir, Oilseeds & Prod Div
Dir, Dairy, Livestock & Poultry Div
Dep Asst Admin, Commodity Programs
Science and Education Administration
Research Leader, Wheat Research
Research Leader—Fruit & Vegetable Chem Research
Research Leader—Forage and Turf Research
Res Leader—Plant Physio & Photosynthesis Res
Dep Dir for Adm
Chf International Programs
Chief Evaluation and Impact Staff
Agricultural Research Service
Chrman—Nutrition Inst, Beltsville Md
Chief Oil Seed Crops Laboratory
Chief Fermentation Laboratory
Research Leader—Soil & Water Research Mgmt
Chf, Plant Virology Lab Beltsville, Md
Res Leader Natural Products Chemistry Res
Dir, Southern Regional Res Center, New Orlean
Chief, Crop Protection Staff
Regional Offices, ARS
Dir, Northern Region Research Center
Dir Natl Animal Disease Ctr

Dir, Beltsville, Agricultural Research Center
Chf Tobacco Lab
Director, Eastern Regl Research Center
Dir, Plum Iscand Animal Disease Ctr
Chf Scientist, PIADC-Orient Point, NY
Director, Western Regional Research Center
Research Leader Feedstuffs Research
Director, California-Hawaii-Nevada Area
Director, Florida-Antilles Area
Director, Oklahom-Texas Area
Director, Athens, Georgia Area
Chief Soil Water & Air Sci Staff
National Program Staff
Dep Dir Natl Program Staff
Research Staff
Director, U.S. Salinity Laboratory
Dir Insects Affecting Man Laboratory
Soil Conservation Service
Dir Midwest Tech Service Center
Dir NE Tech Service Center
Dir, SW Technical Service Center
Dir Technical Field Service Center
Asst Admr for Soil Survey
Asst Admr for Mgmt
Dir Conservation Operations Division
Dir, Resource Dev Div
Dir River Basin Div
Dir Watersheds Division
Director Engineering Division
Dir Ecological Sciences and Technology Divisi
Forest Service
Dep Chf for Administration
Assoc Dep Chief for Adm
Dir Forest Insect & Disease Mgmt Staff
Research
Director, timber Mgmt Research Staff
Dir Insect and Disease Research Staff
Dir Forest Environment Research Staff
Dir Forest Economics Research Staff
Dir Forest Products & Eng Res Staff Nat'l Forest System
Dir, Range Management Staff
Dir, Recreation, Mgmt Staff
Dir Timber Management Staff
Director, Engineering Staff
Director Fire Control Staff
Director, Lands Staff
Dir Land Management Planning Staff
Dir, Wildlife Mgt Staff
Dir, Minerals & Geology Staff
Dir, Watershed Mgt Staff
State & Private Forestry
Dir of Area Planning & Dev Staff
Dir Cooperative Forestry
Field Units
NE Area Dir, State & Private Forestry, U Darb
Dir, SE Area State & Private Forestry
Dir Intermountain Forest & Range Exp Stat, OGD
Dir N Eastern Forest Experiment Station
Dir, North Central Forest Exp Station
Dir, Pacific NW Forest & Range Exp Station
Dir, Pacific SW For & Range Exper Sta
Director Rocky Mt Forest & Range Exper Stat
Dir S Eastern Forest experiment Station
Dir S Forest Experiment Station New Orlean
Director Forest Products Laboratory
Dep Dir Forest Products Lab
Ofc of Dir-Economics Policy Analysis and Budget
Chrman World Fd & Agric Outlook & Situation
Economics Statistics and Cooperatives Service
Admr-Economics Statistics and Cooperatives
Dep Admr for Economics
Dep Admr for Statistics
Deputy Admr for Cooperatives
Deputy Administrator for Management
Economic Research Service
Director Commodity Economics Div
Dir Foreign Demand & Competition Division
Dir National Economic Analysis Div
Dir Natural Resource Economic Div
Dir Economic Dev Div
Outlook & Situation Officer
Statistical Reporting Service
Asst Dep Admr for Statistics
Dir Estimates Div
Director Survey Division
Dir Statistical Research Div
Dir State Statistical Div

BIB

Board of International Broadcasting
Exec Director
Dir for Research & Engineering
Financial Manager
Foreign Information Officer
Foreign Information Officer

COMM

Ofc of The Inspector General
Asst Inspector Gen for Audits
Dep Dir Ofc of Audits
Ofc of Personnel
Director of Personnel
Deputy Director of Personnel
Ofc of Investigations and Security
Dir Ofc of Investigations & Security
Ofc of Procurement and Adp Management
Dir-Ofc of Procurement and Adp Mgmt
Dep Dir for Adp Management
Dep Dir for Procurement
Economic Development Administration
Spec Asst for Indian Affairs
Dep Asst Sec'y for Economic Dev Operation
Dir Off of Public Works
Director Ofc of Business Development
Dir Ofc of Technical Assistance
Dep Asst Sec for Economic Dev Planning
Dir Ofc of Dev Organization
Director Ofc of Economic Research
Maritime Administration
Dep Asst Sec for Maritime Affairs
International Activities Officer
Office of Asst Adm for Commercial Development
Asst Program Dev & Control
Dir National Maritime Research Center K P
Director Ofc of Advanced Ship Development
Dir Ofc of Advanced Ship Operations
Director Ofc of Maritime Technology
Office of Asst Administrator for Operations
Dir Ofc of Ship Construction
Dir Ofc of Shipbuilding Costs
Office of Asst Administrator for Maritime Aids
Assf Administrator for Maritime Aids
Dep Asst Admr for Maritime Aids
Dir Off of Ship Financing Guarantees
Ofc of Asst Admr for Administration
Dir Ofc of Mgmt and Computer Sys
Chf Personnel Div
Ofc of Programs and Budget
Dep Dir Off Prog Eval & Budget
Asst Admr for Policy and Planning
Chf Non-Living Resources Office
Asst Admr for Fisheries
Dir Ofc of Policy Dev & Long Range Planning
Asst Dir for Internal Fisheries
Fisheries Centers and Laboratories
Dir NE Fisheries Ctr
Dir-SE Fisheries Ctr
Dir SW Fisheries Center
Dir NW Fisheries Research Center
Regional Directors Nmfs
Regl Dir Northeast Reg Reg III
Reg Dir Southest Reg Reg II
Regl Dir Southwest Reg Reg IV
Regl Dir Northwest Reg Reg I
Regl Dir Alaska Reg Reg V
Asst Admr for Oceanic and Atmospheric Services
Chief Oceanographic Services
Chf Fld Res Projects Div
Chf Meteorological & Hydrological Services
Dir Satellite & Advanced Technology
National Weather Service
Dep Dir-National Weather Service
Dir Climate Analysis Ctr
Chf Afos Implementation Staff Superv Meteoro
Office of Meteorology and Oceanography
Chf Data Systems Division
Dir Ofc of Meteorology & Oceanography
Chf Meteorological Services Division
Office of Hydrology
Associate Director
Dir Hydrologic Services Division
Director Hydrologic R&D Laboratory
National Meteorological Center
Director
Deputy Director
Chf Data Automation Div
Chief Development Div
Chf-Forecast Division
Ofc of Technical Services
Dir Ofc of Technical Services
Chf Communications Division
Chief Engineering Division
Systems Development Office
Dir Systems Development Ofc
Director Integrated Systems Laboratory
Director Equipment Development Laboratory
Dir Techniques Dev Lab
Regional Offices
Dir Natl Severe Storms Forecast Center
Southern Reg Ft Worth
Director Natl Hurricane Center
Salt Lake City Region
Alaska Region Anchorage
Dir Eastern Region Nws
Kansas City Region
Environmental Data Service
Dep Dir Environmental Data Service
Associate Director for Marine Sciences
Director Cntr for Exp Data Dsgn Anal
National Climatic Center
Dir Natl Climatic Center
National Oceanographic Data Center
Dir Natl Oceanographic Data Center
Environmental Science Information Center
Dir Environmental Science Info Center
Natl Geophysical and Solar Terrestial Data Center
Dir National Geophy & Solar Terres Data Cente
National Environmental Satellite Service
Dep Dir Natl Environmental Satellite Servic
Office of Operations
Dir Ofc of Operations
Assoc Dir for Data Processing
Office of Systems Integration
Director Systems Integration
Ofc of Sys Engineering
Director Systems Engineering
Ofc of Research
Dir Ofc of Research
Dir Meteorological Satellite Lab
Dir Satellite Experiment Lab
National Ocean Survey

Dep Dir
Chf Scientist
Dir Geodetic Research & Development Lab
Chf Control Networks Division
Assoc Dir Ofc of Aeronautical Charting & Cart
Assoc Dir for Marine Technology
Dir Engrg Dev Lab
Offc of Ocean Engineering
Dir Undersea Science & Technology Program
Dep Dir Manned Undersea Science & Technology
Dir NOAA Data Buoy Ofc
Dir Ocean Inst Eng Ofc
Internatl & Interagency Affairs Officer
Environmental Research Labs
Dep Dir Environmental Research Laboratories
Dir Weather Modification Prog Ofc
Director Outer Continental Shelf Program Ofc
Atlantic Oceanographic & Meteorological Labs
Dir Atlantic Oceanographic & Meteorological
Pacific Marine Environmental Lab
Dir Pacific Marine Environmental Lab
Space Environment Lab
Director Space Environment Laboratory
Aeronomy Lab
Director Aeronomy Laboratory
Senior Scientist/Deputy Director
Wave Propagation Lab
Director
Dep Dir Wave Propagation Laboratory
Atmospheric Physics and Chemistry Lab
Dir-Atmospheric Physics and Chemistry Lab
Air Resources Labs
Dir Arl
Dir Meteorological Lab Durham NC
Dir Ar Atm Turbulence & Diffusion Lab
Geophysical Fluid Dynamics Lab
Director
Research Meteorologist
Res Team Leader Exp Predictions
Research Meteorologist
National Severe Storms Lab
Director
Great Lakes Environmental Research Lab
Dir Great Lakes Environmental Research Lab
Assoc Admr for Telecommunications Sciences
Assoc Admr for Telecommunications Science
Dep Dir Institute for Telecom Sciences
Associate Director ITS
Assoc Dir ITS
Assoc Dir ITS
Ofc of Asst Commr for Trademarks
Dir Trademark Examining Operations
Chairman Trademark Trial & Appeal Board
Ofc of Asst Commr for Patents
Admr for Documentation
Dir Ofc of Patent Prog Control
Chemical
Group Director 110
Group Director 120
Group Director 140
Group Director 160
Group Director 170
Electrical
Group Director 210
Group Director 220
Group Director 230
Group Director 240
Group Director 250
Mechanical
Group Director 350
Group Director 320
Group Director 340
Group Director 310
Group Director 330
Board of Patent Interferences
Chairman
National Bureau of Standards
Assoc Dir for International Affs
Director Boulder Labs
Tech Advisor to the Director
Inst for Computer Sciences and Technology
Assoc Dir Teleprocessing & Supportcomm Tech
Assoc Dir Automatic Data Processing Standards
Chf Ofc of Developmental Automation & Contrl
Staff Asst for Computer Science
Center for Computer Systems Engineering
Dir Cntr for Computer Sys Eng
Center for Programming Science and Technology
Dir Cntr for Prog Sci & Technology
National Measurement Lab
Assoc Dir for Long Range Planning
Senior Science Advisor
Senior Mathematical Statistician
Assoc Dir for Measurement Service
Deputy Director for Programs
Chief Ofc of Environmental Mgmts
Deputy Director for Programs
Chief, Office of Standard Reference Data
Chief Office Nondestructive Evaluation Program
Chief Off of Standard Reference Materials
Chf-Ofc of Measurements for Nuclear Safeguard
Prog Manager Industrial Process Data
Program Manager Energy and Environmental Dat
Program Manager Materials Utilization Data
Center for Absolute Physical Quantities
Dir-Ctr for Absolute Physical Quantities
Dep Dir Center for Absolute Physical Quantities
Sr Research Fellow and Chf Quantum Metrology
Research Physicist (Nuclear)
Electrical Measurements and Stds Division
Chf-Electrical Measurements and Stds Division
Time and Frequency Division
Chf Time & Frequency Div
Quantum Physics Division
Sr Sci & Fellow of Jila
Senior Research Scientist
Senior Scientist Boulder
Sr Scientist & Fellow of Jila
Senior Scientist-Fellow of Jila
Center for Analytical Chemistry
Director-Center for Analytical Chemistry
Principal Scientist for Environmental Measure
Chf Radiochemical Analysis Section
Gas and Particulate Science Division
Chf-Gas and Particulate Science Division
Group Leader for Thermal Analysis
Group Leader for Spectro-Chemical Analysis
Center for Radiation Research
Director Center for Radiation Research
Atomic and Plasma Radiation Division
Chf Atomic & Plasma Radiation Div
Nuclear Radiation Division
Chief Nuclear Radiation Div
Physicist (Nuclear)
Physicist (Nuclear)
Principal Scientist Neutron Standards
Chief Radiation Theory Section
Group Leader for Radioactivity
Radiation Physics Division
Prin Scientist in X-Ray Physics
Group Leader for Far Ultraviolet Physics
Radiometrics Physics Division
Group Leader for Radiation Thermometry
Radiation Source and Instrumentation Division
Chf-Radiation Source & Instrumentation Divisi
Center for Materials Science
Dir-Center for Materials Science
Dep Dir-Ctr for Materials Science
Senior Scientist
Group Leader for Fiberous Systems
Physicist (Solid State)
Materials Stability Durability and Corrosion Division
Chf-Chemical Stability & Corr Div
Group Leader Corrosion and Electrodeposition
Fracture and Deformation Division
Chf Fracture and Deformation Division
Research Chemist
Polymer Science & Standard Division
Chf Polymers Science and Standards Div
Ceramics-Glass and Solid State Science Division
Chf Ceramics Glass & Solid State Sci Division
Group Leader for Solid State Materials Sectio
Group Leader for Crystallography
Chf, Inorganic Glass Section
Reactor Radiation Division
Chf Reactor Radiation Div
Center for Molecular Science
Dir-Ctr for Thermodynamics & Molecular Scienc
Dep Dir Cntr for Therm & Mol Science
Surface Science Division
Senior Scientist
Chemical Thermodynamics Division
Senior Scientist
Molecular Spectroscopy Division
Quantum Chemistry Group Leader
Group Leader for Environ Chemical Process
National Engineering Lab
Senior Research Scientist
Assoc Dir for Technical Evaluation
Assoc Director for Program Planning
Assoc Dir for Program Coordination
Center for Fire Research
Director-Center for Fire Research
Fire Science Div
Chf Fire Science Division
Fire Safety Engineering Division
Chf Fire Safety Engineering Div
Center for Building Technology
Director-Center for Building Technology
Dep Dir (Operations) Ctr for Building Technol
Structure and Materials Division
Chf, Structures, Materials & Life Safety Div
Building Thermal and Service Systems Division
Chief Building Thermal and Service Systems
Chf Thermal Analysis Program
Building Economics and Regulatory Tech Division
Chf-Building Economics & Regulatory Tech Divis
Center for Mechanical Engineering and Process Technology
Dir-Ctr for Mechanical Engineering & Process

Dep Dir Ctr for Mechanical Engineering & Proc
Mechanical Processing Division
Chf-Mechanical Processes Division
Fluid Engineering Division
Asst Chf for Fluid Dynamics
Thermal Processes Division
Chf Thermal Processes Division
Thermophysical Properties Division
Chf Thermo Physical Properties Div
Center for Applied Mathematics
Director Center for Applied Mathematics
Deputy Director
Senior Research Fellow
Mathematical Analysis Division
Chf Mathematical Analysis Div
Operations Research Division
Chf Ops Res Division
Statistical Engineering Division
Chf Statistical Engineering Division
Center for Electronics and Electrical Engineering
Dir-Ctr for Electronics & Electrical Engineer
Dep Director
Electron Devices Div
Chief Electron Devices Div
Electro-Systems Division
Chf Electrosystems Division
Electromagnetic Fields Division
Chief Electromagnetic Division
Electromagnetic Technology Division
Chf-Electromagnetic Technology Division
Center for Consumer Product Technology
Dir-Center for Consumer Product Technology
Dep Dir-Center for Consumer Product Technology
Center for Field Methods
Dir-Ctr for Field Methods
Ofc of Engineering Standards
Chf Office of Internl Eng Standards
Chf Off of Eng Stds
Ofc of Energy Programs
Chf, Ofc of Energy Programs
Ofc of Industrial Economics
Director, Office of Industrial Economics
Ofc of Federal Statistical Policy and Standards
Chief Statistician
Chf Social Statistics Branch
Chief Economic Statistics Branch Director
Bureau of Economic Analysis
Dep Dir Bur of Economic Analysis
Assoc Dir for National Economic Accounts
Assoc Dir for National Analysis & Projections
Assoc Dir for Regional Economics
Assoc Dir for Internatl Economics
Chief Economist
Chf Statistician
Asst to the Director for Econometrics
Chf Natl Income & Wealth Div
Bureau of Economic Analysis
Chief Current Business Analysis Div
Chief Business Outlook Div
Demographic Fields
Associate Director for Demographic Fields
Asst Dir for Demographic Censuses
Chf, Decennial Census Div
Chf Population Div
Chf Statistical Methods Div
Chief Demographic Surveys Division
Statistical Standards and Methodology
Asso Dir for Statistical Standards & Methodol
Chf Geography Div
Chf Res Center for Measurement Methods
Chief Statistical Rsch Division
Electronic Data Processing
Asst Dir for Edp Operations
Administration and Field Operations
Assoc Director for Admin & Field Operations
Asst Dir for Administration
Asst Dir for Field Operations
Chf Data User Services Div
Chief Field Div
Economic Fields
Associate Dir for Economic Fields
Asst Dir for Econ & Agr Censuses
Chief, Agriculture Div
Chief Business Div
Chief Construction Statistics Div
Chf Econ Surveys Div
Chf-Foreign Trade Division
Chf Govt Div
Chf Industry Div
Industry and Trade Administration
Deputy A/S for Admin & Legis Policy

CFTC

Office of the General Counsel
Assoc Gen Coun (Litigation)
Assoc Gen Counsel (Rules)
Assoc Gen Counsel for Opinions and Review
Office of the Executive Director
Dep Exec Dir
Office of the Chief Economist
Dep Chf Economist
Division of Enforcement
Deputy Dir Division of Enforcement
Div of Mgmt Programming Planning and Evaluation
Dir Div of Mgmt Program Planning & Evaluation
Regional Offices
Regional Director-Central Region

CSA

Ofc of Management
Controller

CPSC

Consumer Product Safety Commission
Dir Ofc of Prog Mgt
Ofc of Aed for Hazard Id & Strategy Analysis
Dep Assoc Exec Dir for Epidemiology
Ofc of Aed for Engineering & Science
Dep Assoc Exec Dir for Engineering & Sciences
Ofc of Aed for Compliance & Enforcement
Assoc Exec Dir for Compliance & Enforcement
Ofc of Aed for Field Operations
Assoc Exec Dir for Field Opers
Ofc of Aed for Administration
Assoc Exec Dir for Adm

OSD

Office of the Secretary
Inspector General for Defense Intelligence
Office of Dep Under Secy for Policy Review
Dir-Defense Counterintelligence & Investgatve
Dir Information Security
Off Deputy Asst Sec Civilian Personnel Policy
Dir Career Dev & Training
Dir Labor-Management Relations
Dir Compensation & Position Mgmt
Dir Staffing and Career Mgmt
Off Deputy Asst Sec Civilian Personnel Policy
Staff Dir Cpp/Dir for Personnel Mgmt
Ofc of Dir of DoD Dependents Schools
Dir DoD Dependents Schools
Dir Pacific Region Dodds
Office of Assistant Secretary Public Affairs
Dir Freedom of Information & Security Review
Ofc of Deputy Asst Secy (Strategic Programs)
Dir Spec Weapons Support Sys
Ofc of Dep Asst Secy (Tactical Air Programs)
Dir-Strategic and Naval Systems Division
Washington Headquarters Services
Director of Personnel
Off Dep Asst Secy of Defense (Audit)
Dir for Internal Audit Policy
Dep Comptroller for Audit Policy
Off of Asst Secy International Security Af
Dep Director-DoD Salt Task Force
Off Dep Asst Secy Policy Plans & NSC Affairs
Sr Osd Advisor-Salt Overseas Element
Ofc of Under Secretary for Research and Engineering
Staff Specialist for Program Planning
Ofc of Asst to Secy for Atomic Energy
Staff Spec for Strategic Sys Assessment
Dep Asst to Secy (AE) (Assessment)
Dir-Salt/Arms Control Support Group
Specialist for Arms Control Assessment
Sr Analyst for Long Range Resource Planning
Ofc of International Programs
Asst Dir-Technological Commitments & Trade
Staff Specialist for Internl Programs & Poli
Ofc-Dir-Material Acquisition Policy
Staff Spec for Def Sys Computer Res & Electro
Dep Dir Standardization and Support
Dep Dir-Production Resources and Planning
Director (Material Acq Policy)
Ofc-Dir-Contract & Sys Acquisition)
Dir (Contracts & System Acquisition
Dep Dir-Cost-Pricing-and Finance
Dep Dir-(Contract Placement & Administration)
Dep Dir-Defense Acquisition Regulatory Syst
Ofc-Dir-Contract & Sys Acquisition
Dir Fed Acquisition Inst
Ofc Dep Under Secy Test and Evaluation
Dep Dir for Test Facilities and Resources
Ofc of Dep Under Secy for Research and Advanced Tech
Spec Asst to Dus (Research & Advanced Technol)
Asst for Research
Ofc-Dir-Tech Export
Dir Technology Export
Ofc-Dir-Engineering Technology
Staff Spec for Aeronautics and Hydronautics
Staff Specialist for Propulsion
Staff Specialist for Materials & Structures
Staff Specialist for Ordnance
Dir (Engineering Technology)
Ofc-Dir-Electronics and Physical Sciences
Staff Specialist for Electronics Devices
Staff Spec for Electronic Subsystems & Comp
Asst for Directed Energy Programs
Staff Spec for Elec Warfare and Target Acq
Dir (Electronics and Physical Sciences)
Ofc-Dir-Environmental Life and Sciences
Staff Specialist for Chemical Technology
Ofc of the Dir Offensive and Space Systems
Staff Specialist for Space & Advanced Systems
Staff Spec for Techn & Analysis (Off Sys)
Dir Offensive and Space Systems
Ofc-Dir-Defensive Systems
Dir Defensive Systems
Staff Asst Ballistics Missile Defense

Staff Specialist for Defensive Systems
Ofc of Dir Cruise Missile Systems
Dir Ofc of Cruise Missile Sys
Ofc of Dep Under Secy Tactical Warfare Progs
Asst for Materiel Acquisition
Spec Asst for Plans and Analysis
Ofc-Dir-Land Warfare
Staff Specialist for Close Combat Systems
Dir-Ofc of Land Warfare
Ofc Dir Aircraft Systems
Dir-Ofc of Aircraft Systems
Ofc of Director-Naval Warfare
Director-Naval Warfare
Staff Spfc-Sub Warfare & Undersea Surveillance
Staff Spfc for Tos and Electromagnetic Techno
Ofc of Prin Das/Dep under Sec (Comms Cmd Control & Inte)
Staff Spfc for Tech Plans and Research
Ofc of Dir Communications Systems
Staff Spfc for Switched & Spec Purpose Comm S
Staff Spfc for Satellite Communications Syste
Dir Office of Communication Systems
Ofc of Dir Strategic Theater Cmd & Control Systems
Staff Spfc for WWMCCS and other C Systems Arc
Dir Ofc Strategic & Theater Com & Cont Sys
Ofc of Dir Intelligence Systems
Dir-Ofc of Intelligence Sys
Staff Spfc for Consolidated Def Int Progs
Ofc of Dir Surveillance and Warning Systems
Director-Ofc of Surveillance & Warning System
Ofc of Dir Combat Support
Dir (Combat Support)
Stf Spec-(Elec Warfare and Counter C31)
Staff Specialist for Tactical Command & Contr
Regional Office-Europe
Dir Darpa Reg:L Ofc-Europe
Regional Office-Pacific
Dir Darpa Regional Ofc, Pacific
Cybernetics Technology Office
Dir Cybernetics Tech Office
Tactical Technology Office
Chf Target Acq and Engagement Div
Chf Ocean Monitoring and Control Division
Dir-Tactical Technology Office
Information Processing Techniques Office
Dep Dir Info Processg Techniques Ofc
Material Sciences Office
Director for Materials Sciences
Stf Spec for Electro-Optical Materials & Devi
Staff Specialist for Advanced System Material
Nuclear Monitoring Research Office
Dir for Nuclear Monitoring Research
Strategic Technology Office
Chf Space and Optics Technology Division
Chief, Laser Technology Div
Chf Directed Energy Div
Asst Dir (Tech)
Asst Director Systems
Dir-Strategic Technology Office
Defense Contract Audit Agency
Director, DCAA
Deputy Director DCAA
Asst Dir Operations & Professional Dev
Asst Dir Policy & Plans
Regional Managers
Atlanta Regional Manager
Boston Regional Manager
Chicago Regional Manager
Los Angeles Regional Manager
Regl Mgr Philadelphia
San Francisco Regional Manager
Office Deputy Director for Contract Adm Services
Asst Dep Dir Contract Administration Service
Off of Exec Dir Contract Admin ODDCAS
Executive Director Contract Administration
Off of Exec Dir Production, ODDCAS
Executive Director Production
Off of Exec Dir Qual Assurance, ODDCAS
Dep Exec Dir Quality Assurance
Exec Dir DLA Contracting
Executive Director, Contracting
Chief, Contracts Division
Exec Dir DLA Tech & Logistics Services
Chf Property Disposal Div
Office of the Director
Chief Scientist & Assoc Dir Technology
National Communications System
Asst Manager for Technology and Standards
Dep Mgr National Communications System
Asst Mgr NCS Plans and Operations
WWMCCS System Engr Organ
Dep WWMCCS System Engineer
Dep WWMCCS System Engineer
WWMCCS-System Engineer
Defense Communications Engineering Center
Dep Dir Def Communications Engineering Cente
Chf Computer & Software Systems Division
Senior Science Advisor for Technology
Chf Interoperability & Standards Div
Chf Switched Systems Engr Div
Chf Telecommunications Sys Div
Ofc of Dep Dir Commd & Control Techn Ctr
Dep Dir Command and Control Technical Center
Asst Dep Directors WWMCCS ADP Engineering Directorate, CCTC
Chf, Subsystem Engineering Division
Chf ADP System Engineering Div
Tech Dir MEECN Engineering Division
System Directorate, CCTC
Deputy Director for Systems
Chf, Sys Analysis Division
Natl Military Comd Syst ADP Directorate, CCTC
Asst Deputy Dir NMCS ADP
Chf Computer Systems Division
Military Satellite Communications Office
Dep Dir Military Satellite Communications Sy
Office of Deputy Director Science & Technology
Dep Dir (Science & Technology)
Scientific Asst to Dep Dir (Science and Tech)
Asst to Dep Dir (Sci & Tec) for Theoretical R
Asst to the Dep Dir (Experimental Res)
Asst to the Dep Dir (Sci & Tech) for Testing
Chf Electronics Vulnerability Divison
Chf Strategic Structures Division
Chf Aerospace Sys Div
Office of Deputy Director Science & Technology
Chf, Atmospheric Effects Div
Defense Mapping Agency
Dep Dir Mngmt & Technology
Staff Director of Personnel
Tech Dir-DMA Hydrographic/Topographic Center
Dep Dir Prog Prod Oper DMA HTC
Off of Dep Dir Programs Production & Operations
Dep Dir for Progs Prod & Opers
Chief Program Integration Division
Chf Spec Programs Div
Tech Dir DMA Aero Center
Ofc of Deputy Director Systems and Techniques
Chief, Advanced Technology Division
Chf Acq Sys Dev Div
Dep Dir for Systems & Techniques
Defense Civil Preparedness Agency
Asst Dir for Information Services
Chf Hazard Evaluation & Vulnerability Red Di
Chf, Emergency Operations Systems Division
Asst Dir for Research
Dir Computer Center
Defense Audit Service
Dep Dir Defense Audit Service
Assoc Director-Special Program Audits
Assoc Dir Intelligence and Communications Aud
Assoc Dir Sys Acquisition and Logistics Audit
Asst for Audit Reports
Assoc Dir Financial Mgmt and Manpower Audits
Defense Investigative Service
Dir Defense Investigative Service
Dir for Operations

AF

Office of the Secretary
Dep Adm Asst
Office of the Secretary
Administrative Assistant to the Secy
Opdas Installations
Deputy for Installations Management
ODAS Programs/Acquisition
Dep for Acquisition
Dep for Programs & Production
ODAS Logistics
Dep for Supply & Maintenance
Office of Assistant Secretary, Financial Management
Deputy for Accounting and Internal Audit
Deputy for Productivity Management
Deputy for Financial Systems & Analysis
The Air Force Audit Agency
Dir Acquisition & Logistics Systems
Deputy Auditor General
Office Chief of Staff
AF Historian
Dir of Data Automation/Commander Data Automation Agency
Associate Director
Tech Asst to Comdr Data Sys Design Center
Office of Deputy Chief of Staff, Systems and Logistics
Assoc Dir for Logistics Plans & Programs
Assoc Dir of Maintenance Engineering & Supply
Assoc Director of Procurement Policy
Off Dir of Procurement Policy
Deputy for Small Business
Special Advisory Group
Special Advisor
Special Advisor
Director of Civilian Personnel
Chf Ofc of Civilian Personnel Opers
Chf, Labor & Employee Relations Div
Deputy Director of Civilian Personnel
Director of Civilian Personnel
Office of Deputy Chief of Staff, Comptroller
Dep Comptroller
Director of Management Analysis
Assoc Dir of Mgmt Analysis
Director of Budget
Chf, Operating Appropriations Div

Chf, Investment Appropriations Div
Director of Budget
Assistant Director of Budget (Management)
Directorate of Accounting & Finance
Director Plans & Systems
Dep Dir Acctng & Finance
Director of Programs
Associate Dir for Progs
Directorate of Engineering and Services
Assoc Dir for Engineering & services
AF Engrg and Services Center (Field)
Technical Director
DCS Procurement & Manufacturing
Chairman Procurement Committee
Dir of Manufacturing
Princ Asst DCS/Procurement & Manufacturing
Deputy Chief of Staff/Personnal
Director of Civilian Personnel
Deputy Chief of Staff Comptroller
Financial Mgmt Asst to the DCS/ Comptroller
Space and Missle Systems Organization
Asst Dep for Procurement & Manufacturing
Foreign Technology Div
Tech Dir (Electromagnetic Threat)
Technical Director (Engineering)
Technical Director (Aerospace Systems)
Flight Test Center Edwards AFB Calif
Technical Director Test Engineering & Servic
AF Weapons Lab
Techn Dir (Physical Optics Lasers Prototype
Sr Advisor (Radiation Effects)
Materials Laboratory AFWAL
Dir Metals & Ceramics Div
Sr Sci Organic Chemistry
Dir Systems Support Division
Aero Propulsion Laboratory AFWAL
Dir Turbine Engine Div
AF Rocket Propulsion Laboratory
Dir Solid Rocket Div
USAF School of Aerospace Medicine
Research Director (Crew Technology)
Aerospace Medical Research Lab
CHF Mathematics & Analysis Br
Dir Toxic Hazards Div
Aeronautical Syst Div
Deputy Comptroller
Dep for Systems Mgmt ASD
Technical Director (Systems)
Deputy for Tactical Warfare ASD
Tech Dir (Propulsion System)
Dep for Proc & Manufacturing ASD
Asst Deputy for Procurement and Manufacturing
Deputy for Engineering
Tech Dir Directorate of Equipment Engineerin
Techn Dir Directorate of Avionics
Sys Engrg Office Dep for Engrg ASD
Sys Eng Dir F-15
System Engineering Dir (A-10)
Systems Engineering Director (F-16)
Deputy for F-16
International Advisor for Bus Negotiations
Electronic Systems Division
Deputy-Command and Mgmt Systems
Rome Air Development Center
Sr Sci Reliability
Director (Plans)
Techn Dir (Intelligence & Reconnaissance)
Technical Director (Communications & Control)
Asst Deputy Procurement and Manufacturing
Dir Reliability & Compatibility Div
Technical Dir (Surveillance)
Armament Development and Test Center
Technical Advisor
Techn Dir Directorate of Range Engineering
Aeronomy Division
Ch Atmospheric Structure Br
Director Aeronomy Division
Space Physics Division
Dir Space Physics Div AFGL
Aerospace Instrumentation Division
Dir Aerospace Instrumentation Div AFGL
Meterology Division
Chief Climatology Dynamics Branch
Sr Scientist Heat Transfer
Optical Physics Division
Dir Optical Physics Division
Air Force Logistics Command
Asst Dep Chf of Staff Maintenance
Air Force Logistics Command
Chairman A F Logistics Command Procur Committ
Asst DCS/Logistics Operations
Asst DCS/Plans & Operations
Asst DCS Procurement & Production
Headquarters Dayton Ohio
Director of Civilian Personnel
AF Acquisition Logistics Div
Asst DCS-Comptroller
Asst to the Commander Afald
Dep for Procurement & Production
Air Logistics Center San Antonio
Dep Dir Directorate of Maintenance
Dep Dir Directorate of Materiel Mgmt
Air Logistics Center Oklahoma City
Dep Dir Directorate of Materiel Mgmt
Dep Dir Directorate of Maintenance
Air Logistics Center Warner Robins
Deputy Director Directorate of Materiel Mgt
Deputy Dir Dir of Maintenance
Air Logistics Center Ogden
Dep Dir Directorate of Maintenance
Deputy Director Directorate of Materiel Mgt
Air Logistics Center Sacramento
Dep Dir Directorate of Materiel Management
Dep Dir Directorate of Maintenance
Air Force Security Service
Asst to the Commander
Military Airlift Command
Asst Dep Chf of Staff Plans Scott AFB Ill
Science & Research
Chf Technology Assessment Division
Chf Systems Evaluation Division
Tactical Air Command
Chief Scien Tactical Fighter Weapons Ctr
Chief Scientist Tactical Air Warfare Ctr
Headquarters Pacific Air Force
Dir of Civilian Personnel
Chief Operations Analysis
US Air Forces in Europe
Director of Civilian Personnel

ARMY

Office of the Secretary
Administrative Asst to the Secretary
Dep Administrative Assistant
Office of the Under Secretary
Asst Dep Under Sec (Operations Research)
Operations Research Analyst
Chf Opers Res Grp for Forces & Readiness
OAS-Research Development and Acquisition
Assoc Dir for Procurement Mgmt Review
ODAS Acquisition
Dep for Materiel Acq Mgmt
Dep for Procurement Policy
ODAS Mgmt and budget
Deputy for Management & Budget
Ofc of Asst Secy Installations Logistics and Finan Mgmt
Asst Deputy for Installations & Housing
Asst Dep for Logistics
Asst Dep/Programming and Financial Execution
Off of Asst Secretary Manpower & Reserve Affairs
Das (DA Review Bds and Personnel Security
Office Assistant Chief of Staff Intelligence
Spec Asst to the ACSI
Ofc of Asst Chief of Staff Automation & Communications
Dir Army Mgmt Systems Support Agency
Dep Asst Chf of Staff Automation and Comms
Dep Asst Chf of Staff Automation and Comms
Ballistic Missile Def Sys Command
Chief Contracts Office
Ballistic Missile Def Adv Techn Ctr
Dir Technology Analysis Directorate
Dir Discrimination Directorate
Dir Missile Directorate
Director Radar Directorate
Dir-Data Processing Directorate
Director Optics Directorate
Chf Scientist & Director of Army Research
Asst Dir for Laboratory Activities
Asst Director for Research Programs
Chf Scientist & Director of Army Research
Asst Dir for Technology Overview
Dir of Weapons Systems
Physical Scientist (Aerospace Engr)
Directorate of Civilian Personnel
Director of Civilian Personnel
Dep Director Off Civ Personnel
Chief Position & Pay Management Division
Chief Staffing and Career Management Div
Civilian Personnel Center
Chf-Civilian Personnel Ctr
Army Research Institute for Behavioral & Social Sciences
Dir Org and Systems Lab and Assoc Dir Ari
Dir Ind Train & Perf Res Lab & Assoc Dir A
Dir Manpower Plans and Budget
Dep Dir Manpower Plans and Budget
Office Deputy Chief of Staff for Logistics
Asst Director for Supply Mgmt
Asst Dir of Resources and Mgmt
Asst Dir for Maintenance Mgmt
Tech Advisor Aviation Logistics
Office of the Comptroller of the Army
Dep Comptroller
Director of Cost Analysis
Finance and Accounting Center
Dep Dir of Finance & Accounting
Director of Army Budget
Deputy Director
Asst Dir of Army Budget for Res & Syst
Office of the Inspector General
US Army Safety Director Safety Div
Army Audit Agency
Deputy Chief
Director Commands & Staff Audits
Dir Logistical Audits
Ofc Dep Chf of Staff for Operations & Plans
Dep Dir Force Program & Structure Direc DCS
Army Radio Frequency Manager
Concepts Analysis Agency DCSOPS
Dir for Joint Forces & Strategy
Dir of Methodology & Resources & Computation
Army Center of Military History
Chief Historian
Army War College

Director of Academic Affairs
US Army Tradoc Systems Analysis Activity
Dir US Army Tradoc Systems Analysis Activity
Miliary Traffic Mgmt Commd
Spec Asst for Transportation Engr
Army Forces Command
Civilian Personnel Director
Office Chief of Engineers Headquarters
Chief Ofc of Civilian Personnel
Ofc Asst Chf of Engineers
Chief Programming Div Ace
Board of Engineers for Rivers and Harbors C of Engineer
Tech Dir Bd Engr Rivers and Harbors
Director of Civil Works
Chf-Ofc of Policy
Chf Eng Div Civil Works
Chief Elect & Mech Br Engineering Div
Chief Programs Div
Chf-Planning Division
Chf Construction-Operations Division
Director of Military Construction
Chief Engineering Division
Chf Construction Division
Army Engineer Institute for Water Resources
dir Army Engineer Institute for Water Resourc
Field Planning Divisions COE
Chf Planning Div Ohio River Div
Chf Planning Div No Pacific Div
Chf Planning Div South Atlantic Div
Chief Planning Division Lower Mississippi Va
Chf Planning Div Mo River Div
Chf Planning Div South Pacific
Chf Planning Div North Atlantic Div
Chf Planning Div-Southwestern Div
Chf Planning Dir North Central Div
Field Engineering Divisions C of E
Chief Engineering Div Ohio River Div
Field Engineering Divisions C of E
Chief Engineering Div Southwest Div
Chf Eng Div N Central Div Chicago
Chief Engr Div S Pacific Div San Francisco
Chief Engineering Div N Atlantic Div N Y
Chf Engineering Div S Atl Div Atlanta
Chief Engr Div L Miss Val Div Vicks Miss
Chief Engineering Div Middle East
Chief Engineering Div Missouri River Div
Chief Engineering Div North Pacific Div
Chief Eng Div Pacific Ocean Div Honolulu
Chf Engineering Div European Div
Chf Engineering Div Huntsville
Field Construction Divs-Coe
Chf Construction Div Middle East
Dir For Personnel Tng & Force Dev
Dep Dir For Personnel train & Force Developmen
Chief Civilian Personnel Div
Direc for Mgmt Info Sys
Dir of Mgmt Information Systems
Office of Comptroller Darcom Hq
Deputy Comptroller
Chf Cost Analysis Div
Direc for Quality Assurance Darcom Hq
Dir Quality Assurance
Patriot Project Office
Dep Project Manager Patriot
Chief System Engineering Division Sam-D
Asst Proj Mgr for dev and Acq Operations
XM—1 Tank Project Office
Chf Engineer/Chf Systems Engineering Divisio
Fighting Vechicle Systems Project Ofc
Dep Program Mgr-Flight Vehicle Systems
Army Tactical Data Systems Project Office
Dep Project Manager Artads
Ofc Dep Cmdr Gen Material Dev Darcom
Asst Dep for Materiel Dev
Asst Dep for Intern:L Research Dev & Standar
Dir for Dev & Energ Darcom
Assoc Dir for Systems Evaluation & Testing
Assoc Dir For Systems Development
Office of Manufacturing Technology
Chf Ofc of Manufacturing Technology
Ofc Dep Cmdr Mat:L Readiness
Asst Dep for Material Readiness
Direc for Internat'l Logistics
Deputy Director of Internatinal Logistics
Direc for Material Management
Dep Dir of Material Mgmt
Assoc Dir for Requirements and Resources
Direc for Readiness
Dep Dir of Readiness
Direc for Procurement & Production
Assoc Dir for Procurement
Dep Dir Procurement and Production
Army Research Office Darcom (Durham NC)
Dir Engr Sci Div
Foreign Science & Technol Ctr Darcom
Dep Dir-Foreign Science & Technology Center
Army Material Systems Analysis Agency Darcom
Chf Combat Support Div Amsaa
Chf Air Warfare Div
Chf Reliability Availability & Maintainabil
Chf Ground Warfare Division-Amsaa
Natick Res and Dev Comd (Narradcom)
Dep Techn Dir Clothing & Equipment Sys Pprog
Dir Clothing Equip & Matls Engr Lab
Dir Food Science Laboratory
Director Food Engineering Laboratory
Dep Techn Dir Food Service Systems Program
Avradcom Hdqrs
Chf Systems Devel & Qual Division
Research and Technology Labs-Avradcom
Dir-Aeromechanics Laboratory
Dir-Structures Laboratory
Director Propulsion Laboratory
Dir-Research and Technology Labs
Satellite Communication Agency (Caradcom)
Dir of Engineering Dev
Communications & Elect Materiel Read Cmmd (Cercom)
Comptroller Cercom
Electronics Research and Development commd (Eradcom)
Assoc Tech Dir for Elec Warfare and Intel
Assoc techn Dir for Production & Acqui
Harry Diamond Labs (Eradcom)
Chf Dev & Eng Div
Ofc of Commander-Miradcom
Dir-Engineering Laboratory
Director for Test and Evaluation
Dir for Sys Engineering and Product Dev
Director for Advanced Sensors
Chf Solid Propellant Chemistry Function
Chf Advanced Techn Function
Project Mgmt Offices-Miradcom
Dept Project Mgr-Us Roland
Dep Proj Mngr High energy Laser Sys Ala
Mobility Equip Rsch & Dev Command (Meradcom)
Assoc Techn Dir for Research & Dev
Assoc Tech Dir for Engr and Acquisition
Troop Spt & Aviation Mat Readiness Cmd (Tsarcom)
Comptroller Tarcom
Dir for Procurement and Production
Army Troop Spt & Aviation Mat Readiness Cmd (Tsarcom)
Dir of Procurement and Production
Arradcom Headquarters
Tech Dir Armament Research & Dev Command
Assoc Tech Dir (Adv Process Technology)
Assoc Tech Dir (Sys Dev & Engineering)
Large Caliber Weapon Systems Lab
Arradcom
Chf-Energetic Materials Div
Chf-Non Nuclear Munitions Div
Chf-Applied Sciences Division
Small Caliber Weapon Systems Lab
Arradcom
Chf Fire Control Systems Division
Chemical Sys Lab Arradcom
Chf Munitions Division
Chf-Research Division
Chf Toxicology Branch
Ballistics Research Lab Arradcom
Chf Ballistic Modeling Div
Chief Propulsion Div
Chf-Launch and Flight Division
Chf Terminal Ballistics Div
Chf Vulnerability lethality Division
Armament Materiel Readiness Command (Arrcom)
Comptroller
White Sands Missile Range T&E Command
Tech Dir & Chf Sci
Aberdeen Proving Ground Md T&E Command
Assoc Dir-Materiel Testing Directorate
Army Communications Command
Comptroller
Headquarters US Army Europe
Asst Dep Chf of Staff Personnel (Civ Pers)
Director Overseas Dependents Schools Europe
Army Intel and Security Command
asst Dcs Res & Dev
Tri-Tac Office (Reports to OSD)
Dep Dir for Engineering
Chf Systems Div
DOD Wage Fixing Authority
Chf Tech Staff

NAVY

OAS Financial Management/Comptroller of the Navy
Director of Banking and Contract Financing
Asst Comptroller Budget & Reports/Fiscal Mgt Div
Dir Investment & Dev Div
Assoc Dir for Finance
Dir Budget Policy & Procedures Division
Assoc Dir Budget & Reports/Fiscal Manag Div
Asst Comptroller Financial Mgt Systems
Dep Asst Comptroller Financial Management Sy
OFC of Auditor General
Dep Auditor Gen/Dep dir Naval Audit Service
Office of the Comptroller
Comptroller ONR & Spec Asst (Fin Manag) to as Deputy Comptroller
Office of Assistant Chief for Patents
Asst Chf for Patents/Patent Counsel for the N
Field Dir Navy Patents
Office of Assistant Chief for Patents
Department Director Navy Patents
Office of Procurement Services
Asst Chief for Procurement
Office of Assistant Chief for Research
Dir Physiology Program
Dir Physics Program
Engineering Sciences Advisor Math Sciences Di
Hd Fluid Dynamics Br Math Sciences Div
Asst Chief for Technology
Dir Analysis and Support Div

Dir-Naval Vehicles and Weapons Technology Div
Ocean Science and Technology Division
Dir Ocean Sci & Technology Div
Navy Ocean Research and Development Activity
Director Ocean Acoustics Office
Electronics Technology Division
Head Magnetism Br
Optical Sciences Division
Assoc Supt Optical Sci Div
Material and Radiation Science & Technology Directorate
Chf Sci Lab for Structure of Matter
Chemistry Division
Head Combustion and Fuels Branch
Material Science and Technology Division
Assoc Supt Mat Sci & Tech Div/Hd Thermo Mat B
Radiation Technology Div
Head X-Ray Optics Br
Head Cyclotron Applications Branch
Space & Communication Science and Technology Directorate
Chf Sci Lab for Cosmic Ray Physics
Head Spacecraft Technology Center
Manager Advanced Projects Ofc
Space Systems Division
Hd Space Applications Branch
Head Space Technology Br
Ocean Sciences Division
Supt Ocean Sciences Div
Assoc Superintendent for Ocean Sci Application
US Marine Corps
Fiscal Dir of the Marine Corps
Asst DCS for Installations and Logistics
Dir Procurement Division
US Marine Corps
Accounting Officer of Marine Corps
Dir Command and Control and Communications (C_3) Programs
Dir, Electromagnetic Spectrum Management
Dir-Naval Intelligence
Spec Asst to Dir of Naval Intel-Investigatns
Asst Dep Chf of Naval Operations (Civilian Personnel)
Asst Dep Chf of Naval Opers (Civilian Personn
Hd Personnel Dev Branch
Hd Personnel Mgmt Branch
Dir Labor & Employee Relations Div
Dir-Navy Civilian Personnel Command
Dir Pacific Field Div
Director Research Development Test & Evaluation
Spec Asst For Financial Matters
Offc Dcno (Submarine Warfare)
Scientific & Tech Advisor for Ssbn Survivabil
Systems Analysis Div
Asst for Net Assessment and Mid-Range Objecti
Asst for Spec Analyses & Head Proj Forces Br
Asst for Advanced Res & Analytical Techniques
Hd Support Force Manpower & Logistics Branch
Naval Command Systems Support Activity
Hd Command and Control Systems Department
US Naval Observatory
Dir Time Service Div
Office of the Oceanographer
Dep for International & Interagency Affairs
Ofc of the Chf of Naval Training
Comptroller
Naval Training Equipment Center-Orlando Florida
Assoc Tech Dir for Engr
Spec Assis to Chief of Bureau Comprtoller
Naval Aerospace Medical Institute
Spec Asst Scien Progs & Hd Psychophysiology
Naval Medical Research Unit #3
Hd Medical Zoology Dept Cairo Egypt
Military Sealift Command
Dep Ex Dir
Comptroller
Director of Resources Management
Cnm Advisor for Cost Analysis/Estimating
Spec Asst to Dir Res Mgmt/Dir Fin Mgmt Sys Di
Director of Resources Management
Dep Dir of Resources Mgmt
Dep Chf of Naval Material (Logistics)
Asst Dep Chf of Naval Material (Oper & Logist
Asst Dep Chf of Naval Material (Contracts & Bus Mgmt)
Hd-Tri Svc Negotiation Staff
Exec Dir for Contracts and Business Management
Dir Procurement Control & Clearance Division
Asst Dep Chf of Naval Material (Technology & Labs)
Assoc Dir of NV Labs
Hd Vehicles Branch
Hd Weapons Branch
Asst Dep Chf of Naval Material (Reliability & Eng)
Asst Dep Chf Nav Mat (Reliability and Eng)
US Nary Ord Test Unit
Chf Engr US Nav Ord Test Unit
Technical Division Navigation Branch
Hd Navigation Equip Sect
Hd Navigation Systems Sect
Test & Operations Branch
Test & Operations Branch Engineer
Fire Control & Guidance Branch
Guidance Section Head
Head Fire Control Section
Missile Branch
Sec Engr Re-Entry Body Section
Head Prod Quality Assurance & Fleet Readine
Sec Engr Engrg Section
Launcher & Handling Branch
Branch Engr Launcher & Handling Branch
Antisubmarine Warfare Systems Project Office
Asst Dep Manager
Dir Financial Management Ofc
Dep Dir Programs Evaluation Office
Trident System Project Office
Scientific Dev & Eval Director
David W Taylor Naval Ship R&D Center
Dir of Longe Range Plans and Programcard MD
Aviation & Surface Effects Dept
Assoc Tech Dir for Systems Development
Asst Tech Dir (Research Consultant)
Ship Performance Department
Head Naval Hydromechanics Div
Structures Dept
Head Submarine Division
Naval Ocean Sys Center, San Diego
Dept Head, Scientific Asst (Hd Infor Sys Dept)
Dept Hd Sci Asst
Dept Hd Sci Asst
Dept Hd Sci Asst
Head, Undersea Systems Depts
Assistant Technical Director
Chief Res Sci Subm Artic Tech & Dir Artic Subm
Dir Independent Research and Development
Laboratory Directorate-NWC
Hd Earth & Planet Sci Div Research Dept
Hd Detonation Physics Div Research Dept
Naval Air Development Center Johnsonville Pa
Dir-Communications & Navigation Tech Directora
Dir Sensors & Avionics Technology Directorate
Head-Computer Department
Dir-Systems Directorate
Dir Aircraft and Crew Systems Technology Dire
Software and Computer Technology Dir
Assoc Tech Dir Plans & Analysis
Head, Systems Analysis Dept
Head Warfare Analysis Dept
Systems Development Directorate
Assoc Tech Dir for Product Lines
Hd Submarine Sonar Sys Dept
Hd Weapons Sys Dept
Hd Surface Ship Sonar Sys Dept
Hd Spec Projects Dept
Hd Conbat Sys Control Dept
Org Deleted
Assoc Tech Dir for Engrg & Tech Support
Off of Asst Commander for Res & Technology Research Admr
Off of Asst Commander for Res & Technology
Surveillance Technology Admr
Propulsion Technology Admr
Command Control & Guidance Technology Admr
Ordance Technology Admr
Aerodynamics & Structured Technology Administ
Dir Advanced Weapons Systems Division
Off of Asst Chf for Contracts
Exec Dir Procurement Management
Dir Aircraft Weapons Systems Purchase Div
Organization & Manpower Management Office
Asst Dir Org & Manpwr Mgmt Off
Office of Asst Chf Financial Mgmt Comptroller
Deputy Comptroller
Asst Comdr for Material Acquisition
Asst Dir Adv Sys Div
Asst Dir Evaluation Div
Tech Dir-Armament Div
Asst Dir Engr Div
Technical Director, Avionics Division
Asst Cmdr for Test & Evaluation Navair
Tech Dir Test & Evaluation
Naval Air Engineering center
Chf Engineer Naval Air Engineering Center
Naval Avionics Facility
Dir of Applied Research Research & Engr Div
Director of Engineering
Systems Evaluation Directorate
Assoc Dir-Sys Evaluation Directorate
Head Systems Technology Department
Range Directorate
Assoc Dir and Assoc Td (Ranges and Tests)
Dept Hd Capabil:s Devel Dept Pt Mugu Ca
Naval Electronic Systems Command
Dept Comptroller
Contracts Directorate
Executive Director-Contracts

Navelex Project Offices
Dep Proj Mgr & Tech Dir Rewson Systems Proj
Asst Project Mgr for Elf Communications
Navelex Project Offices
Asst Proj Mgr for Onboard Submarine systems
Research & Tech Directorate
Tech Dir Research and Technology
Acquisition Engrg Directorate
Tech Dir Acquisition Engrg Directorate
Tech Dir Communications Systems Div
Tech Dir Surveill & Navigation Systems Div
Tech Dir Marine Corps & Amphibious Electron
Command Support Syst Ofc
Techn Dir Command and Control and Communicati
Designated Project Offices Navsea
Dep Proj Mgr for Anti Ship Missle Defense Proj
Exec Dir Aegis Shipbuilding Project
Dep Proj Mgr/Tech Dir Nucl Power Aircraft Lab
Dep Proj Mgr/Tech Dir Attack Sub Project Ofc
Dep Proj Mgr Destroyer Ship ACQ Project
Dep Proj Mgr & Tech Dir Amphib Shp Acqui Proj
Management & Admin Navsea
Dep Commander Management & Adm Directorate
Plans, PGMS & Fin Management/Compt, Navsea
Asst Dep Commdr Plans Prog Financ Mgt/ Dep Com
Contracts Navsea
Asst Dep Commander for Contracts
Dir Shipbldg & Overhaul Contracts Div
Surface Warfare Systems Group WS&E Navsea
Exec Dir Surface Warfare Sys Grp
Research & Technology, Navsea
Dir Materials and Mechanics Div
Asst Dir & Chf Engr Advanced Tech Sys Div
Nuclear Power Navsea
Director S5W Submarine Systems Division
HD Advanced Design Br
Dir Nuclear Propulsion Plant Valves Division
Director Reactor Materials Division
Head Advanced Design Branch
Head Submarine Br
Hd Surface Ship Br
Nuclear Power Navsea
Dir Secondary Plant Components Division
Naval Undersea Warfare Engr Station
Technical Director
Naval Weapons Station Navsea
Tech Dir Flt Msl Sys Anal & Eval Group
Naval Ordnance Station Indian Head MD Navsea
Assoc Tech Dir Ordn Dev & Techn
Ship Concept Design Div Navsec Navsea
Asst Tech Dir Sp Des Div Hd Adv Tech Branch
Hull Division
Asst for Structures Naval Architecture
Asst for Naval Architecture
Machinery Systems Div
Asst for Propulsion Sys
Asst for Hull Mech & Weapons Sys
Asst for Life Sup Poll Con Auxiliaries & Fluid
Combat Systems Design & Integration Division
Head Tactical Data Systems Branch
Hd Ship Design & Fleet Engineering Branch
Headquarters
Asst Dep Commander for Plans Policy & Syst D
Asst Dep Cmdr for Fin Mgmt/Comp
Office of Commander
Dep Dir of Programs & Comptroller
Dep Comdr for Acquisition
Dir Contracts Div

DOE

Chicago Operations Ofc
Asst Mgr
Dir Reactor Programs Div
Dir Contracts Mgmt Ofc
Idaho Operations Ofc
Asst Mgr for Plns Budget & Engr
Asst Mgr for Admin
Dir Reactor Ops & Prgms
Dir Nuclear Fuel Cycle and Waste Mgmt Div
Oak Ridge Operations Ofc
Dir Enriching Op Div
Dir Mnfg Div
Asst Mgr for Admin
Richland Operations Ofc
Asst Mgr for Admin
Asst Mgr for Tech Op
Dir Nuc Fuel Cy and Prod Div
San Francisco Operations Ofc
Asst Mgr for Projects
Asst Mgr for Admin
Strategic Petroleum Reserve Ofc
Dir Mgmt Div
Ofc of Asst Insp Gen for Audits
Asst Inspector General for Audits
Dep Asst I/G for Programs
Dep Asst IG for Financial and Procure Audits
Ofc of Asst Insp Gen for Inspections
Asst Insp Gen for Inspec
Dep Asst IG for Inspec
Ofc of Asst Insp Gen for Investigations
Asst Ins/Gen for Investigations
Dep Asst I/G for Investigations
Ofc of Hearings and Appeals
Dep Dir for Legal Analysis
Dep Dir for Financial Analysis
Dep Dir for Econ Analysis
Ofc of Chief Accountant
Deputy Chief Accountant
Dir Division of Audits
Ofc of Pipeline and Producer Regulation
Dir Div of Producers
Ofc of Planning and Evaluation
Dir Ofc of Op Plng and Eval
Ofc of Petroleum Operations
Dep Asst Admr for Petrol Op
Ofc of Utility Systems
Dir Reg Asst Div
Dir Reg Intervention Div
Dir Pwr Supply and Reliability Div
Asst Admr for Systems Support
Dir Ofc of Adp Svcs
Dir Engy Emergency Mgmt Info Sys Project Ofc
Dir Ofc of En Data Stnd and Stat Design
Asst Admr for Systems Support
Dep Asst Adm for Sys Spt
Asst Adm for Systems Spt
Asst Exec Dir (RIS)
Asst Admr for Energy Information Validation
Asst Admn for Energy Data Valid
Dep Asst Adm for En Info Valid
Dir Ofc of Validation Anal
Dir Ofc of Validation Resources
Dir Ofc of Systems Validation
Asst Admr for Applied Analysis
Dir Ofc of Energy Use Anal
Asst Adm for Applied Analysis
Dir Ofc of En Source Analysis
Dir Ofc of Integrative Analysis
Dir Ofc of Functional Anal
Dir Ofc of Analysis Oversight & Access
Office of Energy Information Services
Dir Ofc of Energy Info Serv
Ofc of Financial Reporting Systems Project
Dir Ofc of Financial Reporting System
Oil and Gas Information Systems Project
Dir Ofc of Oil and Gas Info Sys
Dir Ofc of the Natl En Info Sys
AA for Energy Data Operations
Asst Admr for Energy Data
Dir Ofc of Energy Data and Interpretation
Dep Asst Adm for Energy Data
Dir Div of Oil and Gas Statistics
Dir Div of Coal and Elec Pwr Stat
Dir Div of Interfuel Nucl and Ot En Sources
Executive Director
Asst Dir for Budget and Pgmt Spt
Dir Ofc of Budget and Pgmt Spt
Ofc of Resource Management
Dir Ofc of Resource Mgmt
Ofc of Uranium Resources and Enrichment
Chf Supl Eval Br
Chf Tech Spt Br
Chf Contracting & Marketing Br
Ofc of Leasing Policy Development
Dep Dir Ipd and Dir P and Pd Div
Asst Dir for Reg Pgms
Bonneville Power Administration
Asst Admr for Mgmt Serv
Western Area Power Administration
Asst Admr for Mgmt Svcs
Office of Field Operations Management
Manager for Projects
Office of Planning & Technology Transfer
Mgr R&D Prog Planning
Office of Resource Management & Acquisition
Dir Ofc of Res Mgmt and Acquis
Dep Dir Ofc of Res Mgmt and Acqui
Manager Prog Facilitation Solar
Mgr Prog Facilitation Fossil Energy
Manager Prog Facilitation Nucl Wst
Office of Fossil Energy
Spec Advsr to Prgm for Fos En
Budget Ofc
Asst Dir for Budget
Fossil Fuel Extraction Division
Dep Dir Oil Gas and Shale Tech
Fossil Fuel Processing Division
Chf Syn Fuels Pgm Dvlmt Br
Asst Dir for Tech Acquis and Eval
Mgr Process & Prgm Mgmt Br
Magnetohydrodynamics Div
Dep Dir Magnetohydrodynamics Div
Fossil Energy Research Div
Chf Plans and Policy Br
Dir Fossil Energy Research Div
Office of Solar Geothermal Electric & Storage Programs
Project Advisor
Dir Ofc of International & Sci Prgms
Program Resource Mgmt Div
Asst Dir for Admin
Dir Program Res Mgmt Div
Planning and Tech Transfer Div
Manager, Technology Transfer
Central Solar Tech Div
Chf Solar Thermal Branch
Dep Dir Central Solar Tech Div
Distributed Solar Tech Div
Chf Biomass Energy Sys Branch
Dep Dir Dist Sol Tech Div and Chf WSB
Chf Photovoltaics Sys Br
Geothermal Energy Div
Dep Dir Geo En/Chf Hydro Spt Br
Electric Energy Sys Div
Chf Power Delivery Br

Chf. Pwr. Supply & Integration Br
Energy Storage Sys Div
Progm Mgr for Elec Sys
Chf Thermal and Mechanical Sys Br
Resource Mgmt and Acq Div
Dir Div of Rsrc Mgmt & Acq
Office of Nuclear Energy Programs
Exec Dir Ofc of Nuc En Pgms
Naval Reactors Div
Asst Dir for Commiss Subs
Asst Dir for Reactor Saf & Comp
Assoc Dir for Reactors
Hd Op Reactors Sec
Sr Nav Reactors Rep (MAO)
Chf Surface Ship Sys Br
Chf Submarine Sys Br
Chf Instrumentation & Control Br
Assoc Dir for Fiscal Mtrs
Asst to Asso Dir for SS & WCB
Hd Welding & Non-Dest Test Sec
Hd Submarine Section
Assoc Dir for Trid Adv Sub Projs
Chf Reactor Refueling Br
Dep Reactors Refueling Br
Assoc Dir for Surf Ship & Wcb
Sr Nav Reactors Rep (Mare Is)
Chf Nuclear Technology Branch
Hd Surface Ship Section
Sr Nav Reactors Rep (W Milton)
Asst. Dir. for Shpyd. Mtrs.
Asst. to the Assoc. Dir. for Ss & Wcb
Dep. Chf. Ncl. Compon Branch
Assoc. Dir. for High Spd Sub Proj
Chf Nucl Compon Branch
Dep Dir Nav Reactors Div
Spec Asst to Dep Dir Nr Div
Chf. Prototypes & Shpt Atomic Pwr St Op Br
Asst Chf Scientist
Chf Nuc Tech Br
Nuclear Power Dev Div
Asst Dir for Reactor Progm
Chf Nucl Reactor Eval Br
Chf Nucl Cycle Prgm Br
Dep Dir Nucl Pwr Devlp Div
Dir Nucl Pwr Dvlpmt Div
Chf Gas Cooled Fast Reactor Br
Reactor Res and Tech Div
Chf Facl Mgmt Br
Chf Safety & Physics Br
Chf Engineered Components Br
Advanced Nuclear Systems and Projects Div
Chf Adv Isotope Separation Br
Chf Space & Terres Sys Br
Field Offices
Sr. Naval Reactors Rep (Portsmouth)
Sr. Naval Reactors Rep. (Nwpt News)
Senior Naval Reactors Rep
Office of Nuclear Waste Management
Waste Isolation Pilot Plnt. Pjt. Coord.
Mgmt Support Div
Dir Mgmt Supt Div
Office of Management Support
Dir Ofc of Mgmt Support
Dir Financial Serv Div
Office of Environmental Compliance & Overview
Chf Occu Health Br
Asst Dir for Field Op
Dep Dir Op and Env Safety
Dep Asst Dir for Field Op
Chf Oc Saf and Health Branch
Dir Ofc of Nepa Coord
Chf Fossil and Inexhaustible Prog Br
Chf Safety Analysis Branch
Chf Policy Measurements & Instit Stnds
Office of Technology Impacts
Dep Dir Tech Ass Div and Chf N T Br
Chf Nuclear Tech Br
Ofc of Policy Analyis Operations
Exec Dir
Ofc of Special Projects
Dir Ofc of Spec Proj
Ofc of Resource Management
Dir Off of Prgms Coord
Ofc of Military Applications
Special Asst
Ofc of Safeguards and Security
Chf Assessments Br
Albuquerque Operations Office
Asst Mgr for Admin
Asst Mgr for Plns and Bud
Dir Res Mgmt Div
Dir Weapons Dvlmp Div
Albuquerque Operations Office
Director Quality Assurance Division
Dir Operational Safety
Asst Mgr for Logistics
Dir Fac and Const Mgmt Div
Dir Weapons Prod Div
Savannah River Operations Office
Asst Mgr for Admin
Nevada Operations Ofc
Asst Mgr for Admin
Asst Mgr for Plns Engr & Bud
Executive Office
Dir Exec Office
Office of International Program Support
Dir Ofc of Intl Prgm Spt
Asst Secy for Policy & Evaluation
Dir Div of Plng and Budget Sys
Ofc of Program Administration and Operation
Asst Dir for Pgm Adm and Op
Dir Budg and Prm Coord Div
Office of Basic Energy Sciences
Dir Admin Div
Dir Engr Math and Geo Sci Div
Dir Chem Sci Div
Dir Adv Fgy Proj Div
Dir Mat Sci Div
Chf Metallurgy and Ceramics Br
Chf Fund Interactions Br
Chf Processes and Tech Br
Chf Sold St Phy and Mat Chm Br
Office of High Energy & Nuclear Physics
Chf Univ Res Br
Dir High En Physics Div
Dir Nuclear Physics Div
Office of Personnel Management
Dir Ofc of Personnel
Dep Dir of Personnel
Office of Personnel Management
Dir-Exec Resources Management Division
Dir Policies and Prgm Div
Dir Emply Dvlmt & Trng Div
Dir Hq Operations Div
Dir Labor Relations Div
Office of Organization & Management Systems
Dir Ofc of Org and Mgmt Sys
Dir Management Sys Analysis Div
Dir Manpwr Res Mgmt Div
Dep Dir Ofc of Org and Mgmt
Dir Org Plng and Mgmt Div
Dir Records and Rep Mgmt Div
Office of Administrative Services
Dir Ofc of Admin Svcs
Dep Dir Ofc of Admin Serv
Office of Computer Services & Telecommunications Mgmt
Dir Ofc of Comp Serv and Tel Mgmt
Dep Dir Ofc of Comp Serv and Tele Mgmt
Asst Dir for Ops
Dir Div of Telecommunications
Office of Contractor Industrial Relations
Offc of Contr Indus Relations
Dir Cont Psnl Mgmt Div
Dir Prgm Mgmt and Asmt Div
Dep Dir Offc of Industrial Relations
Ofc of Adp Management
Dir Ofc of Adp Mgmt
Dep Dir Ofc of Adp Mgmt
Office of Construction & Facility Management
Dir Engr and Const Support Div
Dir Div of Real Estate and Fac Mgmt
Dir of Construction and Facility Mgmt
Controller
Dir GAO Liaison
Office of Budget
Dir Budget Anal Div
Dir Budget Oper Div
Dir External Coord Staff
Dep Dir Ofc of Budget
Dir Budget Analysis Div
Office of Program Management Support
Dir Ofc of Prgm Mgmt Support
Office of Program and Project Assessment & Control
Dir Ofc of Prgm Apvl and Contr
Office of Finance & Accounting
Dir Ofc Finance and Accounting
Dir Accounting Pol and Proc Div
Dir Wash Finan Serv Div
Dep Dir, Ofc of Fin and Acctg
Office of Financial Policy
Dir Ofc of Financial Pol
Dir Div of Policy and Analyses
Directorate of Procurement & Contracts Management
Adv for Archt/Engr and Const Pr
Office of Small & Disadvantaged Utilization
Dir of SM and Disadv Bus Utilz
Dep Dir Proc Bus Affs Ofc
Office of Policy
Dir Ofc of Policy
Dir Policy and Procedures Div
Dir Contr and Prop Mgmt Div
Office of Program Support
Dir Ofc of Prgm Support
Dep Dir Pso and Dir Cs and Is Div
Ofc of Procurement Management
Dir Ofc of Procur Mgmt
Dir Cont Bus Clrnce Div
Ofc of Procurement Operations
Dir Ofc of Procurement Operations
Dep Dir Ofc of Procur Op

EPA

Ofc of Intern'l Activities
Dir International Activities
Ofc of Intern'l Activities
Dep Assoc Admin Internal Activities
Regional Offices
Dir, Air & Hazardous Materials Div Reg V
Region I Boston
Dir Enf Div Reg I
Dir Water Div Reg I
Dir-Air and Hazardous Materials Div Reg I
Region II, New York
Dir-Surveillance & Analysis Div Reg II
Dir-Enforcement Div-Reg II
Dir-Water Div Reg II
Asst Regl Admr for Planning & Mgmt
Region III Philadelphia
Dir Enforcement Div Reg III
Dir Water Div Reg III
Dir Air and Hazardous Materials Division
Region IV Atlanta
Dir Water Div Reg IV
Dir Enf Div Reg IV
Dir-Surveillance & Analysis Div
Dir Air & Hazardous Materials Division IV
Region V Chicago
Dir Enforcement Div Reg V
Dir, Air & Hazardous Materials Div Reg V
Dir Surveillance and Analysis Region V
Director-Water Div Reg V
Region VI, Dallas
Dir Enf Div Reg VI
Dir Air & Hazardous Materials Div Reg VI

Director-Water Div Reg VI
Region VII, Kansas City
Dir Water Div Reg VII
Dir-Enforcement Div-Reg-VII
Dir-Air & Hazardous Materials Div Region VII
Region VIII, Denver
Div Water Div Reg VIII
Region VIII Denver
Dir Air & Hazardous Materials Div Reg VIII
Region IX, San Francisco
Dir-Water Div Reg IX
Dir-Enforcement Div-Reg IX
Region X, Seattle
Dir, Air & Hazardous Materials Div Reg X
Dir-Water Div Reg X
Dir Enforcement Div-Reg X
Office of the Asst Adm for Planning and Management
Assoc to Asst Admr for Management Reform
Dir, Contracts Mgmt Div
Dep Asst Admr for Admin
Dir Budget Operations Div
Dir Econ Analysis Div
Dir Program Analysis Division
Dir Policy Planning Division
Assoc to Asst Adm for Prog Mgmt and Policy
Dir Mgmt Info and Data Sys
Dir of Personnel
Ofc of the Dep Asst Admin for Planning & Evaluation
Dir Standards and Regulations
Director Program Evaluation Division
Dep Asst Adm for Planning & Evaluation
Ofc of the Dep Asst Admin for Resources Management
Dir Program Integration Division
Dir, Program Reporting Div
Senior Resources Management Assistant
Dir, Financial Mgmt Div
Dep Asst Admr for Resources Mgmt
Ofc of Audit
Dir, Ofc of Audit
Ofc of the Asst Adm'r for Enforcement
Dir Ofc of Progs and Mgmt Opers
National Enforcement Investigations Center
Dir Nat'l Enforcement Investigations Center-D
Ofc of Dep Asst Admin for Water Enforcement
Director, Enforcement Division
Director, Permits Division
Ofc of the Dep Asst Adm'r for Gen. Enforcement
Dir, Pesticides Enforcement Div
Dir-Stationary Source Enforcement Div
Ofc of the Dep Asst Adm'r for Mobile Source & Noise Enf
Dir-Mobile Source Enforcement Div
Ofc of Asst Admr'r for Air, Noise, and Radiation
Director, Ofc of Program Mgmt
Ofc of the Dep Asst Adm for Air Quality Plans & Standard
Director Control Programs Development Division
Director, Monitoring & Data Analysis Division
Dir, Strategies & Air Stds Div—Durham, NC
Dir, Standards and Engineering Division
Ofc of the Dep Asst Adm for Mobile Source Air Poll Con
Director, Emission Control Technology Div
Dir Certification Division
Ofc of the Dep Asst Adm for Radiation Programs
Director Technology Assessment Div
Dir, Criteria & Standards Div
Ofc Dep Asst Adm for Noise Abatement & Control
Dir Tech & Federal Programs Division
Tech Dir/Dep Asst Adm for Noise Abatement & C
Dir Noise Enf Div
Director State & Local Programs Div
Director, Standards & Regulation Div
Ofc of Asst Adm'r for Water & Waste Management
Dir Facility Requirements Division
Dir State Programs Div
Senior Science Advisor (Minor Use Pesticides)
Ofc of DAA for Solid Waste
Director Systems Management Division
Dir Hazardous Waste Management Div
Director Resource Recovery Division
Ofc of DAA for Water Programs Opportunities
Dir Oil & Hazard-US Materials Division
Director Municipal Construction Division
Ofc of DAA for Water Programs Opportunities
Dir Muncipal Operations & Training Division
Ofc of DAA for Water Supply
Dir Criteria and Standards Division
Dir Ofc of Prog Dev & Evaluation
Ofc of DAA for Water Planning and Stds
Director, Effluent Guidelines Division
Director, Criteria & Standards Division
Director Monitoring & Data Support Div
Dir Water Planning Division
Ofc of DAA for Prog Integration and Information
Dir Chemical Info Div
Dir-Monitoring Div
Tech Asst for Industrial Liaison
Ofc of DAA for Testing and Evaluation
Dir-Environmental Review Division
Director Assessment Div
Ofc of DAA for Pesticides Program
Chf Toxicology Branch
Dir Spec Pesticide Review Division
Dir-Registration Division
Director-Program Support Division
Dir-Hazard Evaluation Division
Dir Benefits and Field Studies Div
Ofc of Asst Adm'r for Research and Development
Dep Dir for Technical Information
Dep Dir for Operations
Ofc of the Principal Science Advisor
Principal Engineering Science Advisor
Principal Physical Science Advisor
Ofc of DAA for Monitoring & Technical Support
Dir-Monitoring Technology Division
Dir Environmental Research Information Center
Dir Technical Support Division
Environmental Monitoring & Support Laboratory
Dir Env Monitoring & Support Lab Las Vegas
Ofc of DAA for Energy Minerals & Industry
Dir Industrial & Extractive Processes Division
Ofc of Daa for Energy Minerals & Industry
Assoc Dep Asst Adm for Energy Minerals & Indu
Dir Energy Processes Division
Dir Engy Coordination Staff
Dep Dir Industrial Environmental Res Lab-Rip
Dir Energy Coordination Staff
Dep Asst Admr for Energy Minerals & Industry
Ofc of Daa for Air Land and Water Use
Dir Waste Management Division
Dir Agri & Non-Point Source Management Divi
Dir Media Quality Management Div
Environmental Research Lab
Dep Dir-Environmental Sciences Rsch Lab-Rip
Dir Water Supply Research Div
Ofc of Daa for Health & Ecological Effects
Dir Health Effects Division
Director Criteria Development & Special Studi
Adaa for Health & Ecological Effects
Health Effects Research lab
Dir Res Adv & Spec Studies Ofc

EEOC

Regional Directors
Dist Dir (Baltimore)
Dist Dir (New York)
Dist Dir (Atlanta)
Dist Dir (Houston)
District Director (Detroit)
Dist Dir (San Francisco)
Dist Dir (Dallas)
Dist Dir (Chicago)
Dist Dir-(St Louis)
Dist Dir (Miami)
Dist Dir-(Indianapolis)
Regional Directors
Dist Dir (Memphis)
Dist Dir-(Los Angeles)
Dist Dir-(Denver)
Dist Dir-(Birmingham)
Dist Dir-(New Orleans)
Dist Dir-(Phoenix)
Dist Dir-(Milwaukee)
Dist Dir-(Charlotte)
Dist Dir-(Seattle)
Dist Dir-(Cleveland)
Dist Dir-(Philadelphia)

FCA

Ofc of Supervision
Asst Dep Governor-Supervision
Ofc of Administration
Director Administrative Division

FCC

Office of The Executive Director
Chief Data Automation Division
Broadcast Bureau
Chf Complaints & Compliance Div
Chief Broadcast Facilities Div
Chief Renewal & Transfer Division
Chf Hearing Div
Common Carrier Bureau
Managing Coun Comp and Litigation Task Force
Chf Program Evaluation Staff
Ofc of Science & Technology
Asst Chf Engineer Internl & Operations Div
Asst Chf Research & Standards
Asst Ch Engr Laboratory Div Laurel Md

FEMA

Office of The Inspector General
Inspector General
Office of Program Analysis & Evaluation
Chf Sc Adv
Org Deleted
Director West Va Operation Office
Supervisory Mathematician
Assoc Dir for Plans & Preparedness
Supervisory Economist
Chf General War Preparedness

FHLBB

Office of Administration
Director Administration
Office of Examinations & Supervision

Deputy Director-Exam/Field Operations
Deputy Director-Examinations/Policy

FLRA

Federal Service Impasses Panel
Exec Director FSIP
Ofc of The Executive Director
Executive Director
Deputy Executive Director
Ofc of The General Counsel
Deputy General Counsel
Assoc General Counsel

FMC

Office of The Secretary
Secretary
Office of The General Counsel
Dep Gen Coun for Legis and Ord and Lra
Dep Gen Coun for Reports Opinions and Decisio
Office of The Managing Director
Dep Managing Dir
Bur of Industry Economics
Dir Bur of Industry Economics
Bureau of Ocean Commerce Regulation
Dep Dir Bur of Ocean Comm Regulation
Bureau of Hearing Counsel
Dir Bureau of Hearing Counsel
Bureau of Certification & Licensing
Dir Bureau of Certification and Licensing
Bureau of Enforcement
Dir bureau of Enforcement

FM &CS

Ofc of Administration
Dir Office of Administration

FTC

Ofc of Executive Director
Deputy Executive Director

GSA

Office of Acquisition Policy
Asst Admr for Acquisition Policy
Dir of Contract Clearance
Dir of Acqusition Mgt & Review
Dir Acquisition Policy Directorate
Director Federal Procurement Regulation
Ofc of Inspector General
Asst Inspector Gen for Auditing
Asst Inspector Gen for Investigations
Ofc of Management Policy and Budget
Dir of Finance
Director of Budget
Director of Data Systems
Office of Human Resources and Organizations
Director of Personnel
Dep Dir of Personnel
National Archives and Records Service
Asst Archivist Pres Libraries
Dir L B Johnson Library
Asst Archivist for Fed Archives & Records Ct
Spec Asst To The Archivist
Asst Archivist for Records Mgmt
Dir Harry S Truman Library
Dir Dwight D Eisenhower Library
Asst Archivist Natl Archives
Asst Archivist for Educational Programs
Director Office of The Federal Register
Automated Data & Telecommunications Service
Asst Commr for Automated Data Mgmt Services
Asst Comm For Telecommunications
Automated Data & Telecommunications Service
Asst Commr for Policy & Planning
Dir-Data Communications Systems Div
Director Advanced Planning & Research Divisi
Dir Voice Communications Systems Division
Federal Property Resources Service
Asst Commr for Real Property
Asst Commissioner for Property Management
Asst Commr for Personal Property
Director of Stockpile Disposal
Public Buildings Service
Asst Commissioner for Buildings Management
Asst Commr for Space Planning & Management
Asst Commr for Construction Mgmt
Internati Projects Officer
Dep Asst Commr for Construction Programs
Federal Supply Service
Asst Commr for Cust Service & Support
Asst Dir for Requirements
Asst Commissioner for Supply Distribution
Asst Commr for Standards and Quality Control
Transportation & Public Utilities Service
Asst Comm for Transportation Audits
Asst Comm for Trans & Travel Mgmt

HEW

Office of The Inspector General
Dep Asst Inspector General for Auditing
Assoc Dir-Division of Audit Coordination
Assoc Dir Div of Social Security Audits
Dep Dir Ofc of Investigations
OAS-for Management and Budget
Dep Asst Sec Finance
Dir Div of Accounting Systems & Procedures
Dep Asst Secy for Grants & Procurement Mgmt
OAS For Management and Budget
Dir Div of Grants Policy & Regulations Devel
Dir Ofc of Grant & Contract Financial Mgmt
Ofc of Asst Secy for Personnel Adm
Dir Ofc of Personn Systems Integrity
Assistant Secretary for Health
Dir Natl Ctr Hlth Svcs Research
Dep Dir Office of Administrative Management
Director Office of Resource Management
Assoc Dir Analysis
Assoc Dir for Data Systems
Assoc Dir Cooperative Hlth Stats Sys
Assoc Dir for Mathematical Statistics
Office of the General Counsel
Asst Gen Counsel (Business & Admin Law Div)
Ofc of Student Financial Assistance
Dir Div of Compliance
Health Care and Financing Administration
Dep Dir Health Stds and Quality Bureau
Dep Dir Bureau of Support Services
Dir Ofc of Prog Adm Bur of Porg Operations
Dir Bur of Support Services
Dir Ofc of Demonstrations & Evaluations
Dir Ofc of Program Validation
Dir Ofc of Financial Management
Social Security Administration
Dir Ofc of Materiel Resources
Dir Ofc of Financial Resources
Office of Management and Administration
Assoc Commr for Assessment
Dir Ofc of Security and Program Integrity
Office of Program Policy and Planning
Chf Actuary
Dir Ofc of Res and Statistics
Deputy Chief Actuary Washington DC
Chief Mathematical Statistician
Office of Program Policy and Planning
Dir Supplemental Security Studies SSA
Dep Chief Actuary Short Range SSA
Deputy Director for Science
Dep Dir for Science
Division of Research Grants
Assoc Dir for Statistics & Analysius Org
Division of Research Resources
Dir Div of Res Resources
Dep Dir Div of Res Resources
Division of Research Services
Chf Biomedical Engineering & Instrumentation
Associate Director for Administration
Director Div of Financial Management
Director Division of Contracts & Grants
Division of Computer Research & Tech
Chief Computer Center Branch
Chief Lab of Applied Studies
Chf Physical Science Lab
National Library of Medicine
Dep Dir Natl Lib of Medicine
Dep Dir for Res and Education
Assoc Dir for Intramural Activities
Assoc Director for Extramural Programs
Dir Lister Hill Natl Ctr for Biomedical Comm
Assoc Dir Specialized Info Services
Asst Dir for International Programs
Dep Dir Lister Hill Natl Ctr for Biomedical
National Institute of Health Clinical Center
Assoc Dir for Clin Care NIH & Dir Clin Cen
Dep Assoc Dir for Clin CareNIH & Dep Dir Cli
Hospital Administrator Clinical Center PHS
Natl Institute of Environmental Health Sciences
Assoc Dir for Health Hazard Assessment
Chf Lab of Pharmacology
Chf Laboratory of Biomedical Genetics
Chf Laboratory of Moleculor Genetics
Natl Institute of Environmental Health Sciences
Chf Lab of Animal Genetics
Chf Lab of Pulmonary Function and Toxicology
National Inst of Allergy and Infectious Diseases
Dir Immunology Allergic & Immunologic Disease
Assoc Dir for Extramural Programs
Assoc Dir Intramural Research Prog
Chf Lab of Parasitic Diseases
Chf Lab of Biology of Viruses
Chf Laboratory of Microbial Immunity
Asst Sci Dir Collaborative Research
Spec Asst for Biometry Off Sci Dir
Chf Molecular Biology Rocky Mt Lab Hamilton M
Hd Molecular Viral Disease
Nat'l Institute of Neurological & Disorders & Stroke
Laboratory Director
Chf Office of Biometry
Chf Lab of Neurochmistry
Chf Surgical Neurology Branch
Chf Lab of Neuro Otolaryngology
Clinical Dir NINCDS
Intramural Research
Chf Devel & Metab Neurology Branch
Chf Lab or Molecular Biology
Hd Cellular Neuropathology Section
Chief Section on Neuroradiology
Chief Lab of Biophysics
Chf Lab of Neuropathology & Neuroanatomical S
Hd Section on Neuronal Interactions
Dir Fundamental Neurosciences Program

Chf Lab of Experi Neurology
Collaborative and Field Research
Chief Lab of Central Nervous System Studies
Deptuy Chief Lab of Central Nervous Sys Stud
National Heart and Lung Institute
Asst Dir for Review NHLBI
Dir Div of Lung Diseases
Dep Dir Div of Long Diseases
Div of Blood Diseases and Resources
Chf Sickle Cell Disease Branch
Dir Div of Blood Diseases & Resources
Associate Director for Intramural Research
Chf Surgery Br
Chf Research Chemist
Chf Lab of Biochemistry
Chf Molecular Hematology Branch
Chief Macromolecules Section
Laboratory of Biochemistry
Sr Res Chemist Sect on Cellular Physiology
Laboratory of Chemical Pharmocology
Hd Sect on Enzyme Drug Interaction
Molecular Disease Branch
Hd Section on Chemistry
Division of Heart & Vascular Diseases
Dir Div of Heart & Vascular Diseases
Assoc Dir for Epidemiology and Biometry
Associate Director for Extramural Research and Training
Dep Assoc Dir Extramural Res & Training
National Cancer Institute
Dir Div of Cancer Res Resources & Center
Chf Drug Evaluation Branch
Chf Lab of Medical Chemistry and Biology
Chf Epidemiology Branch
Deputy Director Div of Cancer Cause & Preven
Div of Cancer Control & Rehabilitation
Director Div of Cancer Control & Rehabilitat
Div of Cancer Cause & Prevention
Chf Experimental Pathology Section
Scientific Coordinator for Environmental Ctr
Assoc Director Carcinogenesis Testing Progra
General Laboratories and Clinics
Head Mathematical Biology Section
Chief Laboratory of Cell Biology
Head Nucleic Acids Section
Hd Protein Chemistry Section
Chief Lab of Viral Carcinogenesis
Division of Cancer Biology and Diagnosis
Chf Laboratory of Pathophysiology
Chf Lab of Immunobiology
Head Nucleic Acid Enzymology Section
Hd Biochemical Genetics Section
Head Comparative Oncology Section
Assoc Chf Lab Immunbiology Hd Humoral Immunit
Head Cell Organization Sect Lab Molecular
Head Cell Physiology & Oncogenesis Section
Head Tumor Immunology Sct Asst Chf Surgery Br
Radiation Branch
Chf Radiation Oncology Br
Associate Scientific Directyor for Viral Oncology
Chief Lab of Molecular Virology
Assoc Scientific Director for Viral Oncology
Associate Scientific Director for Demography
Chf Biometry Branch
Assoc Dir Field Studies & Statistics
Head Math Statistics & Applied Mathematics
Chemotherapy
Dep Dir Div of Cancer Treatment
Assoc Dir Developmental Theraputics Prog
Chf Laboratory of Chemical Pharmacology
Natl Inst of Arthritis Metabolic & Digestive Diseases
Assoc Dir Prog Anal & Scientific Communicatio
Assoc Dir for Digestive Dieases & Nutrition
Natl Inst of Arthritis Metabolic & Digestive Diseases
Assoc Dir for Kidney Urologic & Blood Disea
Assoc Dir for Diabetes Endocrine & Metabolic
Extramural Programs
Assoc Dir for Extramural Prog Activities
Intramural Research
Chf Sect on Enzymes & Cellular Biochemistry
Chf Sect on Intermediary Metabolism
Chief Section on Biochemical Mechanisms
Chf Laboratory of Chemical Physics
Chf Section on Spectroscopy & Structure
Chf Sect on Human Biochemical Genetics Beth
Sr. Res Physicist Mathematical Research Br
Sr Chemist Clinical Endocrinology Br
Senior Research Chemist
Chf Mathematical Res Br
Chief Section on Physical Biochemistry
Chf Arthritis & Rheumatism Br
Chf Pediatric Metabolism Br
Laboratory of Physical Biology
Chf Lab of Physical Biology
Chf Section on Comparative Physiology
Laboratory of Biochemical Pharmacology
Chf Sect on Biochemistry
Ch Sect Biochemistry of Amino Acids
Laboratory of Chemistry
Chief Lab of Chemistry
Laboratory of Nutrition and Endocrinology
Chf Laboratory of Nutrition & Endocrinology
Ch Sect Nutritional Biochemistry
Laboratory of Molecular Biology
Chf Sect on Metabolic Enzymes
Chf Sect on Physical Chemistry
Head Section on Molecular Structure
Senior Research Chemist
Laboratory of Chemical Biology
Chf Lab of Chemical Biology
Natl Institute of General Medical Sciences
Dir Pharmacology/Toxicology Program
Dir Cell & Molec Basis of Disease Prog
Dir Genetics Program
Assoc Dir for Program Activities
National Institute of Child Health and Human Development
Dep Dir Center for Population Res
Chf Endocrinology & Reproduction Research Br
Chief Perinatal Physiology
Center for Population Research
Chf Fertility Regulating Methods Eval Br Md
Intramural Research
Chief Laboratory of Molecular Genetics
National Institute on Aging
Scientific Dir NIA
Clinical Dir and Chf Clin Physiology Branch
Chief Lab of Molecular Aging
Hd Molecular Chemistry Section
National Eye Institute
Clinical Directory National Eye Institute
Chf Lab of Vision Research
Chf Ofc of Biometry & Epidemiology
Dep Chief Ofc of Biometry and Epidemiology
Head Sec on Exp Embryology
Head Sect on Anatomy
National Institute for Dental Health
Chief Lab of Biochemistry
Chf Lab of Microbiology
Chf Laboratory of Dev Biology & Anomalies
Chf Oral Pharyngeal Dev & Function Sec
Chf Enzyme Chemistry Sect Lab Biochemistry
Chf Anesthesiology Section
Food and Drug Administration
Dir Div Oncology & Radiopharmaceutical Drug P
Food and Drug Administration
Regional Director FDA Reg II New York
Regl Dir Food & Drug Adm Reg IX San Franc
Regl Dir Food & Drug Adm Reg IV Atlanta
Regl Food and Drug Director Reg V Chicago
Regl Food & Drug Dir Reg X Seattle
Regl Food & Drug Dir Reg III Philadelphia
Regl Food & Drug Dir Reg VII Kansas City
Regl Food & Drug Dir Reg I Boston
Regional Food & Drug Dir Reg VI Dallas
Associate Commissioner for Compliance
Dep Assoc Commissioner for Regulatory Affairs
National Center for Toxicological Research
Assoc Dir for Biometry & Experimental Design
Director Division of Molecular Biology
Bureau of Foods
Assoc Dir for Regulatory Evaluation
Assoc Dir for Laboratory Investigations
Dir Div of Food and Color Additives
Dir Div of Biopharmaceutics
A/D for Compliance
Ofc of Assoc Dir for Nutrition & Consumer Sciences
Assoc Dir for Nutrition and Consumer Sciences
Office of Technology
Director Office of Technology
Dir Div of Food Technology
Dep Assoc Dir for Technology
Ofc of Sciences
Dep Dir Office of Sciences
Dir Div of Pathology
Dir Division of Toxicology
Dir Div of Chemistry & Physics
Dep Dir Div of Microbiology
Bureau of Drugs
Director Scientific Investigations Staff
Dir Div of Cardio-Renal Drugs Products
Assoc Dir for Compliance
Assoc Dir for Information Systems
Dep Assoc Dir for Biometrics & Epidemiology
Dir Div of Biometrics
Dir Div of Drug Experience
Office of Scientific Evaluation
Asso Director for New Drug Evaluation
Dir Div of Anti-Infective Drug Products
Dep Assoc Dir for Drug Monographs
Off of Pharmaceutical Research & Testing
Assoc Dir for Pharmaceutical Research & Test I
Chief Drug Pharmacology Br
Dir Div of Drug Biology
Director Division of Drug Chemistry
Bureau of Biologics
Asst to the Dir for Medical Programs
Dir Div of Control Activities
Chf Div of Pathology
Bureau of Veterinary Medicine
Dir Div of Veterinary Medical Research
Dir Div of Drugs for Ruminant Species
Dir Div of Drugs for Non Food Animals
Dir Div of Drugs for Avian Species
Dir Div of Drugs for Swine & Minor Species
A/D for Surveillance & Compliance

Assoc Dir for Science Evaluation
Bureau of Radiological Health
Dir Div of Biological Effects
Dir Div of Radioactive Mat & Nuclear Medicine
Bureau of Medical Devices & Diagnostic Products
A/D for Standards
Assoc Dir for Device Evaluation
Center for Disease Control
Dir Bureau of Training
Bureau of Laboratories
Dep Dir Bur of Laboratories
Dir Virology Division
Dir Bacteriology Div
Chf Licensure & Proficiency Testing Division
Dir Parasitology Div
Natl Inst of Occupational Safety and Health
Dir Div of Laboratories & Criteria Development
Asso Institute Director (Cincinnati Operations)
Dir Clinical Chemistry Div
Alcohol Drug Abuse & Mental Health Administration
Assoc Admr for Extramural Programs
Associate Director Research
National Institute of Mental Health
Dir Div of Scientific & Techn Info
Office of Program Planning and Evaluation
Chf Theoretical Statistics & Mathmatics Bran
Assoc Dir Extramural Programs
Division of Mental Health Service Programs
Dir Div of Mental Health Svc Programs
Division of Extramural Research Programs
Dir Div of Extramural Res Progs
Division of Special Mental Health Research
Dir Division of Special Mental Health Research
Chief Lab of Preclinical Pharmacology
Associate Director for Mental Health Intramural Res Prog
Associate Director
Division of Clinical and Behavioral Research
Chf Lab of Neurophysiology
Dir Div of Clinical & Behavioral Research
Chf Lab of Socio-Environmental Studies
Chf Lab of Developmental Psychology
Chf Sect on Neuropsychology
Chf Sect on Pharmacology
Chf Clinical Neuropharmacology Branch
Chf Clinical Psychogiology Branch
Division of Biological and Biochemical Research
Chf Lab of Cerebral Metabolism
Chief Section on Myelin Chemistry
Chf Lab of Neurochemistry
Chf Lab of Gen & Comparative Biochemistry
Chief Lab of Brain Evolution & Behavior
Chf Lab of Neurobiology Off Dir Basic Res
Saint Elizabeths Hospital
Asst Superintendent St Elizabeths Hospital
Assoc Superintendent for Psychiatry
Clinical Dir John F Marr Div
Clinical Director Godding Division
Clinical Dir Richardson Div
Clinical Director Mary O'Malley Division
Director Overholder Division of Training
Dir Div of Medical Surgical Support Programs
Director Laboratory Branch
Dir Medicine & Surgery Branch
Chief Department of Medicine
Chf Dept of Surgery
Director Div of Forensic Programs

HUD

Ofc of the Inspector General
Asst Inspector General for Investigations
Asst Inspector General for Audit
Asst Sec for Fair Housing and Equal Opportunity
Dir Ofc of HUD Program Compliance
Dir Ofc of Fair Housing Enforce and Sec 3
Assistant Secretary for Administration
Director Office of Finance & Accounting
Director Mortgage Insurance Accounting Group
Director Off of Procurement and Contracts
Assistant Secretary for Administration
Director General & Program Accounting Group
Assistant Secretary for Policy Development & Research
Dir Div of Energy Building & Tech Standards
Dir Div of Gov Capacity Building
Ofc of Asst Secy for Community Planning & Development
Dir Offc of Environmental Quality
Region I Boston
Area Manager Reg I Boston
Region II New York
Area Manager Newark Region II
Area Manager NY Region II
Region III Philadelphia
Area Manager Philadelphia Region III
Area Manager Pittsburgh Reg III
Region IV Atlanta
Area Director Reg IV Atlanta
Area Mgr-Reg IV Jacksonville Fla
Area Mgr Reg IV Greensboro NC
Region V Chicago
Area Mgr Columbus Area Office
Area Manager Chicago Area
Area Mgr Detroit Area
Area Manager Indianapolis Area
Area Manager Minn/St Paul Area
Region VI Dallas
Area Manager Dallas Reg VI
Area Mgr Okla City Area Dallas
Area Mgr New Orleans Area
Region IX San Francisco
Area Office Director (Los Angeles Calif)
Area Mgr

INT

Ofc of the Inspector General
Assistant Inspector General for Auditing
Asst Inspector General for Investigations
Ofc of the Chf Administrative Law Judge
Chairman Board of Land Appeals
Board of Surface Mining and Reclamation Appeals
Chrman-Bd of Surface Mining and Reclamation A
Board of Surface Mining and Reclamation Appeals
Mem-Bd of Surface Mining and Reclamation Appe
Mem-Bd of Surface Mining & Reclamation Appeal
Ofc of Territorial Affairs
Dep Dir for Finance & Administration
Ofc of the Solicitor
Deputy Assoc Solicitor General Law
Deputy Assoc Solicitor Indian Affairs
Asst Sec'y-Policy & Budget & Administration
Deputy Director of Audit & Investigation
Nat'l Park Service
Ch Off of Pk Plan & En Qual
Asst Dir Park Operations
Asst Dir Cultural Resources
US Fish & Wildlife Service
Deputy Assoc Dir-Federal Assistance
Chf Ofc of Biological Services
Dep Assoc Dir—Wildlife Fish & Wildlife Mgm
Senior Scientist
Dir Natl Fisheries Center
Dir Denver Wildlife Research Center
Bureau of Mines
Chf Mining Engineer
Research Director Denver Mining Res Con
Chief Div of Mine Systems Engineering
Chf Div of Mining Res-Heath & Safety
Chf Div of Environment
Chief Division of Helium
Chf Div of Nonferrous Metals
Chf Div of Ferrous Metals
Chf Div of Nonmetallic Minerals
Res Dir Pittsburgh Mining and Safety Res Ctr
Research Dir Avondale Metallurgy Research
Chf Div of Metallurgy
Bureau of Mines
Research Director Reno Metallurgy Research C
US Geological Survey
Chief Earth Resources Observation Sys Prog
Chief Computer Center Div
Prog Chf-Environmental Impact Analysis Progra
Chief of Natl Petroleum Reserve in Alaska
Assoc Chf Land Information & Analysis Ofc
Chief Eros Data Center
Chief Geography Program
Research Hydrologist (Surface Water)
Topographic Div
Chf Special Mapping Center
Chief Atlantic Region Topographic Div
Asst Chf Topographic Div for Plns & Prg Develo
Chief Off of Res & Tech Studs
Chf Western Mapping Ctr-Topographic Division
Chf Mid Continent Mapping Ctr Topographic Div
Chief Rocky Mountain Mapping
Water Resources Div
Chief Hydrologist
Assoc Chief Hydrologist
Regl Hydrologist Central Reg Lakewood
Research Hydrologist
Research Hydrologist (Ground Water)
Regl Hydrologist Southeastern Region
Asst Chief Hydrologist Res & Tech Coordinati
Regional Hydrologist Western Region
Regional Hydrologist Northeastern Region
Res Hydrologist (Water Quality)
Chf Water Data Coordn
Water Resources Div
Asst Chf Hydrologist for Operations
Asst Chf Hydrologist Scien Public & Data Mg
Dep Asst Chf Hydrologist for Res & Tech Coord
Geologic Div
Chief Geologist
Chf Ofc Earthquake Studies
Chief Ofc of Scientific Publications
Assoc Chf Geologist
Chf Ofc of Mineral Resources
Chief Office of Energy Resources
Chief Office of International Geology
Asst Chf Geolgst Environmental Geology
Chief Offc of Marine Geology
Chief Ofc of Geochemistry & Geophysics
Conservation Div
Chf Conservation Division
Asso Chief Conservation Division
Regional Conservation Manager-Western Region
Regional Conservation Mgr—Eastern Region
Asst Div Chf for Operations

Asst Division Chf for Resource Evaluation
Regional Manager Central Region
Regl Conservation Mgr Gulf of Mex Ocs Operat
Bureau of Reclamation
Chief Div of Construction
Chief Div of Atmospheric Water Resources Mgm
Chief Division of General Research
Dep Asst Comm'r-Engineering & Research
Regional Director Lower Missouri
Chief Div of Design
Bureau of Land Management
Asst Dir-Technical Services
State Director (Oregon State Ofc)
Chief Ofc of Special Projects
Asst Director Recreatl & Environmental Areas
Ofc of Water Research & Technology
Desalination Project Officer
Tech Dev Program Coordinator
Tech Coordinator (Physical Sciences)
Bureau of Indian Affairs
Asst Dir of Administration (Financial Managem

ICC

Office of the General Counsel
Associate General Counsel Litigation
Assoc Gen Counsel (Research & Opinions)
Rail Services Planning Ofc
Chief Section of Analysis & Evaluation
Ofc of the Managing Director
Dir of Personnel
Regl Managing Director
Regl Managing Director
Regl Managing Director
Regl Managing Director
Regional Managing Director
Regl Managing Director
Bureau of Operations
Dir Bureau of Operations
Asst Director
Bureau of Accounts
Dir Bur of Accounts
Asst Dir Bu of Accounts
Bureau of Traffic
Director Bu of Traffic
Asst Dir Bu of Traffic
Bureau of Investigations and Enforcement
Director
Asst Director
Bureau of Economics
Director
Asst Director
Ofc of Proceedings
Associate Dir
Section of Finance
Asst Dep Dir & Asst Chief Section of Finance
Dep Dir & Chf Section Finance
Section of Rates
Asst Dep Dir & Asst Chf Section of Rates
Dep Dir & Chf Section of Rates
Section of Operating Rights
Dep Dir & Chief Section of Operating Rights
Asst Dep Dir & Asst Chf Sect of Operating Ri

JUST

Ofc of Professional Responsibility
Counsel on Professional Responsibility
US Marshals Service
Asst Dir for Administration
Asst Dir for Operations
Exec Ofc of US Attorneys
Dep Dir Exec Ofc for US Attorneys
Law Enforcement Assistance Administration
Asst Admr Ofc of Planning & Management
Asst Admr Ofc of Operations Support
Gen Counsel
Comptroller Ofc of the Comptroller
Natl Criminal Justice Info & Statistics Serv
Asst Admr NCJISS
Dir Systems Development Div
Dir Statistics Div
Natl Institute of Law Enforcement & Criminal
Dir Ofc of Res Progs
Dir Ofc of Dev Testing & Dessemination
Ofc of Regional Operations
Asst Admr Ofc of Criminal Justice Progs
Asst Adm Ofic of Audit & Investigations
Dep Asst Admr Ofc of Criminal Justice Progs
Ofc of Correctional Programs
Asst Director for Correctional Programs
Ofc of Correctional Programs
Dep Asst Dir for Correctional Programs
Ofc of Federal Prison Industries
Assoc Commr Fed Prisons Industries UNICOR
Dep Assoc Commr—Sec Fed Prison Industries I
Ofc of Planning & Development
Asst Dir for Planng & Dev
Ofc of General Counsel
General Counsel
Community Programs & Correctional Standards Division
Asst Dir for Comm Programs & Correctional Std
Atlanta Region
Regional Director
Warden Atlanta
Warden Lexington Ky
Philadelphia Region
Regional Director
Warden Lewisburg Pa
Dallas Region
Regional Director
Warden El Reno Okla
Warden Ft Worth Texas
Burlington Region
Regional Director
Warden Terminal Island Ca
Warden Lompac Calif
Kansas City Region
Regional Director
Warden Leavenworth Kansas
Warden McNeil Island Wa
Warden Springfield Missouri
Warden Marion Illinois
Ofc of Management & Finance
Prin Dep Asst Atty General for Administration
2nd Dep Assit Attorney General for Administrat
Director Personnel & Training Staff
Director Internal Audit Staff
Dir Program Review and Budget Staff
Ofc of Management & Finance
Dir Adm Prog Management Staff
Dir Systems Design and Dev Staff
Dir Mgt Sys Policy Staff
Dir Financial Management Staff
Dir Central Mgmt Sues Staff
Assoc Dir Departmental Programs and Services
Dep Dir Prog Review and Budget Staff
Immigration & Naturalization Service
Exec Asst to the Commissioner
Asst Commr for Naturalization
Chf Spec Inquiry Officer
Asst Commissioner for Dentention & Deportation
Asst Comm for Administration
Asst Commr for Adjudication
Asst Comm for Inspection
Asst Commissioner for Information Services
Asst Commissioner for Investigation
Asst Commr for Border Patrol
Dep Regional Commissioner Burlington VT
Dep Regl Commr Twin Cities Min
Dep Regional Commissioner—Southern Region
Dep Regional Commissioner San Pedro Calif
Dist Director SW Region San Francisco Dis
District Director—San Diego
Community Relations Service
Regl Director Region V Chicago
Regl Director Region IX San Francisco
Regl Director Region III Philadelphia

LABOR

Ofc of the Inspector General
Asst Inspector Gen for Investigations
Asst Inspector Gen for Audit
Office of the Dep Under Secy for International Affairs
Dir Ofc of Trade Adjustment Assistance
Dir Ofc of Management Administration & Planng
Office of the Solicitor
Assoc Solicitor Div of Labor-Management Laws
Assoc Solicitor for Plan Benefits Security
Assoc Solicitor for Labor Relations & Civil R
Assoc Solicitor for Occupational Safety & Hea
Assoc Solicitor for Mine Safety & Health
Assoc Solicitor for Fair Labor Standards
Assoc Solicitor for Employee Benefits
Assoc Solicitor for Gen Legal Services
Regional Solicitors
Regional Solicitor Chicago
Regional Solicitor Region IV—Atlanta
Regl Solicitor Boston
Regl Solicitor New York
Regional Solicitor Philadelphia
Regl Solicitor Dallas
Regl Solicitor Kansas City
Regl Solicitor San Francisco
OAS for Administration and Management
Director Administrative Programs & Service
Dir Ofc of Budget
Dir Ofc Labor Mgmt Relations
Dir of Management Policy
Comptroller for the Department
Dir Office of Education & Career Development
Dir Office of Equal Employment Opportunity
Oas for Administration and Management
Dir, Ofc of Grants, Procurement & Adp Managem
Dir of Personnel Management
Dep Dir of Personnel Management
Deputy Comptroller
Dep Asst Sec for Adm and Mgmt
Asst Secy for Admin & Mgmt
Ofc of Prog Dev and Accountability
Dir Ofc of Prog Development & Accountability
Ofc of Federal Contract Compliance Programs
Dir-Div of Enforcement Coordination
Wage and Hour Division
Asst Admr for Fair Labor Standards
Asst Admr for Govt Contract Wage Standards
Ofc of Workers Compensation Programs
Dir Federal Employees Compensation
Dir Coal Mine Workers Compensation
Pension & Welfare Benefits Programs
Dep Admr for Pension & Welfare Benefits Prog
Asst Admr Enforcement

Asst Admr Pwbp
Asst Admr for Fiduciary Standards
Asst Admr Reporting & Plan Standards
Labor-Management Standards Enforcement
Dep Dir of C Labor Mgt Standards Enforcement
Dir of C Labor Mgt Standards Enforcement
Bureau of Labor Statistics
Asst Commr for Field Operations
Dir/Prog Eval & Coord
Deputy Commissioner
Data Analysis
Asst Commr Occupational Safety & Health Stat
Asst Commr Economic Growth
Asst Commr Prices & Living Conditions
Asst Commr Productivity & Technology
Asst Commissioner for Current Employment Anal
Data Analysis
Asst Commr for Wages & Industrial Relations
Asst Commr for Research Methods & Standards
Asst Commr for Employment Structure & Trends
Dep Assoc Commr for Prices & Liv Conditions
Asst Commr for Consumer Prices & Price Indexes
Asst Commr for Indust Prices & Price Indexes
Statistical Operations & Processing
Asst Commissioner for Survey Design
Assoc Commr for Statistical Operations
Asst Commissioner for Systems & Standards
Administrative Management
Dep Commissioner for Administrative Managemen
Regional Commissioners
Regional Commr New York
Reg Commr-Bls (Chicago)
Employment and Training Admin
Dir Ofc of Investigation and Compliance
Chf Div of Indian & Native American Programs
United States Employment Service Ofc of
Policy, Evaluation and Research
Director, Office of Technical Support
Director Ofc of Program Evaluation
Ofc of Adm & Managaement
Dir Ofc of Mgmt Info Systs Comptroller
Dep Admr Administration and Mgmt
Admr Administration and Mgt
Administrative Programs
Dir Adm Progs Occup Safety & Health Administ
Health Standards Programs
Dir Health Standards Programs
Safety Standards Programs
Dir Safety Standards Programs
Federal Compliance & State Programs
Dir Federal Compliance & State Programs
Technical Support
Dir Tech Support
Mine Safety and Health Administration
Chf of Standards, Regulations & Variances
Director of Administration and Management
Mine Safety and Health Administration
Director of Assessments
Director of Technical Support

MSPB

Office of General Counsel
Dir Ofc of Appeals Review
Ofc of Managing Director
Managing Dir
Ofc of Appeals Operations
Dir Ofc of Appeals Ops
Asst Dir for Operations, Ofc Appeals Ops

NASA

Ofc of the Chief Engineer
Dir Safety & Environmental Health Div
Director, Program Assurance Division
Ofc of Procurement
Director of Procurement
Deputy Director of Procurement
Assoc Dir of Procurement (Policy & Management)
Ofc of the Inspector General
Assistant Inspector General for Auditing
Assistant Inspector General for Investigation
Deputy Assistant Inspector Gen for Auditing
Ofc of the Assoc Adm/Comptroller
Dep Dir Resources Analysis Div
Deputy Director for Programming
Director of Facilities
Deputy Director for Major Facilities Projects
Dir Budget Operations Div
Dir Supply & Equipment Management
Dir Financial Mgmt Div
Dep Dir Financial Management Div
Ofc of the Assoc Admr for Mgmt Opers
Dep Dir Inof Sys Div
Chf Scientific and Tech Info Br
Dep Dir Personnel Progs Div
Ofc of the Assoc Admr for Mgmt Opers
Chf Mgmt Processes and Directives Br
Dir Personnel Programs Div
Asst Dir Inst Opers Div
Chrman Nasa Inventions and Const Bd
Environmental Observations Div
Dep Director, Environmental Observations Div
Chief Atmospheric Processes Branch
Manager Operational Meteorological Satellite
Chief, Oceanic Process Branch
Mgr Advanced Instrumentation & Sensor Engineer
Resource Observation Div
Deputy Director Special Programs
Chief Non-renewable Resources Branch
Chief Renewable Resources Branch
Chief Scientist, Earth & Ocean Dynamics
Chief Geodynamics Branch
Applications System Div
Chief Information Systems Branch
Chief Flight Systems Branch
Technology Transfer Div
Chief Terrestrial Applications Branch
Chief Applications Development Branch
Space Transp Syst Opers Div
Dep Dir Space Transportation Sys Operations
Chief Pricing Launch Agreements & Customer
Chief Mission Analysis & Integration Branch
Chief, Systems Engineering Branch
Chf Integrated Operations Branch
Dir Expendable Launch Vehicles Prog Div
Chf Small and Medium Launch Veh Progs
Chf Upper Stages Branch
Dep Dir Expendable Launch Veh Prog Div
Space Lab Prog Div
Deputy Director, Spacelab Program Division
Space Lab Prog Div
Chief Engineering Branch
Chf Integration and Test Branch
Space Shuttle Proj Div
Chief Space Shuttle Engineering
Chf Space Shuttle Systems Operations
Deputy Director, Space Shuttle Program
Reliability Quality and Safety Div
Director Reliability/Quality & Safety Office
Resource Mgmt/Admin Div
Dir Res Mgmt/Administration
Chf Space Shuttle Program Budget
Chf Budget Ofc
Chf Sts Operations Program Budget Control
Advanced Projs Div
Dep Dir Adv Progs
Chf Adv Concepts Br
Chf Adv Dev
Ofc of the Assoc Admr for Aeronautics and Space Tech
Deputy Chief Engineer for Facilities
Space Systems Div
Spacecraft Sys Ofc Manager of the Transportation and Power Systems Manager
Information Systems Ofc Manager
Dep Dir Space Sys Div
Aeronautical Systems Div
Deputy Director Aeronautical Systems Div
General Aviation Ofc Manager of the Low-Speed Aircraft Manager of the High-Speed Aircraft, Manager of the Transport Aircraft Ofc Manager of the Mgr Advanced Propulsion Systems Office
Research & Technology Div
Magr of the Aerodynamics and Fluid Materials and Structures Manager of the Aeronautical Propulsion Manager
Research & Technology Div
Space Power and Propulsion Office
Elec and Human Factors Office
Dep Dir Res and Tech
Energy Systems Division
Dep Dir, Energy Systems Div
Space Utilization Sys Offc
Solar Terrestrial Sys Office
Conservation and Fossil Energy Systems
Ofc of Assoc Admr for Space Science
Dep Dir, Prog Analysis Div & Chief Resources
Astrophysics Division
Dep Dir Astrophysics Div
Discipline Scientist, High Energy Astrophysic
Discipline Scientists, Astronomy/Relativity
Mgr Explorers/Suborbital Progs & A/Phy Paylds
Manager High Energy Astrophysics Payloads
Manager Astronomy Payloads
Mgr Adv Progs and Tech
Life Sciences Div
Dep Dir Life Sciences Division
Chief Biological Sciences
Chief, Life Sciences Payloads & Applications
Planetary Division
Deputy Director, Planetary Division
Manager, Advanced Programs
Discipline Scientist Planetary Astronomy
Manager, Mission Operation and Flight Support
Solar Terrestrial Div
Manager Advanced Programs & Technology
Dep Dir Solar Terrestrial Division
Discipline Scientist, Space Plasma Physics
Manager, Spacelab Payloads
Manager, Solar Terrestrial Satellites
Solar Terrestrial Div
Discipline Scientist, Solar Physics
Manager, International Solar Polar Mission
Ofc of Assoc Admr for Space Tracking and Data Sys

Assoc Dir Tdrss Program Office
Network Sp Dev-Programs Div
Director, Deep Space Network Systems
Chief, Data Processing & Control Systems Dev
Network Opers and Comms Prog Div
Chief Communications & Frequency Mgmt Branch
Chief, Network Operations Branch
Manager, Deep Space Network Operations
Manager, Space Tracking & Data Network Ops
Ames Research Center
Assoc Dir NASA Ames Res Ctr
Aeronautics and Flight Systems Directorate
Chief Aerodynamics Division
Chief, V/Stol Aircraft Technology Division
Chief, Simulation Sciences Division
Chief Helicopter Technology Division
Chief Flight Systems Research Division
Chief Aircraft Operations Division
Dep Dir of Aeronautics and Flight Systems
Astronautics Directorate
Deputy Director of Astronautics
Chief Airborne Mission & Applications Div
Project Manager Pioneer
Chief Space Science Division
Chief Thermo- and Gas-Dynamics Division
Chief Computational Fluid Dynamics Branch
Chief Space Projects Division
Life Sciences Directorate
Deputy Director of Life Sciences
Chief Biomedical Research Division
Chief Extraterrestrial Research Division
Life Sciences Directorate
Chief Biosystems Division
Chief Man-Vehicle Systems Research Division
Research Support Directorate
Chief Research Facilities & Instrumentation
Dryden Flight Research Center
Associate Director
Deputy Dir of Project/Test Liaison Office
Chief Research Pilots Division
Deputy Dir Flight Operations & Support
Director of Project/Test Liaison Office
Goddard Space Flight Center
Special Assistant to the Director
Chief Advanced Plans Office (Staff)
Director of Flight Assurance
Comptroller
Administration and Management Directorate
Dep Dir of Administration & Mgmt
Procurement Officer
Project Management Directorate
Proj Mgr Natl Oceanic Satell Sys Proj
Proj Mgr Shuttle Payloads Interg & Rocket Ex
Proj Mgr Tires Proj
Project Mgr Tracking & Data Relay Satellite Sy
Delta Project Manager
Assoc Dir of Project Management II
Assoc Dir of Project Mgmt
Assoc Dir of Project Mgt III
Project Manager, Landsat-D
Mgr Preliminary Systems Design Group
Dep Dir of Project Mgmt
Applications Directorate
Asst Dir of Applications for Operations
Asst Dir of Aps for Earth & Ocean Phys Aps Prog
Applications Directorate
Asst Dir of Applications for System Studies
Chief Lab for Atmospheric Sciences
Chief Information Extraction Div
Chief Earth Observations System Div
Sciences Directorate
Chief Lab or Extraterrestrial Physics
Chief Lab for Astronomy and Solar Physics
Chief Lab for High Energy Astrophysics
Head, Electrodynamics Branch
Chief Lab for Planetary Atmospheres
Assoc Dir of Sciences
Engineering Directorate
Dep Dir of Engineering
Chief, Instrument Division
Chief Systems Division
Networks Directorate
Deputy Director of Networks
Assoc Dir of Networks (For Engineering)
Assoc Dir of Networks (For Operations)
Mission and Data Operations Directorate
Dep Dir of Mission & Data Operations
Asst Dir of Mission & Data Ops (RSCH & Tech)
Johnson Space Center
TECH Asst to the Dir
Spec Asst for Mgmt
Chief, Tech Planning Office
Manager Programs Operations Ofc
Manager NASA White Sands Test Facility
Space Shuttle Program Ofc
Asst Mgr Space Shuttle Prog Offc Huston, TE
Manager for Orbital Flight Test
Mgr for Flight Safety Space Shuttle Prog Ofc
Manager for Operational Integration
Space Shuttle Program Ofc
Manager Systems Integration
Space Shuttle Orbiter Program Ofc
Dep Mgr Space Shuttle Orbiter Project Ofc
Manager Manufacturing & Test Off
Manager Orbiter Avionics Systems Office
Shuttle Payload Integration and Dev Proj Ofc
Deputy Manager Shuttle Payload Integ & Dev
Center Operations Directorate
Dep Dir of Center Operations
Administration and Program Support Directorate
Dep Dir of Administration & Program Support
Asst Dir of Administration & Program Support
Space and Life Sciences Directorate
Deputy Dir for Earth Resources
Asst Dir for Medical Operations
Asst Dir of Space and Life Sciences
Engineering and Development Directorate
Assoc Dir of Eng & Dev (For Program Support)
Assoc Dir of Eng & Dev (For Program Dev)
Asst Dir of Eng & Dev (For Avionic Systems)
Chief Tracking & Communications Dev Div
Chief Avionics Systems Div
Manager Engineering Office Orbiter Project
Chief Propulsion & Power Division
Chief Structures & Mechanics Division
Chf Engineering Analysis Div
Chf Spacecraft Design Div Engineering
Chf Shuttle Avionics Integ Div Engineer
Chf Crew Systems Div Engineering & Dev
Chf Experiment Systems Div Engineering
Flight Operations Directorate
Chf Space Environ Test Div Engineering & Chf Flight Control Div Flight Operations
Chief Aircraft Operations Division
Chief Crew Training and Procedures Div
Chief Astronaut Office
Deputy Dir of Flight Operations
Data Systems and Analysis Directorate
Dep Dir of Data Systems & Analysis
Chf Flight Simulation Div
Chief Mission Planning & Analysis Division
Chf Ground Data Systems Div Data Systems
Chf Spacecraft Software Div Data Systems
Chf Institutional Data Systems Div
Safety Reliability and Quality Assurance Direct
Dir Safety Reliability & Quality Assurance
Deputy Dir Safety Reliability & Quality
Kennedy Space Center
Chf Biomedical Office
Dir Safety Reliability & Quality Assurance
Shuttle Projects Ofc
Deputy Manager Shuttle Projects Office
Manager KSC Off-Site Operations Shuttle Proj
Cargo Projects Office
Deputy Manager Cargo Projects Office
Shuttle Opers Directorate
Deputy Director of Shuttle Operations
Director Spacelab Operations
Director Shuttle Engineering
Director Shuttle Processing
Director Deployable Payloads
Cargo Payloads Directorate
Deputy Director Cargo Operations
Design Engineering Directorate
Deputy Director of Design Engineering
Director Project Management
Dir Mechanical & Facilities Engineering
Director Electronic Engineering
Technical Support Directorate
Deputy Director of Technical Support
Director Operations Managements
Director of Information Systems
Director Ground Systems
Adm and Mgmt Opers Directorate
Dir Admin Operations and Support Services
Dir Procurement Supply and Transportation
Projects Directorate
Mgr Aircraft Energy Efficiency Project Ofc
Electronics Directorate
Chf Terminal Configured Vehicles Pro Ofce
Chf Analysis & Computer Division
Chief Flight Dynamics & Control Div
Chf Flight Electronics Division
Chf Instrument Research Division
Structures Directorate
Chf Acoustics & Noise Reduction Div
Asst Chief Acoustics & Noise Reduction Div
Chief Structures & Dynamics Div
Chf Materials Division
Assistant Chief Materials Division
Aeronautics Directorate
Chief Aeronautical Systems Div
Chief Subsonic-Transonic Aerodynamics Div
Head Transonic Aerodynamics Branch
Chief High-Speed Aerodynamics Div
Assoc Chief High-Speed Aerodynamics Div
Chief Flight Mechanics Div
Space Directorate
Chief Space Systems Division
Chief Marine & Applications Technology Div
Chief Atmospheric Environmental Sciences Div
Lewis Research Center
Dir Reliability & Quality Assurance
Chief Scientist
Aeronautics Directorate
Chief Airbreathing Engines Div
Chief Wind Tunnel & Flight Division
Chief V/Stol & Noise Division
Chief Fluid System Components Division
Energy Programs Directorate
Dep Dir of Energy Programs (Technology)
Dep Dir of Energy Programs (Project Mgmt)
Chief Transportation Propulsion Division
Chief Solar & Electrochemistry Div
Chief Materials & Structures Div

Chf Fractures Branch
Chief Power Generation & Storage Div
Space Systems and Technology Directorate
Chief Space Propulsion & Power Division
Chief Applications Division
Administration Directorate
Asst Dir of Admin (Resources & Financial Mgt)
Dir Computer Services Div
Marshall Space Flight Center
Center Comptroller NASA Msfc
Manager Space Science Projects Office (Proj)
Dep Dir Administration & Program Support
Shuttle Projects Office
Deputy Manager Shuttle Projects Office
Manager External Tank Project Office
Manager Solid Rocket Booster Project Office
Project Manager Main Engine Project
Manager Major Test Management Office
Special Projects Ofc
Manager Solar Energy Applicatioins Project
Space Telescope Project Office
Deputy Manager Space Telescope Project
Spacelab Program Office
Deputy Manager Spacelab Program Office
Spacelab Payload Project Ofc
Deputy Manager Spacelab Payload Project
Manager Office of Space Science Missions
Manager Office of Applications Missions
Program Development Directorate
Director Program Planninc Office
Director Preliminary Design Office
Deputy Director Program Development
Science and Engineering Directorate
Dep Dir Science & Engineering
Dir Reliability & Quality Assurance Ofc
Assoc Dir For Engineering
Deputy Associate Director for Engineering
Chf Engineer Solid Rocket Booster Integration
Chf Engineer Space Shuttle Main Engineer
Chief Engineer Spacelab
Chf Engineer Space Telescope
Chf Engineer High Energy Astronomy Obsv
Assoc Dir for Engineering
Electronics and Control Lab
Dep Dir Electronics & Control Laboratory
Chf Guidance Cont and Instrumentation Div
Director Electronics & Control Laboratory
Systems Dynamics Lab
Director Systems Dynamics Laboratory
Chf Aerophysics Div
Data Systems Laboratory
Chf Mission Computers Division
Dir Data Systems Laboratory
Materials and Processes Laboratory
Dir Materials & Processes Laboratory
Systems Analysis and Integration Lab
Dep Dir Sys Analysis and Integration Lab
Chf Mission Analysis Division
Director Syst Anal & Integration Laboratory
Structures and Propulsion Lab
Dep Dir Structures and Propulsion Lab
Chf Structures Division
Chf Engineering Analysis Division
Director Structures & Propulsion Laboratory
Space Sciences Lab
Chf Atmospheric Sciences
Director Space Sciences Lab
Test Laboratory
Dir—Test Laboratory
Nat'l Space Technology Laboratories
Deputy Manager
Deputy Manager—Programs

NCPC

National Capital Planning Commission
Dir Federal Planning Div
Executive Director
Dir—Federal Review Div
Asst Executive Dir (Admin)
General Counsel/Secretary

NCUA

National Credit Union Adm
Director Asset Mgmt Fiscal Af & Info Systems
Director Off of Internal Audit & Invest
Director Admin & Regional Coord

NEFA

National Endowment for the Arts
Director of Adm

NEH

National Endowment for the Humanities
Deputy Chairman for Management

NLRB

Ofc of the Board Members
Executive Secy
Deputy Executive Secretary
Div of Enforcement Litigation
Deputy Assoc Gen Counsel Appellate Court Br
Director Office of Appeals
Div of Advice
Associate Gen Counsel Div of Advice
Div of Advice
Deputy Assoc Gen Counsel
Div of Administration
Director of Administration
Div of Operations Management
Assoc General Counsel Div of Operation-Mgmt
Dept Asso Gen Counsel Div of Operations-Mgmt
Assistant General Counsel
Assistant General Counsel
Assistant General Counsel
Assistant General Counsel
Assistant General Counsel
Assistant General Counsel
Regional Offices
Regl Dir Reg 1 Boston
Regional Director Reg 2 New York
Regional Director Reg 3 Buffalo
Regl Dir Reg 4 Philadelphia
Regional Director Reg 5 Baltimore
Regional Director Reg 6 Pittsburgh
Regl Dir Region 7 Detroit Mich
Regional Director Reg 8 Cleveland
Regional Director Reg 9 Cincinnati
Regl Dir Reg 10 Atlanta
Regl Dir Reg 11 Winston Salem
Regional Director Reg 12 Tampa
Regional Director Reg 13 Chicago
Regl Dir Reg 14 St Louis
Regl Dir Reg 15 New Orleans
Regl Dir Reg 16 Ft Worth
Regl Dir Reg 17 Kansas City
Regl Dir Reg 18 Minneapolis
Regl Dir Reg 19 Seattle
Regional Dir Reg 20 San Francisco
Regional Director Reg 21 Los Angeles
Regional Director Reg 22 Newark
Regional Director Reg 23 Houston Texas
Regional Director Reg 24 Hato Rey Puerto Rico
Regl Dir Reg 25 Indianapolis
Regl Dir Reg 26 Memphis
Regl Dir Reg 27 Denver
Regl Dir Reg 28 Phoenix
Regl Dir Reg 29 Brooklyn
Regl Dir Reg 30 Milwaukee
Regl Dir Reg 32 Oakland
Regional Director Reg 33 Peoria Ill
Regl Dir Reg 31 Los Angeles

NSF

Office of the General Counsel
Associate Gen Counsel
Office of Audit and Oversight
Director
Deputy Director
Head Evaluation Staff
Ofc of Planning and Resources Management
Dir Budget and Program Analysis
Dir Strategic Planning & Policy Analysis
Office of Government and Public Programs
Assoc Dir for Public Programs
Head Congressional Liaison Branch
Div of Astronomical Sciences
Section Head Ast Center Section
Section Head Ast Research Section
Div of Atmospheric Sciences
Section Head Atm Research Section
Section Head Climate Dynamics
Div of Earth Sciences
Field Project Officer
Div of Ocean Sciences
Ofc Head Ocean Fac & Support
Section Head Oceanography Section
Div of Polar Programs
Deputy Division Director
Manager Polar Ops Section
Div of Problem Focused Research
Deputy Div Dir
Dep Dir for Social Sciences
Integrated Basic Research Group Leader
Div of Applied Research
Sect Hd Applied Social and Behavior Science
Sect Hd Math & Bio Sci and Eng
Div of Intergovernmental Sci and Pub Tech
Dir Intergovt Programs
Dir Industrial Programs
Dir Communications Programs
Direct for Biological Behavioral and Soc Sciences
Executive Assistant
Executive Asst
Div of Environmental Biology
Deputy Division Director
Div of Physiology Cellular and Molecular Biology
Senior Scientist
Div of Social Sciences
Sect Hd Econ Geo and Poly Sci
Sect Hd Social Meas and Anal
Direct for Mathematical and Physical Sciences
Special Assistant
Senior Staff Associate
Senior Staff Associate
Div of Physics
Deputy Division Dir
Sect Hd Nuclear Science
Div of Mathematical and Computer Sciences
Section Hd Computer Sciences
Sect Hd Math Sciences
Senior Staff Associate
Div of Materials Researc
Section Head Material Research Lab
Sect Hd Mettalurgy & Metals
Sect Hd Cond Matter Science
Div of Chemistry
Sect Hd Chem Syn and Analy
Sect Hd Phy Chem and Dynam
Div of Scientific Personnel Improvement
Deputy Division Director
Div of Sci Education Resources Improvement
Deputy Division Director
Div of Science Education Dev and Research
Deputy Division Director
Div of Policy Research and Analysis

Deputy Division Director
Group Leader Socio Econ
Group Leader Tech Assessment
Group Leader Envir Energy & Resources
Group Leader Inno Pro & Management
Div of Science Resources Studies
Dep Division Director
Section Head Sci & Tech Pers
Div of International Programs
Deputy Division Director
Sect Hd Africa and Asia
Sect Hd Latin Amer & Pacific
Sect Hd Europe
Sect Hd Oper Studies & Analysis
Sect Hd Middle East
Div of Grants and Contracts
Division Director
Div of Financial and Admin Mgmt
Division Director
Div of Information Systems
Division Director
Div of Personnel and Management
Division Director

NTSB

Off of Chairman
Supv Trans Safety Inv
Adm Officer
Office of the Managing Director
Deputy Managing Director
Bureau of Accident Investigation
Dir Bureau of Accident Investigation
Dep Dir Bureau of Accident Investigation
Field Inv Chief
Bureau of Technology
Dir Bureau of Technology
Dep Dir Bureau of Technology
Supv Transportation Safety Specialist

NRC

Atomic Safety and Licensing Brd Panel
Exec Sec Aslbp
Chairman Aslbp
Atomic Safety and Licensing Appeal Panel
Vice Chairman Aslap
Chairman Aslap
Office of Inspector and Auditor
Dir OIA
Asst Dir for Investigations
Asst Dir for Audits
Office of Public Affairs
Dep Dir Opa
Contracts
Director Division of Contracts
Hearing Division
Assistant Chief Hearing Counsel
Assistant Chief Hearing Counsel
Assistant Chief Hearing Counsel
Assistant Chief Hearing Counsel
Division of Accounting
Director Division of Accounting
Technical Support
Chf Applied Statistics Br
General Engineering Studs
Chf Structures and Components Stds Br
Chf Eng Methodology Stds Br
Chf Reactor Sys Stds Br
Material Safety Stds
Chf Transpo and Product Stds Br
Chf Fuel Process Sys Stds Br
Siting Stds
Chf Site Safety Stds Br
Chf Site Designations Stds Br
Chf Env Protection Stds Br
Safeguard Stds
Chf Occupational Hlth Studs Br
Chf Safeguards Stds Br
Chf Radiological Hlth Studs Br
Program Support Staff
Chf Research Analysis Branch
Antitrust and Indemnity Group
Chf Antitrust and Indemnity Group
Light Water Reactors
Chf LWR Branch #4
Chf LWR Branch #3
Chief LWR Branch #2
Chf LWR Branch #1
Quality Assurance and Opns
Chf Operator Licensing Branch
Chf Quality Assurance Branch
Standardization and Advance Reactors
Chief Standardization Branch
Chief Advanced Reactors Branch
Engineering Projects
Chief Environmental Evaluation Branch
Chief Engineering Branch
Chief Operating Reactors Branch #4
Chief Operating Reactors Branch #3
Systems and Projects
Chief Reactor Safety Branch
Chief Systematic Evalu Program Branch
Systems and Projects
Chief Plant Systems Branch
Chief Operating Reactors Br #2
Chief Operating Reactors Branch #1
Reactor Safeguards
Chief Reactor Safeguards Licensing Bu
Engineering
Chief Mechanical Engineering Branch
Chief Materials Engineering Branch
Chief Structural Engineering Br
Reactor Safety
Chief Containment Systems Branch
Chief Core Performance Branch
Chief Reactor Systems Branch
Chief Analysis Branch
Plant Systems
Chief Auxiliary Systems Branch
Chief Power Systems Branch
Chief Instrumentation & Control Systems
Environmental Tech
Chf Environmental Specialists Branch
Chf Cost Benefit Analysis Branch
Environmental Projects
Chf Env Proj Branch #2
Chf Environmental Projects Br #1
Site Analysis
Chf Effluent Treatment Sys Br
Chf Accident Analy Br
Chf Radiological Assessmentr
Site Technology
Chf Hydrology-Meteorology Br
Chf Geosciences Br
Safeguards
Chief Physical Security Development Br
Chief Regulatory Improvements Branch
Chief Physical Security Licensing Br
Chief Mtl Control & Accountability Lic Br
Safeguards
Chief Technical Planning & Info Branch
Chief Technology Assessment Branch
Fuel Cycle Safety and Licensing
Chief Fuel Processing & Fabrication Br
Chief Fuel Reprocessing & Recycle Br
Materiel Safety and Licensing
Chief Transportation Branch
Chief Procedures and Certification Br
Operations and Technology
Chf Tech Assessment Br
Waste Management
Chf Hi-Level Waste Tech Dev Br
Chf Hi-Level Waste Licens Mgmt Br
Chf Licensing Proc and Integration Br
Chf Uranium Recovery License Br
Probablistic Analysis Staff
Dir Prob Anal Staff
Water Reactor Safety Research
Chf Analytical Adv Reac Sfty Res Br
Chf Analysis Dev Br
Chief Fuel Behavior Res Branch
Chf Metallurgy and Materials Res Br
Chief Expermntl Fast Reactor Safty Res Br
General Reactor Safety Research
Chf Site Safety Res Br
Safeguards Research
Chf Tech Support Br
Office of Inspection and Enforcement
Exec Officer for Mgmt and Analysis
Executive Officer for Operations
Region I
Dep Dir Reg I
Region II
Dir Reg II
Dep Dir Reg II
Region III
Dep Dir Reg III
Reactor Construction and Inspection
Asst Dir Div of Reac Cons Insp
Dir Div of Reac Cons Insp
Reactor Opn Inspection
Asst Dir for Field Coordination
Asst Dir for Tech Prog
Dir Div of Reac Operation Inspection
Fuel Facilities and Mtls Safety Inspection
Asst Dir Div of Fuel Fac & Mtl Sfty Insp
Dir Div of Fuel Facil and Mtls Sfty Insp
Safguards Inspection
Dir Div of Safeguards Inspection
A/D Div of Safeguards Inspection

OMB

Office of the Director
Asst. to the Director for Administration
Assistant Director Legislative Reference
Chief, Economics, Science & Govt. Branch
Chf, Resources, Defense, Internal Br
Dep Asst Dir, Legislative Reference Division
Asst Dir Legislative Reference
Office of Budget
Chf, Budget Preparation Branch
Dep Chief Fiscal Analysis Branch
Chief, Financial Management Branch
Chief Fiscal Analysis Branch
Chief, Resources Systems Branch
Chief Fed Prog Info Branch
Dep Assistant Director for Budget Review
Asst Dir for Budget Review
Ofc of the Assoc Dir for Nat'l Secur & Int'l Affs
Dep Assoc Dir for Management
Natl Security Div
Chief, Navy Branch
Chief, Air Force Branch
Chief, Army Branch
Chief, Manpower, Pay & Policy Branch
Dep Chief
Dep Div Chf for Programming
Dep Assoc Dir for National Security
Internal Affs Div
Chief, State—ICA Branch
Chf., Intelligence Community Branch
Chief, Economic Affairs Branch
Chief, Mil Asst. Branch
Dep Chief, International Affairs Division
Dep Assoc Dir for Internatl Affairs
Ofc of the Assoc Dir for Nat'l Res, Engy & Sci
Dep Assoc Dir for Spec Studies
Chief, Energy Conservation & Regulation Branc
Chief Interior Branch
Energy & Science Division
Chief Energy Technology Branch
Chief, Science & Space Programs
Dep Div Chief—(Science and Space Progs)
Dep. Assoc. Dir for Energy & Science
Natural Resources Division
Chief, Water Resources Branch
Chief, Agriculture Branch
Chief, Environment Branch
Deputy Div. Chief

Dep. Associate Dir. for Natural Resources
Ofc of the Assoc Dir for Human Res, Vet & Labor
Dep Assoc Dir for Management
Human Resources Programs Division
Dep. Assoc. Dir. for Health & Income Maintena
Chief Health Branch
Chief, Education Branch
Chf, Income Maintenance Branch
Veterans Labor and Education
Dep Div Chf—Labor
Chf Veteran Affairs Branch
Veterans Labor and Education
Chf Housing & Urban Dev Branch
Deputy Associate Director for Labor, Vet & Ed
Ofc of Assoc Dir for Economics & Government
Dep Div Chief (Transportation)
Chief Commerce Branch
Chf General Management Branch
DAD for Justice Treas & Gen Mgmt
Dept Assoc Dir for Special Studies
Dep Assoc Dir for Transportation—Comm & Housing
Management Improvement & Evaluation Div
Sr Mgmt Assoc Mgmt Improvement & Eval
Sr Mgmt Assoc
Dep Asst Dir for Evaluation
Asst Dir Mgmt Improvement & Eval
Federal Personnel Policy Division
Asst to the Asst Dir for Fed Pers Policy
Asst Dir Fed Pers Policy
Regulatory Pol & Reports Management Div
Chf—Reports Mgmt Branch
Chief—Reports Coordination and Analysis Branch
Chf—Regulatory Policy Branch
Dep Assoc Dir for Regulatory Pol & Reports Mgmt
Information Systems Division
Dep Assoc Director for Info Systems Policy
Senior Mgmt Policy Analyst
Intergovernmental Relations & Tech Assistance Div
Chief Field Operations Branch
Director, Human Services Reorg Study
Chief Grants Management Branch
Chf Fed Regl Council & Fed Exec Board Secret
Dep Assoc Dir for Intergovernmental Affairs
Ofc of Federal Procurement Policy
Asst Admr for Logistics
Asst Admr for Regulations
Asst Admr for Commercial Products

OPM

Office of Internal Evaluation
Dir—Office of Internal Evaluation
Asst Director Intergovernmental Personnel Progs
Dep Asst Dir for Grants Administration
Asst Dir/Agency Compliance & Evaluation
Dep Asst Dir for Agency Compliance & Evaluation
DAD—Standards and Selection Methods
Chief Occupational Standards Branch
Dir Personnel Research Development Center
DAD—Personnel Investigations
DAD Personnel Investigations
DAD Personnel Investigations
Dep Assoc Dir/Compensation Operations
Chief Actuary
Chief Medical Operations Br
Chief Retirement Operations Br
Chf Insurance Operations Branch

RRB

Railroad Retirement Board
Dir of Research
Dir Unemployment & Sickness Ins
Dir of Retirement Claims
Chief Exec Off
Chf Actuary
Dep Executive Officer
Dir Budget & Fiscal Opers
Dir Bureau Processing and Accounts
Gen Counsel

SEC

Ofc of the Executive Dir
Dep Exec Director
Div of Corporation Finance
Assoc Dir (Operations)
Office of the Chief Accountant
Dep Chf Accountant

SSS

Selective Service System
Manager Administrative and Logistics Division

SBA

Office of the Administrator
Spec Asst & Dir Ofc of Equal Op & Compliance
Ofc of the Inspector General
Asst Insp Gen Audits
Asst Inspector General for Investigation
Ofc of Assoc Dep Admr for Programs
Dir Ofc of Field Management
Ofc of Assoc Admr for Msb & Cod
Dir Ofc of Business Development
Ofc of Assoc Dep Admr for Support Services
Dir Ofc of Data Mgmt
Asst Admin for Pers Mgmt
District Directors
District Dir Phila
District Director Region IX San Francisco
District Dir Reg IX Los Angeles
District Dir Boston
District Dir Puerto Rico
District Director Region V Chicago
District Director New York

STATE

Policy Planning Staff
Member Planning & Coordination Staff
Office of Under Sec for Economic Affairs
Dir Office of East-West Trade
Spec Asst Sec State Economic Affs
Bureau of European Affairs
Spec Asst (Labor and UN Affs)
Bureau of Intelligence and Research
Deputy Director for Research
Deputy Director for Coordination
Dir Ofc of Resources Policy
Dir Ofc of Res & Analysis Near East & S Asia
Dir Ofc of Research & Analysis Soviet Affrs
International Boundary & Water Commission
Supervisory Civil Engineer
Bureau of Personnel
Dir Ofc of Civil Svc Career Dev & Assign

DOT

Asst Sec for Administration
Asst Secy for Administration
Ofc of Installations and Logistics
Dir Ofc of Installations & Logistics
Dep Dir Ofc of Installations & Logistics
Office of Audits
Asst Inspector General for Audit
Dept Asst Inspector General for Audit
Assoc Admr for Safety
Assoc Admr for Safety
Dep Dir Bureau of R R Safety
Ofc of Pipeline Safety Regulations
Assoc Dir for Pipeline Safety Regulation
Ofc of Operations and Enforcement
Assoc Dir for Operations & Enforcement MTB
Office of Aviation Medicine
Chief Aeromedical Stds Div
Deputy Federal Air Surgeon
Fed Air Surgeon
Office of Accounting & Audits
Dir Office of Accounting and Audit
Logistics Service
Director Logistics Service FAA
Dep Dir Logistics Service
Chf Contracts Div
Air Traffic Service
Dir Air Traffic Svc—Managerial
Deputy Director Air Traffic Service
Chief ATC Operations & Procedures Div
Chief Flight Information Division
Chf ATC Automation Division
Chief ATC System Programs Div
Chief Airspace & Air Traffic Rules Division
Ofc of Assoc-Admr for Aviation Standards
Assoc Admr for Aviation Standards
Ofc of Aviation Safety
Asst Admr Ofc of Aviation Safety
Civil Aviation Security Service
Director Civil Aviation Security Service
Flight Standards Service
Dir Flight Standards Service
Deputy Director Flight Stds Service
Chf Aircraft Programs Division
Chf Engineering & Manufacturing Div
Chf Flt Inspection National Field Office
Chief General Aviation Division
Aeronautical Center Oklahoma City
Chief Civil Aeromed Institute
Great Lakes Region—FAA
Chf Air Traffic Div—Great Lakes Region
Chf—Flight Standards Division
Central Region—Kansas City
Chief Flight Stds Div Kansas City
Eastern Region—New York
Chf Air Traffic Div Eastern
Chf Flight Standards Div (Eastern)
Southern Region—Atlanta
Chf Flight Standards Div Atlanta
Chf Air Traffic Div Atlanta
Southwest Region—Ft Worth
Chf Air Traffic Div Ft Worth
Western Region—Los Angeles
Chf Air Craft Engr Div Western Region
Chief Flight Standards Division Los Angeles
Chief Air Traffic Div Los Angeles
Ofc of the Federal Highway Admr
Asst Admr (FHA)
Assoc Admr for Safety
Assoc Admr for Safety
Bu of Motor Carr Safety
Director
Dep Dir
Ofc of Highway Safety
Dir Off of Highway Safety
Assoc Admr for Right of Way Environment
Assoc Admr for Right-of-Way & Environment
Off of Environmental Policy
Dir Off of Environmental Policy
Off of Right of Way
Director Office of Right-of-Way
Chf Real Property Aquisition Div
Chf Relocation Assistance Div
Off of Engrg
Chf Environmental Programs Div
Natl Center for Statistics and Analysis
Chf, Accident Investigation Div

Ofc of Vehicle Safety Comp
Chief Validation Division
Ofc of Vehicle Safety Standards
Chf Crash Avoidance Division
Chf Crashworthiness Division
Ofc of Automotive Fuel Economy Standards
Chf Passenger Automobile Standards Branch
US Coast Guard
Science Advisor

TREAS

Office of the Secretary
National Security Adviser
Comptroller of the Currency
Senior Dep Comptroller for Operations
Sr Dep Comptroller for Policy
Sr Dep Comptroller for Bank Supervision
Dep Compt for Specialized Exams
Chf National Bank Examiner
Dep Comptroller for Spec Surveillance
Dep Comp for Multinational Banking
Reg'l Adm'r of National Banks (Region 2)
Dep Compt for Research & Economic Progs
Dep Compt for Adm
Dir Bank Org and Structure
Asst Chf National Bank Examiner
Dep Comp Customer and Comm Progs
Dir for Inspections and Audit
Dep Comp for Interagency Coordination
Reg'l Adm'r of National Banks (Reg 7)
Reg'l Adm'r of Nat'l Banks (Reg 12)
Reg'l Admr of Nat'l Banks (Reg 8)
Regl Admr of Natl Banks (Reg 3)
Regl Admr of Natl Banks (Reg 6)
Regl Admr of Natl Banks (Reg 10)
Regl Admr of Natl Banks (Reg 11)
Regl Admr of Natl Banks (Reg 9)
Regl Admr of National Banks (Reg 13)
Regl Admr of Natl Banks (Reg 5)
Regl Admr of Natl Banks (Reg 14)
Regl Admr of Natl Banks (Reg 1)
Regl Admr of Natl Banks (Reg 4)
Asst Chf Natl Bank Exm (Multinatl Banking)
Dir for Spec Projects
Dir for Strategic Analysis
Dir Enforcement & Compliance
Dir Securities Disclosure Div
Dir Litigation Div
Ofc of Tax Analysis
Asst Dir (Revenue Estimating Staff)
Dep Asst Dir (Revenue Estimating Staff)
Debt Management
Deputy Director Office of Debt Analysis
Ofc of Asst Secy (Economic Policy)
Asst Dir for Economic Forecasting
Dir Ofc of Pol Research
Senior Adv for Bal of Payments Anal & Proj
Dir Ofc of Regulatory & Leg Pol
Sr Economist
Ofc of the Fiscal Asst Sec
Fiscal Assistant Secretary
Deputy Fiscal Asst Secy
Asst Fiscal Asst Secy (Financing)
Asst Fiscal Asst Secretary
Asst Fiscal Asst Secy
Bureau of the Public Debt
Commissioner
Dep Commr of the Public Debt
Asst Commr (Field)
Assistant Commissioner (Washington)
Asst Commr (Financing)
Bureau of Governments Financing Operations
Comm'r of Government Financial Operations
Dep Commissioner of Government Financial Oper
Asst Commissioner, Banking & Cash Management
Asst Commissioner Comptroller
Asst Commr Govtwide Accounting
Asst Commr Disbursement & Claims
Asst Commr Adm
Dir Div of Check Claims
Disbursing Officer
Dir Govt Accounting Sys Staff
Dir Div of Govt Accounts and Reports
Dir Div of ADP
Ofc of Asst Sec International Affairs
Dir Ofc of Foreign Exchange Operations
Dep Dir International Monetary Affairs
Dep Dir Ofc of International Monetary Affs
Spec Asst to the Under Sec (Monetary Affs)
Alternate Dir Asian Dev Bank
Dep Dir Ofc of Internat'l Development Banks
Dep Dir Ofc of Dev Nations Finance
Ofc of Personnel
Dep Dir of Personnel
Asst Dir (Exec Manpower and Emp)
Ofc of Budget & Prog Ana
Dep Dir (Prog Analysis) Chf Prog Analysis Div
Ofc of Audit
Dir-Ofc of Audit
Bur of Alcohol, Tobacco, Firearms
Asst Dir (Regulatory Enforcement)
Asst Dir (Criminal Enforcement)
Asst Dir Inspections
Asst Dir (Tech and Scientific Ser)
Dep Asst Dir (Reg Enforcement)
Dep Asst Dir (Criminal Enforcement)
Midwest Regl Counsel
Central Regl Counsel
Southeast Regl Counsel
US Customs Service
Regl Commr Reg 2 NY
Asst Comm'r for the Ofc of Regulations & Ruling
Assistant Commissioner (Investigations)
Reg Commr Reg 1 Boston
Reg Commr of Customs Reg 7 Los Angeles
Asst Regn Commr Operations Reg 11 New York
Dir Inspector and Control Division
Dir Inspection and Control Div-Reg 11 New York
Asst Commr (Mgmt Integrity)
Director, Technical Services Div
Director Duty Assessment Division
Director Classification and Value Division
Regl Commr Reg 3 Baltimore
Regl Commr Reg 4 Miami
Regl Commr of Customs Reg 8 San Francisco
Regl Commr Reg V, New Orleans
Reg Commr of Customs Reg VI
Regional Commissioner of Customs
Dep Asst Commr (Regs and Rulings)
Asst Commr (Human Res Mgmt and Dev)
Asst Regional Commr (Operations)
Asst Regl Commr (Operations)
Asst Regl Commr (Operations)
Asst Regl Commr
Asst Regl Commr (Operations)
Asst Regional Commr (Operations)
Dir Budget and Planning Div
Asst Chief Counsel (Customs Court Litigat)
Miami Regl Counsel
Chicago Regl Counsel
New York Regl Counsel
San Francisco Regl Counsel
US Secret Service
Director of the Secret Service
Deputy Director US Secret Service
Asst Director Investigations
Asst Dir (Protective Operations)
Asst Dir (Protective Research)
Assistant Director Administration
US Secret Service
Assistant Director (Inspection)
Dep Asst Dir (protective operations)
Spec Agent in Charge Presidential Protective
Special Agent in Charge New York Office
Special Agent in Charge Chicago
Special Agent in Charge Los Angeles Office
Dep Asst Dir Investigations
Dad Protective Opers (uniformed div)
Dep Asst Dir Protective Res
Asst to the Dir Training
Asst to the Dir Pub Affs
Spec Agent in Charge VP Protect Div
Spec Agent in Charge Tech Sec Div
Spec Agent in Charge Intelligence Div
Spec Agent in Charge Washington Field Office
Spec Agent in Charge Philadelphia Field Office
Dep Spec Agent in Charge NY Field Office
Offc of the Commissioner
Deputy Commissioner IRS
Asst to the Deputy Commissioner
Asst to the Commissioner (Public Affairs)
Dir Planning & Review Staff
Asst to the Commissioner (EEO)
Ofc of Asst Commr Compliance
Assistant Commissioner (Compliance)
Dep Asst Commissioner (Compliance)
Dir Examination Div
Director Appeals Division
Dir Criminal Div
Ofc of Asst Commr Compliance
Director International Operations
Asst Dir Examination
Asst Dir Criminal Investigation Div
Asst Dir Appeals Div
Asst Commr Planning & Research
Assistant Commissioner (Planning & Research)
Dir Legislative Analysis Div
Director Statistics Division
Dir Research & Operations Analysis Div
Asst Dir Statistics Div
Asst Dir Research Operations Analysis Div
Asst Commr Technical
Assistant Commissioner
Deputy Assistant Commissioner (Technical)
Director Individual Income Tax Div
Director Corporation Tax Division
Tech Adv to Dir Corp Tax Div
Chf Corporation Tax Branch
Chf Individual Income Tax Branch
Chf Excise Tax Branch
Chf Reorganization Branch
Chief Engineering & Valuation Branch Corp TA
Asst Dir Individual Tax Division
Dir Tax Forms & Publications Div
Asst Dir Corporation Tax Div
Asst Commr Tax Payer Serv & Returns Processing
Asst Commr (Taxpayer Serv & Returns Process)
Deputy Asst Commissioner
Dir Collection Div
Director, Taxpayer Service Division
Asst Commr Tax Payer Serv & Returns Processing
Asst Director Collection Division
Dir Systrems Programming Div
Director National Computer Center
Dir IRS Data Center Detroit
Dir Returns Processg & Accountg Div
Director Tax Administration Adv Serv Div
Asst Dir Returns Processing & Accounting Div
Asst Dir Tax Forms & Publ Div
Ofc of the Asst Commr (Data Services)
Asst Commr (Data Services)
Deputy Asst Commissioner (Data Services)
Dir Systems Analysis Div
Dir Systems Development Ofc
Ofc of Asst Commr Inspection
Assistant Commissioner (Inspection)

Dep Asst Commissioner (Inspection)
Director Internal Audit Div
Director Internal Security Division
Asst Commr (Inspection)
Dir Service and Design Division
Asst Dir Internal Security Division
Regional Inspector Midwest Reg
Regional Inspector North Atlantic
Regional Inspector Western Reg
Regional Inspector Southwest Reg
Regional Inspector Mid-Atlantic Reg
Regional Inspector Central
Regional Inspector Southeast
Asst Dir Internal Audit Div
Ofc of Asst Commr Resources Management
Asst Commr (resources management)
Dep Asst Commr (resources management)
Fiscal Management Officer
Director Security Division
Dir Training Div
Dir Facilities Mgt Div
Director Personnel Division
Asst Dir Personnel Div
Asst Dir Fiscal Management Div
Dir Resources Management Div
Dir Disclosure Operations Div
Dir Program Planning & Review Staff
Central Region
Regional Commr
District Dir (Cleveland)
District Dir (Detroit)
Dir Service Ctr Cincinnati
District Director (Parkersburg)
District Dir (Indianapolis)
District Dir (Louisville)
District Dir Cincinnati
Asst Dist Dir (Cleveland)
Assistant District Director Detroit
ARC (tax payer serivce & returns processing)
ARC (examination) Central Region
Regl Dir of Appeals Central Region
ARC (criminal inv)
Asst Regl Comm (resource management)
Central Region
Assistant Regional Commissioner (collection)
Mid-Atlantic Region
Regl Commissioner
District Dir Newark
District Dir Philadelphia
District Dir Baltimore
Service Center Dir Philadelphia
District Dir Pittsburgh
District Dir Richmond
Asst District Dir Philadelphia
Asst District Dir Newark
Assistant District Director Baltimore MD
Asst Regl Commr (taxpayer svc and returns pr)
Asst Regional Commissioner
Reg Dir of Appeals Mid-Atlantic Region
ARC (criminal investigations)
ARC (resources mgmt)
Asst Regl Commr (collection)
District Director Wilmington
Midwest Region
Regional Commissioner
District Dir Chicago
District Dir St. Louis
Srvc Ctr Dir Kansas City
District Dir Des Moines
District Dir St Paul
District Dir Omaha
District Dir Springfield
District Dir Milwaukee
Midwest Region
Asst District Dir Chicago
Asst District Dir St Louis
ARC (Taxpayer Serv & Return Processing)
Asst Regional Commr-comp (Midwest Region)
Regl Dir of Appeals Midwest Reg
Asst Reg'l Comm'r (Resources Mgmt)
District Director Fargo
District Director Aberdeen
Chief Examination Division Chicago
North Atlantic Region
Reg:L Comm:R
District Dir Manhattan
District Dir Brooklyn
District Dir Boston
Service Center Director Andover Mass
Srvc Ctr Dir Brookhaven
Chief Examination Div Manhattan
District Dir Albany
Dist Dir (Hartford)
District Dir Buffalo
Asst Dist Dir Brooklyn
Asst District Dir Manhattan
Asst Dist Dir Boston
Arc (Taxpayer Serv & Return Processing)
Asst Reg'l Commr (Exam) North Atlantic Reg
Regl Dir of Appeals-N Atlantic Reg
Arc (Criminal Investigating)
Arc (Resources Mgmt)
North Atlantic Region
Asst Regl Commr (Collection)
District Dir Providence
Dist Dir Augusta
District Director Portsmouth
District Director Burlington
Chief Appeals Office Manhattan
Southeast Region
Reg:L Comm:R
District Dir Jacksonville
District Dir Atlanta
Service Center Director Memphis
Srvc Ctr Dir Atlanta
District Dir Greensboro
District Dir Nashville
District Dir Birmingham
District Dir Columbia Sc
District Director Jackson Miss
Asst District Dir Jacksonville Fla
Arc (Taxpayer Serv & Return Processing
Arc (Examination) Southeast Region
Regl Dir of Appeals-Southeast Reg
Asst Reg Comm (Criminal Investigation)
Arc-(Resources Management)
Asst Reg'l Commr (Collection)-Se Reg Atlanta
Assistant District Director Atlanta
Southwest Region
Regional Comm:R
District Dir Austin
District Dir Dallas
Southwest Region
Service Center Dir (Austin)
District Dir Wichita
District Dir Oklahoma City
District Dir New Orleans
District Dir Little Rock
District Dir Denver
Asst Dist Dir Austin
Asst District Dir Dallas
Asst Reg Comm'r (Taxpayer Serv & Returns Proc)
Asst Reg Comm:R Southwest Region
Reg:L Dir of Appeals-Southwest Reg
Asst Reg Comm'r (Criminal Investigation)
Arc (Resources Mgmt)
Assistant Regional Commissioner (Collection)
District Director Albuquerque
District Director Cheyenne
Western Region
Reg:L Comm:R
District Dir Los Angeles
District Dir San Francisco
Service Center Director Fresno
Srvc Ctr Dir Ogden
District Dir Reno
District Dir Portland
District Dir Seattle
District Dir Phoenix
Asst District Dir Los Angeles
Asst Dist Dir San Francisco
Western Region
Arc (Taxpayer Serv & Return Processing)
Asst Reg'l Comm'r (Examination)
Regl Dir fo Appeals
Arc (Criminal Investigation)
Arc (Resources Management)
Asst Reg'l Commr (Collection)-Western Region
District Director Salt Lake City
District Director Honolulu
District Director Anchorage
District Director Boise
District Director Helena
Chief Examination Division Los Angles
Employee Plans & Exempt Organizations
Asst Comm'r (Employee Plans & Exemp & Organiza)
Deputy Asst Comm:R
Director Exempt Organizations Division
Director Employee Plans Division
Director Actuarial Division
Special Asst for Exempt Organization Matters
Asst Dir Exempt Organizations Div
Asst Dir Employee Plans Div
Chf Technical Branch
Chf Operations Branch
Chf Technical Branch
Chief Operations Branch
Asst Dir OFC International Operations
Spec Asst for Employee Plans
Ofc of Chf Counsel
Dep Chf Counsel (Technical)
Ofc of Chf Counsel
Dep Chief Counsel (Litigation)
Director General Litigation Division
Dir Tax Litigation Div
Dir Interprative Div
Dir Legislation & Regulations Div
Dir Administrative Services Div
Dir Criminal Tax Div
Dir Gen Legal Services Div
Technical Advisor to the Chf Counsel
Dep Chf Counsel (General)
Dir Disclosure Litigation Division
Dir-Employee Plans & Exempt Org Div
Asst Dir Tax Court Litigation Div
Technical Advisor to the Chief Counsel
Asst Dir Interprative Div
Asst Dir Legislation & Regulations Div
Techn Asst to the Dep Chf Coun (Gen)
Reg:L Counsels
Regl Counsel Central Reg
Regl Counsel Mid-Atlantic Region
Regl Counsel Midwest Region
Regl Counsel North Atlantic Region
Regional Counsel Se Region
Regl Counsel Southwest Region
Regl Counsel Western Region
Dep Regl Coun (Tax Litigat) No-Atlantic Reg
District Counsel-Boston
District Counsel-Los Angeles
Reg:L Counsels
Dep Regl Counsel (Criminal Tax)
District Counsel Cincinnati
Dep Regl Counsel (Criminal Tax)
District Counsel—Philadelphia
District Counsel—Newark
Dep Regl Counsel (Criminal Tax)
Dep Regl Counsel (General Litigat)
District Counsel—Chicago
District Counsel—Manhattan
Dep Regl Counsel (Tax Litigation)
Dep Regl Counsel (Gen Litigation)
District Counsel—Atlanta
Dep Regl Counsel (Tax Litigation)
District Counsel—Dallas
Dep Regl Counsel (Gen Litigation)
District Counsel—San Francisco

USACD

Office of the Director

CHF Scientist
Ofc of Administration
Administrative Director
Office of Operations Analysis
Dep Chf-Ofc of Operations Analysis
Chf-Ofc of Operations Analysis
Office of the General Counsel
Assistant General Counsel
Off of the Public Affairs Adviser
Dep Public Affairs Advisor
International Security Programs Bureau
Chief, Regional Div
Chf Strategic Affs Div
Non-Proliferation Bureau
Chief Nuclear Energy Division
Chief Advanced Technology Div
Weapons Evaluation Control Bureau
Chf-Defense Program Impact Division
Chief Technology Transfer Group

USITC

Ofc of the Dir of Operations
Dep Dir Ofc of Operations
Ofc of Industries
Dir of Industries

VA

Board of Veterans Appeals
Chairman
Vice Chairman
Office of Personnel
Assoc Asst Admr for Personnel
Assoc Assistant Administrator for Personnel
Asst for Classification and Compensation
Office of Inspector General
Dep Inspector General
Asst Inspector General for Audit
Asst Inspector General for Investigation
Office of the Controller
Dir Reports and Statistics SVC
Office of Data Management & Telecommunications
Dir, Benefits Delivery Support SVC
Dir Health Care Delivery Systems Support SVC
Dir Memorial Affairs and Genl Sys Support SVC
Office of Construction
Project Director Northeastern Region
Project Dir Southern Region
Project Director—Central Region
Project Director, Western Region
Dir Program Control and Analysis
Department of Veterans Benefits
Director Budget Staff
Dep Dir Compensation & Pension Service
Dep Dir Loan Guaranty SVC
Dep Dir Education and Rehabilitation SVC
Department of Medicine & Surgery
Dep Dir Resources Mgmt
Dep Dir Program Mgmt Staff
Dir Facility Management Office
Director Medical Statistics Service
Dir, Manpower Grants Service
Dep, Dir, Mental Health & Behavioral Sciences
Director, Supply Service
Dir Canteen Service
Dep Dir Facility Mgmt Ofc
Research Positions
Chf Calcium Research Lab

WRC

Water Resources Council Staff
Asst Director—Program Coordination & Manage
Assistant Director—Policy
Dir Reports Evaluation Division

List of Positions That Are Designated General

ACTIO

Off of the Director
Executive Officer
Dep Asst Dir for Administration & Finance
Executive Assistant for Programs
Asst Director for Administration & Finance
General Counsel
Off Assoc Dir for Domestic & Anti-Poverty Operations
Dad for Domestic & Anti-Poverty Operations
Deputy Assoc Dir for Older Americans Programs
Dep Assoc Dir for Vista & Aep

ACOHP

Ofc of the Exec Director
Attorney Advisor

AGRIC

Office of the Secretary
Executive Asst to the Secretary
Dep for Public Affairs
Dep Dir for Congressional Affs
Ofc of the Inspector General
Deputy Inspector General
Ofc of Governmental and Public Affairs
Director Office of Govt & Public Affairs
Assoc Dir Ofc of Governmental and Public Affs
Dep Dir for Information
Dep Dir for Pub & Visual Communications
Ofc of Energy
Director Ofc of Energy
Ofc of Transportation
Dir Ofc of Transportation
Dep Dir Ofc of Transportation
Office of the General Counsel
Asst Gen Counsel Community Dev & Natural Res
Dir Natural Resources Div
Dir Marketing Div
Asst Gen Counsel Prod & Distribution & Assist
Asst Gen Counsel Leg Lit Res & Oper
Dir Food & Nutrition Division
Asst Gen Counsel Regulatory & Marketing
Dir-Regulatory Div
Dir Research & Operations Div
Dir Community Development Div
Dir Packers & Stockyards Div
Dir Electric & Telephone Div
Dir for Agric & Commodity Stab Div
Deputy General Counsel
Office of Asst Secy Administration
Dep Asst Sec for Administration
Director of Equal Opportunity
Dep Dir Program Review
Dep Dir for Equal Opportunity
Office of Operations and Finance
Director of Operations and Finance
Asst to the Dir for Program Coordination
Dir National Finance Ctr New Orleans
Office of Automated Data Systems
Asst to the Dir for ADP Technology & Developm
Dep Dir for Data Services
Office of Personnel
Director of Personnel
Deputy Dir of Personnel
Ofc of Asst Secy-Rural Dev
Deputy Asst Secretary for Rural Development
Assoc Admr Rural Dev Policy Mgmt & Coordinn
Assoc Adm Rural Dev Policy Mgmt & Coordination
Farmers Home Administration
Assoc Adm Farmers Home Administration
Dep Admin Farm & Family Programs
Dep Admr Rural Dev
Asst Admr (Farmer Programs)
Assistant Administrator (Community Programs)
Asst Amin Business & Industry
Asst Admr Multiple Family Housing
Asst Admin S F Housing
Rural Electrification Administration
Asst Administrator Telephone
Asst Admr Electric
Dep Admr REA
OAS-Marketing and Transportation Svc
Dep Asst Secy for Marketing Services
Agricultural Marketing Service
Dep Admr Marketing Programs Operations
Asst Dep Admr Marketing Program Operations
Deputy Admr Packers & Stockyards Admin
Admr Agricultural Marketing Service
Animal & Plant Health Inspection Service
Administrator Aphis
Veterinary Services
Assoc Dep Admr Veterinary Services
Dep Adm Veterinary Services
Plant Protection & Quarantine Service
Asst Dep Adm Plant Protection & Quarantine
Dep Admr Plant Protection & Quarantine
Federal Grain Inspection Service
Dep Admr Program Operations
Office of Asst Secretary for Food & Consumer Services
Dep Asst Secy for Food & Consumer Services
Food & Nutrition Service
Dep Admr for Special Nutrition Programs
Dep Admr for Family Nutrition Progs FNS
Dep Admr for Regl Operations
Regional Administrator Atlanta Georgia
Regional Admr Princeton N J
Regional Admr San Francisco California
Regional Admr Dallas Texas
Reg Admin (Chicago) FNS
Regional Admin (Denver) FNS
Reg Admin New England
Dir Off of Policy Planning & Evaluation
Assoc Admr FNS
Administrator FNS
Food Safety and Quality Service
Associate Admr
Asst to the Administrator Operations Review
Deputy Admr Commodity Services
Dep Admr Meat & Poultry Inspection Field Op
Asst Dep Admin Field Operations
Asst Dep Adm Field Operations
Administrator FSQS
Ofc of the Under Secy Internl Affs & Commodity Program
Dep Under Secy for International Affs & Comm
General Sales Manager
Asst Sales Mgr Commercial Export Prog
Agricultural Marketing Specialist
Agricultural Stabilization & Conservation Service
Exec Asst to the Admr
Dep Admr State & County Operations
Asst Dep Admr State and County Operations
Deputy Admr Commodity Operations
Asst Dep Administrator Commodity Operations
Dir Kansas City Commodity Office
Dep Admr Mgmt
Dir Mgt Field Ofc
State & County Prog Coord Dir N F Area
State & County Program Coord (dir NW area)

State & County Prog Coord (dir Midwest area)
State & County Prog Coord (dir SE area)
Asst Deputy Admin State & County Opns
Director S W Area ASCS
Administrator ASCS
Federal Crop Insurance Corporation
Manager FCIC
Dep Mgr FCIC
Foreign Agricultural Service
Assoc Admr Foreign Agricultural Service
Asst Admin Foreign Market Development
Administrator FAS
Commodity Programs
Dir Sugar Horticultural & Trop Prod Div
Asst Admr Commodity Programs
Agricultural Attaches
Agricultural Attache (Tokyo)
Agric Attache London England
Agric Attache Rome
Agric Attache Paris FAS
Agric Attache New Delhi
Agric Attache Hague Netherlands
Agric Attache (Caracas)
Agric Attache USFC Brussels Belgium
Agric Attache Ottawa Canada
Agric Attache Jakarta Indonesia
Ag Attache Geneva Switzerland
Agric Attache (Canberra)
Agricultural Attache (Bonn)
Agricultural Attaches
Agricultural Attache (Rome)
Asst Admr Agricultural Attaches
Ofc of Asst Secy Conservation Research & Education
Staff Asst to the Asst Secy for C R & E
Coordinator Environmental Quality Activities
Assoc Admr Human Nutrition Center
Dep Asst Sec for Conservation Research & Edu
Science and Education Administration
Deputy Dir for Joint Planning & Eval
Chief Program Development & Coordination Staff
Chief Current & Future Priorities Staff
Asst Dir for Program Mgmt
Administrator Human Nutrition Center
Dep Dir for Technical Info Sys
Dir Program Development & Coord Staff
Assoc Dir Science and Education
Dir Science and Education Adm
Agricultural Research Service
Assoc Dep Dir Agrl Research
Deputy Director Agrl Research
Regional Offices Ars
Regl Admr No Central Reg
Assoc Regl Admr No Central Region
Regl Admr Northeastern Region
Assoc Regl Admr Northeastern Region
Regional Admr Western Region
Assoc Reg Admstr Western Region
Regl Admr Southern Region
Assoc Regl Admr Southern Region
Cooperative State Research Service
Assoc Dep Dir
Asst Dep Dir Agric Rual Dev Fam & Consumer SV
Cooperative State Research Service
Asst Dep Dir Program Oper Eval & Analysis
Asst Dep Dir Natural Resources & Spec Progs
Dep Dir for Cooperative Research
Extension Service
Asst Dep Dir Agricultural Programs
Asst Deputy Dir Natural Resources
Asst Dep Dir Home Economics
Asst Dep Dir Community & Rural Dev
Dep Dir 4H Youth Development
Assoc Dep Dir for Extension
Dp Dir for Extension
Soil Conservation Service
Deputy Administrator for Programs
Dep Adm for Technical Services
Dep Admr for Administration
Asst Admr for Land Resources
Assistant Administrator for Water Resources
Assistant Administrator for Field Services
Asst Admr for Planning & Evaluation
Assoc Admin Soil Conservation Service
Administrator SCS
Forest Service
Dep Chief for State & Private Forestry
Dep Ch for Prog and Legislation
Assoc Dep Chf for Administration
Associate Dep Chf for Programs & Legislation
Dir Human Resources Programs
Dir Resources Planning & Assessment Staff
Dir Pers Mgt Staff
Dir Prog Develop & Budget Staff
Forest Service
Assoc Chief Forester
Chief Forester
Research
Environmental Coord
Assoc Dep Chief for Research
Assoc Dep Chf for Res
Dep Chf Research
Natl Forest System
Assoc Dep Chief Natl Forest System
Assoc Dep Chf Natl Forest System
Deputy Chief National Forest System
State & Private Forestry
Assoc Dep Chf State & Private Forestry
Field Units
Regl Forester Northern Reg Missoula Mt
Regional Forester Northern Reg Missoula Mt
Regional Forester Rocky Mountain Region
Regl Forester Southwest Region
Regl Forester Intermountain Reg
Regl Forester Calif Nat Reg San Francisco
Regl Forester Pacific NW Reg Portland Ore
Regl Forester Southern Region NFS
Regional Forester Eastern Region
Reg Forester Alaska
Ofc of Dir Economics Policy Analysis & Budget
Dep Dir for Economics Policy Analysis & Budge
Dir Econ Policy Analysis & Budget
Economic Research Service
Spec Asst for Internal Scientific & Tech Coop
Office of Budget Planning and Evaluation
Dir of Budget Planning and Evaluation
Dep Dir for Management and Budget
Dep Dir for Policy Analysis

ARC

Budget Officer
Dir of Congressional Liaison
Budget Officer

CAB

Office of the Managing Director
Managing Director
Dir Ofc of Human Resources
Dir Community and Congressional Relations
Comptroller
Ofc of Economic Analysis
Dir Ofc of Economic Analysis
Ofc of the General Counsel
General Counsel
Deputy General Counsel
Assoc Gen Counsel Litigation & Research
Assoc Gen Counsel Rules and Legislation
Assoc Gen Counsel Antitrust
Assoc Gen Coun Pricing and Entry
Assoc Gen Counsel Legal Counsel
Bureau of Carrier Accounts and Audits
Dir Bureau of Carrier Accounts and Audits
Bureau of Pricing and Domestic Aviation
Gen Dir International and Domestic Aviation
Dir Bureau of Domestic Aviation
Assoc Dir Subsidy Policy & Programs
Assoc Dir for Legal Affairs
Chief Legal Analysis Division
Assoc Dir Legal Affairs
Assoc Dir for Licensing Programs & Policy Development
Assoc Dir Licensing Programs and Policy
Assoc Dir for Spec Authorities and Administration
Assoc Dir Spec Authorities & Admin
Bureau of International Aviation
Dir Bureau of International Aviation
Dep Dir
Asst Dir for Proceedings
Asst Dir for Negotiations
Bureau of Consumer Protection
Dir Bureau of Consumer Protection
Deputy Director Bureau of Consumer Protection
Chf Legal Div
Chief Antitrust Division

COMM

Office of the Secretary
Asst to the Secy
Counsellor to the Secy
Special Asst to the Secy
Special Asst to the Secy
Exec Asst to Under Secy
Special Asst to Secretary
Ofc of Congressional Affairs
Dep Asst Secy for Congressional Affairs
Office of Regional Affairs and Program Coordination
Dep Under Sec for Regional Affs
Dir Ofc of Regl Affs
Office of Communications
Asst to Secy & Dir of Communications
Office of the General Counsel
Deputy General Counsel
Asst General Counsel for Administration
Asst Gen Counsel for Legislation
Asst Gen Counsel for Science & Technology
Asst Gen Coun for Ind & Trade
Dep Asst Gen Counsel for Domestic & Internl B
Dep Asst GC for Administration
Dep Asst GC for Legislation
Ofc of Asst Secy for Policy
Dep Asst Sec for Domestic Economic Pol Coord
Assoc Dir (Techn Analysis)
Das For Ocean Resources and Sci Policy Coordi
Das For International Policy Coordination
Ofc of Asst Secy for Policy
Dir Off Pol Plng & Programs
Dir Off of Reg Econs & Policy
Oce of Asst Secy for Administration
Dep Asst Secretary for Administration
Office of Civil Rights
Director-Ofc of Civil Rights
Ofc of Organization & Management Sys
Dir-Ofc of Organization and Mgmt Sys
Office of Budget & Program Evaluation
Dir Ofc of Budget and Program Evaluation
Dep Dir for Budget
Dep Dir for Program Evaluation
Ofc of The Controller
Controller
Chf-Accounting Standards Division
Ofc of Administrative Services
Dir Ofc of Adm Serv

Ofc of Publications
Dir Office of Publications
Office of Assistant Secretary for Tourism
Deputy Asst Secy for Tourism
Director Office of Policy Analysis
U S Travel Service
Dir Ofc of Marketing Field Ops
Dir Ofc of Market Dev
Federal Cochairmen of Regional Commissions
Economist-Ozarks Reg Comm
Spec Asst to Ozarks Rc Co.Chrman
Spec Asst to Usgr Lakes Rc
Economic Development Administration
Dep Asst Secy for Economic Dev
Ofc of Adm and Prog Analysis
Dir Off of Adm & Program Analysis
Ofc of Chief Counsel
Chief Counsel
Office of Special Projects
Dir Ofc of Special Proj
Dep Asst Secy for Economic Dev Operation
Dep Asst Secy for Economic Dev Operations
Dir-Local Public Works
Dep Asst Sec for Economic Dev Planning
Dep Asst Sec for Economic Dev Policy & Planni
Dir Off Plng & Prog Support
Regional Offices
Atlantic Regional Director
Southeastern Regional Director
Midwestern Regional Director
Rocky Mountain Regional Director
Southwestern Regional Director
Office of The General Counsel
General Counsel
Deputy General Counsel
Merchant Marine Academy
Supt USMMA
Asst Supt Plan & Admin
Asst Supt Academic Affairs
Offc of Asst Administrator for Policy & Administration
Asst Admr for Policy & Administration
Dep Asst Admr for Policy & Administration
Dir-Ofc of Policy and Plans
Office of Asst Adm for Commercial Development
Asst Administrator for Commercial Development
Dep Asst Admr for Commercial Development
Office of Asst Administrator for Operations
Asst Admr Operations
Dep Asst Admr for Operations
Regional Offices
Director Eastern Reg
Director Western Region
Rd-Central (New Orleans)
Office of The Administrator
Dir Natl Climate Office
Exec Director Nacoa
Office of The General Counsel
General Counsel
Dep Gen Counsel
Assoc Gen Counsel for Legislation & Policy
Asst Gen Counsel for Fisheries
Ofc of Congressional Liaison
Director
Ofc of Public Affairs
Dir-Ofc of Public Affairs
Ofc of Asst Admr for Administration
Asst Admr for Admin
Dep Asst Administrator for Admin
Ofc of Programs and Budget
Dir Office of Programs & Budget
Asst Admr for Policy and Planning
Asst Admr for Policy & Planning
Dep Asst Admin for Policy & Planning
Asst Admr for Costal Zone Management
Asst Admr
Spec Asst to The Assoc Admr for Coastal Z Man
Asst Admr for Administration
Dir State Programs Ofc
Dir Policy & Prog Development Ofc
Asst Admr for Fisheries
Asst Admr
Dep Asst Admr for Fisheries
Exec Dir
Dir of Internatl Fisheries Affairs
Dir-Office of Policy and Planning
Dir Ofc of Resource Conservation and Mgmt
Deputy Director Off Pol & Plng
Ofc of Utilization and Development
Dir-Ofc of Utilization and Development
Dep Dir-Ofc Utilization and Development
Resource Conservation and Management
Dep Director
Science and Environment
Dir-Ofc of Science and Environment
Marine Mammals & Endangered Species
Dir-Ofc of Marine Mammals & Endangered Specie
Habitat Protection
Dir-Ofc of Habitat Protection
Asst Admr for Oceanic and Atmospheric Services
Asst Admr for O & As
Dep Asst Admr for Oceanic and Atmospheric Svc
Executive Officer
Asst Admr for Oceanic and Atmospheric Services
Special Assistant for Aviation Affairs
Director International Affairs
Dir-Ofc of Service Operations
Deputy Assoc Administrator, Marine Resources
National Weather Service
Director National Weather Service
Environmental data Service
Director
National Environmental Satellite Service
Director
Asst Admr for Research and Dev
Asst Admr
Dir Program Integration Ofc
Dir World Weather Program Office
Dir Environmental Modification
Dir Marine Environmental Protection Office
Office of Sea Grants
Dir Ofc of Sea Grants
Assoc Dir for Programs
Dir Grants Management
Assoc Dir for Operations
Program Manager Marine Advisory Service
Offc of Ocean Engineering
Dir-Ofc of Ocean Engineering
Environmental Research Labs
Director
Natl Telecommunications and Information Administration
Das of Commerce for Communications & Info
Ofc of Plans & Policy Coordination
Director for Planning & Policy Coordination
Ofc of The Chf Counsel
Chf Counsel
Ofc of International Affairs
Dir of International Affs
Assoc Admr for Policy Analysis & Dev
Assoc Admr for Policy Analysis and Development
Dep Assoc Admr for Pol Analysis & Dev
Chief Policy Research Div
Program Policy Specialist
Assoc Admr for Federal Systems and Spectrum Management
Assoc Admr-Federal Systems & Spectrum Mgmt
Daa for Federal Systems & Spectrum Management
Dir-Spectrum Planning & Policy
Dir Gov Communications
Assoc Admr for Telecommunications Applications
Dir of Spfc Applications Prog
Assoc Admr for Telecommunications
Ofc of Asst Sec for Science and Technology
Dep Asst Secretary for Science & Technology
Ofc of Environmental Affairs
Dep Asst Sec for Envir Aff & Dir Ofc of Envi
Dep Dir Off of Environmental Affiars
Office of Product Standards
Dep Asst Secy for Product Standards
Dep Dir Off of Product Stds
National Technical Information Service
Director
Dep Dir Natl techn Info Service
Assoc Dir for Financial & Admin Mgmt
Patent & Trademark Office
Exec Asst To Commr Patents
Ofc of Asst Commr for Administration
Asst Commr for Administration
Office of The Solicitor
Solicitor
Deputy Solicitor
Ofc of Legislation & International Affairs
Dir Off of Legislation & Internatl Affairs
Ofc of Asst Commr for Patents
Spec Asst To Asst Commr for Patent Exam
Dep Asst Commr for Patents
National Bureau of Standards
Dep Dir Nbs
Ofc of Assoc Dir for Progs-Budget and Finance
Assoc Dir for Progs Budget and Finance
Coordinator for Policy Dev
Ofc of Dir of Administrative and Information Systems
Dir of Administrative and Information Sys
Inst for Computer Sciences and Technology
Dir Institute for Computer Sci & Techn
Dep Director Institute for Computer Sci & Te
National Measurement Lab
Director-National Measurement Laboratory
Dep Dir for Resources & Operations
National Engineering Lab
Director-Nel
Dep Dir-Nel
Office of Chief Economist
Chief Economist
Dep Chf Economist
Bureau of the Census
Deputy Director Bureau of Census
Dir of Recruiting for Decennial Census
Electronic Data Processing
Assoc Dir for Electronic Data Processing
Industry and Trade Administration
Deputy Asst Secy
Bureau of International Economic Policy and Research
Dep Dir for Interl Economic Policy & Researc
Ofc of Foreign Investment in United States
Dir Ofc of Foreign Investment in US
Ofc of Country Affairs
Dir-Ofc of Country Affairs
Ofc of International Economic Research

Dir Ofc of Economic Research
Ofc of Internl Finance & Investment
Director Ofc of International Finance & Inve
Ofc of Internl Trade Policy
Dir Ofc of Internatl Trade Policy
Dep Dir Ofc of Internatl Policy
Bureau of Trade Regulation
Dep A/S for Trade Regulation
Dep Dir Bur of Trade Regulation
Ofc of Export Administration
Dir Ofc of Export Adm
Dep Director Ofc of Export Administration
Ofc of Industrial Mobilization
Dir Ofc of Industrial Mobilization
Bureau of Export Development
National Export Expansion Coordinator
Dep Dir Bureau of Export Development
Office of International Marketing
Dir Ofc of International Marketing
Dep Dir Ofc of Internatl Marketing
Office of Export Development
Director Ofc of Export Development
Office of Export Development
Dir Off of Export Plng & Eval
Ofc of Export Promotion
Dir Ofc of Export Promotion
Bureau of Domestic Business Development
Dep Asst Secy for Domestic Business Dev
Dep Dir & Scientific Advisor
Ofc of Business Policy Analysis
Dir Ofc of Business Policy Analysis
Ofc of Business Programs
Dir Ofc of Business Programs
Ofc of Consumer Goods & Service Ind
Dir Off of Consumer Goods & Sues
Ofc of Textiles
Dir Ofc of Textiles
Ofc of Producer Goods
Dir Ofc of Producer Goods
Ofc of Basic Industries
Dir Ofc of Basic Industries
Bureau of East-West Trade
Deputy Director Bureau of East-West Trade
Dir Ofc of East-West Country Affairs
Director Ofc of East-West Trade Development
Dir Ofc of East West Policy & Planning
Bureau of Field Operations
Dep Asst Secy for Field Operations
Field Offices
Field Office Director New York City
Director Chicago Field Office
Ofc of Minority Business Enterprise
Dir Ofc of Minority Business Enterprise
Special Asst for Minority Enterprise
Dep Dir Ofc of Minority Business Enterprise
Program Resources Division
Asst Dir for Program Resources
Dep Asst Dir (Government Programs)
Dep Asst Dir (Private Programs)

CCR

Commission on Civil Rights
Dir Eoo Asst Staff Dir For Prog Plang & Eval
Asst Staff Dir Offc of Program & Policy Revi
Sup Gen Atty
Commission on Civil Rights
Equal Oppor Ofcer (Asst Dir for Fed Cr Eval)
Dep Staff Dir
Asst Staff Dir for Administration
General Counsel
Asst Staff Dir for Regl Progs
Asst Staff Dir for Congressional and Pub Lia

COFA

Secretary of the Commission

CFTC

Office of the General Counsel
Dep Gen Counsel
General Counsel
Office of the Executive Director
Executive Director
Office of the Chief Economist
Chf Economist
Division of Enforcement
Dir Division of Enforcement
Division of Trading and Markets
Dir Division of Trading and Markets

CSA

Ofc of Legal Affs and Gen Coun
Deputy General Counsel
Ofc of Inspector General
Deputy Inspector General
Office of Community Action
Deputy Asst Dir for Community Action
Dir Ofc of Prog Dev
Dir Ofc of Regional Operations
Regional Offices
Regl Dir Reg I Boston
Regional Dir Reg II New York
Regl Dir Philadelphia Reg III
Regl Dir Reg IV Atlanta
Regional Dir Reg V Chicago
Reg Dir Reg VI Dallas
Regional Offices
Regl Dir Reg VII Kansas City
Regl Dir Reg VIII Denver
Regl Dir Reg IX San Francisco
Regl Dir Reg X Seattle
Office of Economic Development
Assoc Director for Economic Development
Dep Assoc Dir for Econ Development

CPSC

Consumer Product Safety Commission
Executive Dir
Deputry Executive Dir
Dir Ofc of Strategic Planning
Ofc of General Counsel
General Counsel
Dep Gen Counsel
Ofc of AED for Hazard Id & Strategy Analysis
Assoc Exec Dir for Hazard Id & Analysis
Ofc of AED for Engineering & Science
Assoc Exec Dir for Engineer/Sciences
Dep Assoc Exec Dir for Hlth Sciences

OSD

Office of the Secretary
Dep Negt from Dept of Def for Panama Canal Tr
Asst to the Secy of Defense (Legis Affairs)
Special Asst to the Secy and Deputy Secy
Adv to the Secy and Dep Secy for NATO Affs
Dep Spec Asst to the Secy & Dep Secy of Def
Ofc of Director of Net Assessment
Dep Dir of Net Assessment
Dir of Net Assessment
Office of Dep Under Secy for Policy Review
Dir for Security Plans & Programs
Spec Asst for Space Policy Coordination
Asst Dir for Counterintelligence and Security
Asst Dir for Intelligence Policy
Office of Dep Under Secy for Policy Review
Asst Dir for Communications Command & Control
Dep Dir of Policy Review
Dusd for Policy Review
Ofc of Asst Secy Manpower and Reserve Affairs and Logs
Dep Asst Sec (Program Development)
Princp Dep Asst Sec (Manpower RA & Logistics
Ofc of Economic Adjustment
Economic Advisor
Dep Dir Off oc Economic Adjustment
Asst Dir for Operations
Dir Office of Economic Adjustment
Off Deputy Asst Sec Civilian Personnel Policy
Dir Mgmt Studies
Dep Asst Secy (Civilian Personnel Policy)
Ofc Dep Asst Sec Military Personnel Policy
Director for Accession and Retention
Off of Deputy Asst Sec Equal Opportunity
Dir for Equal Opportunity (Military)
Dep Asst Secy Equal Opportunity
Dir for Compliance
Offc Dep Asst Secy Reserve Affairs
Spec Asst to the Dep Asst Sec (Reserve Affair
Ofc of Dep Asst Sec (Energy Environment and Safety)
Dep Asst Secy (Energy Environment & Safety)
Dir for Energy Policy
Dir for Safety and Occupational Health Policy
Ofc of Dep Asst Secy (Program Management)
Dir for International Logistics
Dir for Training and Education Resource Mgmt
Dir for Manpower Mgmt
Dir for Intergovernmental Affs
Staff Director Dir Manpower Management
Dep Asst Secretary (Program Management)
Ofc of DAS (Resources Requirements and Analysis)
Dir Resource Management and Analysis
Dir Logistics Programs Budget & Analysis
Ofc of Das (Resources Requirements and Analysis)
Dep Asst Sec-Resources Requirements and Analy
Director Acquisition & Support Planning
Ofc of Dep Asst Sec (Installations and Housing)
Dep Asst Sec (Installations & Housing)
Director for Construction Standards and Desig
Director Base Requirements and Utilization
Director Housing Programs
Dir for Installation Management and Planning
Dir Real Prop and Natural Resources
Dir for Facilities Programming
ODAS (Supply Maintenance and Services)
Staff Dir-Materiel Mgmt Sys Div
Director for Maintenance Policy
Staff Dir/Dir Supply Policy and Programs
Director of Supply Mgmt Policy
Dir for Transportation and Distribution Polic
Dir Automated Systems
Staff Dir Transportation systems Div
Das Supply Maintenance and Services
Office Assistant Sec Health Affairs
Principal Dep Asst Sec (Health Affrs)
Spec Asst to the ASD (Health Affs) Drug Abuse
Dir Champus (Civ Hlth & Med Prog of Unif Sv)
Office of Assistant Secretary Public Affairs
Prin Dep Asst Sec of Defense (Public Affairs)
Special Asst
Ofc of Asst Secretary Program Analysis & Evaluation

Prin Dep Asst Sec of Def (Prog Analy & Evalua)
Ofc of Deputy Asst Secy (Resource Analysis)
Director of Cost & Economic Analysis
Ofc of Deputy Asst Secy (Regional Programs)
Dir Spec Regional Studies Div
Dir Europe Division
Dir-Asia Div Regional Programs
Ofc of Deputy Asst Secy (Regional Programs)
Dep Asst Sec (Regional Programs)
Ofc of Deputy Asst Secy (General Purpose Programs)
Director Land Forces Division
Dir Mobility Forces Division
Dir Naval Forces Division
Dep Asst Sec (Gen Purpose Progs)
Ofc of Deputy Asst Secy (Strategic Programs)
Dir Strategic Planning & Arms Limitation Div
Das (Strategic Programs)
Ofc of Dep Asst Secy (Tactical Air Programs)
Dir Tactical Air Analyses
Dep Asst Secy (Tactical Air Programs)
Office of Assistant Secretary Comptroller
Spec Asst for Appropriation Liaison
Office Dep Asst Secy Program/Budget
Dep Dir for Res and Development
Dir Prog & Fin Control
Dir for Res & Dev
Director for Military Personnel
Dir for Procurement
Dep Dir for Procurement
Dep Dir Prog & Fin control
Dir for Construction
Director for Operations
Deputy Dir for Operations
Deputy Director for Plans & Systems
Dep Comp (Program Budget)
Deputy Comptroller for Plans & Systems
Dep Asst Sec Program/Budget
Ofc Dep Asst Secy Management Systems
Director for Data Automation
Dir Industrial Cost Div
Dir Investment Div
Ofc Dep Asst Secy Management Systems
Dir for Mgmt Info (Operations & Control)
Dir Property Div
Dir Finance & Opers Div
Dir for Accounting Policy
Dir for Banking Intern'l Finance & Profess
Prin Asst to DAS (Management Systems)
Dep Asst Sec (Mgmt Systems)
Office of Deputy Asst Secy Administration
Policy Analyst and Historian
Director for Organization & Management Planni
Dir Def Privacy Ofc/Exec Secy Def Pri Bd
Dep Asst Sec (Administration)
Washington Headquarters Services
Staff Dir Tf on Eval of Audit Insp Inves
Director of Budget & Finance
Dir Space Management & Services Div
Off Dep Asst Secy of Defense (Audit)
Dep Asst Sec (Audit)-Dir Defense Audit Servic
Off of Asst Secy International Security Af
Representative of DoD for Law of the Sea Matt
Director Mutual & Balanced Force Reduct Tack
Per Rep of the Secy of Defense on Mbfr Nego
Per Rep of Secy of Def on SALT Talks Delegati
Spec Asst to the Asst Secy of Def (ISA)
Prin Dep Asst Sec of Def (Intern'l Sec Affair
ODAS-European and NATO Affairs
Dep Asst Sec'y (European and NATO Affairs)
Dep Dir for Country Affairs
DCC-NATO Defense College
Off Dep Asst Secy Policy Plans & NSC Affairs
Dep Dir for General Purpose Forces
Special Assistant (PP&NSC Affairs)
Das-(Policy Plans and NSC Affairs)
Off Dep Asst Secy Near East African & South Asian Afrs
Dep Dir for Near East & South Asia Region
Dep Ast Sec (Near Eastrn African & So Asian A)
ODAS International Economic Affairs
Dir Foreign Military Rights Affairs
Dir Strategic Trade & Disclosure
DAS (Internatl Economic Affair)
Ofc Dep Asst Sec'y Security Assistance
Dir Sec Assistance Plans & Requirements
Dep Dir for Security Asst Plans and Requireme
Office of the General Counsel
Counselor on International Law
Asst Gen Coun (Manpower Health & Public Affair)
Asst General Counsel Fiscal Matters
Asst Gen Coun (Intelligence-Internatl Inv P)
Asst General Counsel Logistics
Dep Asst Gen Coun (Intell Internat'l & Inv P)
Deputy General Counsel
Ofc of Under Secretary for Research and Engineering
Asst Dir Programming
Asst for Program Planning
Executive Asst
Ofc of Asst of Secy for Atomic Energy
Dep Asst to Secy (AE) (Long Range Res Plan)
Ofc of International Programs
Director-Office of International Programs
Ofc Dep Under Secy Acquisition Policy
Dus of Def for Res and Engineering (Acquis PO)
Dir of Small Business and Economic Utilizatio
Ofc Dep Under Secy Test and Evaluation
Dep Under Secy Test and Evaluation
Ofc of Dep Under Secy for Research and Advanced Tech
Dep Under Secy Research and Advanced Technolo
Ofc of Dep Under Secy Strategic and Space Systems
Dep Under Secy Strategic and Space Systems
Ofc of Dep Under Secy Tactical Warfare Progs
Dep Under Secy Tactical Warfare Programs
Ofc Dir Missile systems
Dir-Ofc of Missile Systems
Ofc of Prin Das/Dep Under Sec (Comms Cmd Control & Inte)
PDASD/DUSD (R&E)
Ofc of Dep Asst Sec (Progs & Resources) & Prin Dir C3I
Dir/Telecomm & Commd & Cont Program Resources
Ofc of Dep Asst Sec (Tech Policy and Operations)
Das Techn Policy & Operations
Ofc of Dir Strategic Theater Cmd & Control Systems
Techn Advisor for European & NATO Matters
Ofc of Dir Combat Support
Stf Spec for Passive Elec Warfare & Recon
Staff Spec for Elec Sys Integ & Std
Defense Advanced Research Projects Agency
Deputy Dir Darpa
Dir Defense Advanced Research Project Agency
Program Management Office
Dir for Program Management (DARPA)
Office of the Joint Chiefs of Staff
Chf Wld-Wide Mil Com & Cont Sy (WWMCCS) Adp M
Sci & Tech Adv to Chief Sage & Chf Tech sup D
Defense Contract Audit Agency
Asst Dir Resources
Counsel
Ofc of the Staff Dir-Small & Disadvantaged Business Util
Staff Dir
Office of Counsel
Counsel Dla
Assoc Counsel Dla
Off of Asst Dir Plans Pgms & Systems
Chf Military Standard Logistics Systems Offic
Dep Chf Defense Logistics Analysis Ofc
Office of the Comptroller
Comptroller DLA
Chf Operations Budget Div
Chf Accounting and Finance Div
Office of Staff Director Civilian Personnel
Staff Director Civilian Personnel
Defense Documentation Center
Administrator DDC
Deputy Administrator Defense Documentation C
Exec Dir DLA Supply Operations
Deputy Exec Dir Supply Operations
Chief Logistics Programs Div
Dep Exec Director-Supply Operations
Exec Dir Dla Tech & Logistics Services
Exec Dir Tech & Logistics Services
Office of Counsel
Counsel
Office of Comptroller
Comptroller
Office of the Comptroller
Comptroller
Defense Security Assistance Agency
Director for Security Assistance Operations
Dep Dir for Security Assistance Operations
Dep Comptroller DSAA
Comptroller
Dir Joint Financial Mgmt Ofc
Dep Dir Def Sec Ast Agency
Defense Mapping Agency
Comptroller DMA
Chf Prog/Bud (Dep Comp)
Defense Civil Preparedness Agency
Dep Dir Def Civ Preparedness Agency
Comptroller Def Civil Preparedness Agency
Asst Dir for Plans & Operations
Education Advisor (Civil Preparedness)
Dep Asst Dir for Operations
Dep Asst Dir for Plans Plns & Opers Emer Oper
Executive Assistant Ofc of Director
Gen Counsel Defense Preparedness Agency
Dir DCPA
DCPA Regional Offices
Regional Dir Maynard Mas Reg 1
Reg Dir Reg 2 Olney Md
Regl Dir Reg 3 Thomasville Ga
Regional Dir Region 4
Reg Dir Reg 5 Denton Tex
Reg Dir Reg 6 Denver Colo
DCPA Regional Offices
Reg Dir Reg 7 Santa Rosa Calif
Reg Dir Reg 8 Bothell Wash
US Mission to NATO

Int Relations Officer Intorgs Europe
Communications Officer (Int Systems)
Int Relations Officer (Intorg's Europe)
Int Relations Officer (Defense Planning)
NATO Support
Dir Logistics NATO Maint Supply Agency
Dir Finance NATO Support Ctr Eur Oper Agency
Dir Logistics NATO Maint Supply Agency
US Court of Military Appeals
Central Legal Staff Director

AF

Office of the Under Secretary
Dir Ofc of Space Systems
Dep Under Secretary (Space Systems)
OAS Manpower and Reserve Affairs and Installations
Dep for Environment & Safety
OPDAS Manpower Resources and Reserve Affairs
Dep for Equal Opportunity
Dep Asst Secy for Reserve Affairs
Prin Das for Manpower Resources & Res Affairs
OPDAS Installations
Asst Deputy for Base Utilization
Princ Dep Asst Sec of Air Force (Installation)
Office of the General Counsel
Asst Gen Counsel (Internat Matrs & Civil Av)
Asst General Counsel Procurement
Assistant General Counsel Installations
Asst Gen Counsel (Personnel & Fiscal)
Dep Gen Counsel
General Counsel
Office of Legislative Liaison
Assoc Director of Legislative Liaison
ODAS Research & Development
Deputy for Advanced Technology
ODAS Research & Development
Dep for Tactical Warfare Systems
Dep for Strategic & Space Systems
Prin Dep Asst Sec (Res & Dev)
ODAS Programs/Acquisition
Dep Asst Sec (Programs/Acquisition)
ODAS Logistics
Deputy Asst Scretary (Logistics)
Office of Assistant Secretary Financial Management
Princ Dep Asst Sec Fin Mgt
Office Chief of Staff
Chief Scientist
Asst Chief of Staff/Studies & Analysis
Scientific and Technical Advisor
Assistant for Special Studies
Scientific and Technical Advisor
Scientific Technical Advisor
Institute of Technology Wright-Patterson AFB Ohio
Dir of Academic Affairs
Dean School of Engrg
Assoc Dean for Res Sch of Engrg
DCS/Development Plans
Tech Dir (Research & Development)
Dir of Science & Technology
R&D Exec (Chf Sct Directorate of Science & TE)
AF Human Resources Lab
Dir Advanced Systems Division
Foreign Technology Div
Chief Scientist
Arnold Engrng Development Center
Deputy for Planning
Chief Scientist, AEDC
Flight Test Center Edwards AFB Calif
Techn Dir
AF Weapons Lab
R&D Executive (Chf Scientist Air Force Weapon)
R&D Exec (Dir AF Weapons Laboratory)
AF Wright Aeronautical Labs
Deputy Dir AFWAL
Flight Dynamics Lab AFWAL
R&D Exec (Dep Dir AF Flight Dynamics Lab)
Materials Laboratory AFWAL
R&D Exec (Chf Scientist AF Materials Lab)
Sen Scientist Mech & Surface Interactions Br
Materials Laboratory AFWAL
Senior Scientist Polymer Branch
Director AFML
Aero Propulsion Laboratory AFWAL
R&D Exec (Dep Dir AF Aero Propulsion Lab)
Avionics Laboratory AFWAL
Dir Air Force Avionics Lab
R&D Exec (Chf Scientist AF Avionics Lab)
AF Rocket Propulsion Laboratory
Chief Scientist AFRPL
R&D Executive (Dep Dir AF Rocket Propulsion)
USAF School of Aerospace Medicine
Research Dir Biometrics
Research Dir
Dep Dir USAF School of Aerospace Medicine
Aerospace Medical Research Lab
Dir Biodynamics & Bionics Div
Aeronautical Syst Div
Tech Advisor (Systems Develop and Acquisition)
Techn Dir (Mission Analysis)
Asst Deputy (Dev Planning)
Deputy for Recon & Elec Warfare ASD
Technical Dir (Avionics & Strike Projects)
Tech Dir (Electronic Warefare)
Deputy for Engineering
Techn Dir Dep for Engineering
Electronic Systems Division
Asst for Exploitation Systems
Chief Engineer
Rome Air Development Center
Dir Electromagnetic Sciences Division
Dir Solid State Sciences Div
R&D Executive (Chief Scientist RADC)
Electromagnetic Compatibility Analysis Center Annapolis
Dep Dir Electromagnetic Compatibility Anal C
Armament Development and Test Center
Techn Dir for Armament Systems
R & D Exec (Chf Scientist AFATL)
AF Ofc of Scientific Research
Director of Mathematical & Information Scienc
Director of Chemical Sciences
AF Ofc of Scientific Research
Dir Life Sciences
Dir of Aerospace Sciences
R&D Executive (Dir AFOSR)
AF Geophysics Laboratory
R&D Executive (Chief Scientist AFGL)
Space Physics Division
Sr Scientist (Radio Astronomy)
Meterology Division
Dir Meterology Division
1035th Tech Opns Grp Sci & Tech Directorate
Technical Director
Asst Technical Director
Asst Tech Dir TD-4
Office of the Judge Advocate General
Chf Gen Law Division
Chf Patents Div
AF Communications Service
Chf Ops Analysis
Sci & Techn Adviser
Science & Research
Chf Science and Research
Tactical Air Command
Chief, Ops Analysis Hdqs
U S Air Forces in Europe
Dir Operations Analysis
North Atlantic Treaty Organization
Dir Advisory Group Aerosp R&D (Agard) NATO
SHAPE Technical Center
Chf Communications Div SHAPE Tech Ctr
Dep Dir SHAPE Technical Ctr Hague Netherland
Dep Chf of Staff Plans & Programs
Director Analysis

ARMY

Office of the Secretary
Dir of Small Disadv Business Util
Office of the Under Secretary
Dep Under Sec of Army
Dep Under Sec of Army (Operations and Researc
Office of the General Counsel
General Counsel
Principal Dep Gen Counsel
Dep Gen Counsel for Logistics
Office of the General Counsel
Deputy General Counsel (Military & Civil Affa
Ofc Chf Legislative Liaison
Special Asst for Legislative Affairs
ODAS Research and Development
Das of Army (Research and Development)
Deputy for Science and Technology
Dep for Air and Missile Defense
Dep for Communications & Target Acquisition
ODAS Acquisition
Dep Asst Secretary of the Army (Acquisition)
Ofc of Asst Secy-Installations Logistics and Finan Mgmt
Dep for Installations & Housing
Dep for Logistics
Dep for Resource Analysis
Dep for Management Systems
Asst for Small Business & Economic Utilizatio
Environmental Spec
Prin Dep Asst Sec of the Army (IL&FM)
Off of Asst Secretary, Manpower & Reserve Affairs
Prin Dep Asst Sec of Army (M & RA)
Dep Asst Secy of the Army Reserve Affairs
Dep for Military Personnel Policy & Programs
Dep for Equal Opportunity
Dep for Civilian Personnel Policy
Ofc of Asst Secretary Civil Works
Prin Dep Asst Secy (Civil Works)
Office, Director of Army Staff
Deputy Director for Programming
Ballistic Missile Def Prog Manager
Dep BMD Program Manager
Ballistic Missile Def Prog Ofc
Dir Ballistic Missile Defense Program Office
Ballistic Missile Def Sys Command
Chief Engineer-BMD and Systems Command
Dir Systems Technology Project Office
Ballistic Missile Def Adv Techn Ctr
Dir Ballistic Misle Def Adv Tech Ctr
Operational Test & Evaluation Agency
Scientific Advisor, USA Oper Test & Eval
Systems Rev & Analysis Ofc

Director of Systems Review & Analysis
Chf Scientist & Director of Army Research
Chf Scientist Da & Director of Army Research
Army Research Institute for Behavioral & Social Sciences
Tech Dir-Ari & Chf Psychologist US Army
Office of the Comptroller of the Army
Asst Comptroller, Fiscal Policy
Officie of the Judge Advocate General
Spec Asst Communications, Transp & Utilities
Ofc Dep Chf of Staff for Operations & Plans
Tech Adv to Dep Chf of Staff for Opers & Plan
Concepts Analysis Agency, DCSOPS
Tech Dir for US Army Concpts Analysis Agency
Walter Reed Institute of Research
Scientific Advisor (Biochemistry)
Chief, Dept of Biologics Research
Chf Dept of Bacterial Diseases
Chf Dept of Bacterial Immunology
Dir Div of Biochemistry
Dep Dir Div of Exper Theraputics
Armed Forces Institute of Pathology
Chrman—Center for Advanced Pathology
Assoc Chairman (3)—Ctr for Advanced Pathology
Chrman Dept of Cellular Pathology
Assoc Chrman (2)—Ctr for Advanced Pathology
Chrman Dept of Orthopedic Pathology (B)
Assoc Chrman (1) Center for Advanced Patholog
Chrman Dept of Chemical Pathology
Chrman Dept of Hepatic Pathology (H)
Chrman—Dept of Skin & Gastrointestinal Pathol
Research Institute of Environmental Medicine, Natick Mas
Dir, Military Ergonomics Lab
Brooke Army Medical Center
Chf Lab Div
Letterman Army Inst of Rsch, Calif
Chf, Dept of Nutrition
Training & Doctrine Command
Chf, Study & Analysis Off
DCS/Training & Schools
Education Program Admr
US Army Iradoc Systems Analysis Activity
Deputy Dir for Technical Operations
Military Traffic Mgmt Commd
Senior Transportation Adv Mgmt Sys Off
Office, Chief of Engineers, Headquarters
Dir of Real Estate
Chief Counsel
Deputy Chief Counsel
Research & Development Office
Physical Scientist (Atmospheric Sciences)
Physical Scientist (Terrestrial Sciences)
Asst to Chf of Engeers for R&D & Chf R&D Offi
General Engineer (Civil Works R&D)
Director of Military Construction
Asst Chf Engineering Div & Chf, Advanced Tec
Dir of Facilities Engineering
Deputy Dir for Technology & Engineering
Field Engineering Divisions, C of E
Chf, Eng Div, Near East Project Ofc
Field Construction Divs—COE
Chf Construction Div, Near East
Army Coastal Engineering Research Center, C of Engineers
Technical Director, Coastal Engr Res Ctr
Waterways Experiment Station, C of E
Tech Dir, Wes
Chf Soils Div
Chief, Hydraulics Division
Chf Concrete Lab, Vicksburg, Mississipi
Chf Environmental Lab
Engineer Topographic Laboratories, C of Engineers
Tech Dir Army Topographic Lab
Construction Engrg Research Lab, C of Engineers
Deputy Director, Const Eng Res
Cold Regions Research & Engineering Lab
Tech Dir
Engineer Strategic Studies Group
Technical Director, Engr Studies Ctr
Ofc of Command Counsel
Command Counsel
Dep Command Counsel
Chief, Patent Law Div
Nuclear Munitions Project Office
Dep Proj Manager for Nuclear Munitions
Beta Joint Project Office
Dir-Beta Joint Project Office
Ofc Dep Cmdg Gen Material Dev Darcom
Asst Dep for Science & Technology
Dir for Dev & Energ Darcom
Dep Dir of Dev and Engineering
Army Research Office Darcom (Durham NC)
Technical Dir
Assoc Technical Dir
Dir Electronics Div
Dir Metallurgy and Materials Div
Dir Physics Div
Dir Mathematics Div
Human Engineeg Lab
Dir-Human Engineering Laboratory
Army Materials & Mechanics Research Center
Darcom
Dir Army Matls & Mechanics Research Center
Army Material Systems Analysis Agency
Darcom
Dir US Army Material Systems Analysis Activit
Natick Res and Dev Comd (Narradcom)
Techn Dir
Aviation Research and Devel Command (AVRADCOM)
Tech Dir-US Army Aviation Res & Dev Command
AVRADCOM Hdqrs
Deputy Dir-Development and Engineering
Communications, Res & Dev Cmmd (Coradcom)
Techn Dir
Satellite Communication Agency (Coradcom)
Tech Dir Satellite Communic AG
Electronics Research and Development Commd (Eradcom)
Technical Director
Director, Electronic Warfare Laboratory
Harry Diamond Labs (Eradcom)
Technical Dir
Chf Research and Technology Division
Combat Surv and Target Acq Lab
Dep Dir Combat Surv and Target Acq Lab
Night Vision and Electro-Optics Lab (Eradcom)
Dir-Night Vision and Electro Optics Lab
Electronics Technology and Devices Lab (Eradcom)
Dir-Electronics Technology & Devices Lab
Signals Warfare Lab
Dir Signals Warfare Lab
Ofc of Commander-Miradcom
Technical Director
Dir For Guidance & Control
Ofc of Commander-Miradcom
Dir for Propulsion
Dir for Ground Equipment & Missile Structures
Dir for Aeroballistics
Dir, Technology Laboratory
High Energy Laser Lab-Miradcom
Dir-Army High Energy Laser Lab
Mobility Equip Rsch & Dev Command (Meradcom)
Techn Dir, Meradcom
Tank-Automotive Res & Dev Cmd (Taradcom)
Chief Scientist
Large Caliber Weapon Systems Lab Arradcom
Dep Dir Large Caliber Weapon Sys Lab
Small Caliber Weapon Systems Lab Arradcom
Dep Dir Small Caliber Weapon Sys Lab
Chemical Sys Lab Arradcom
Dep Dir Chemical Systems Lab
Ballistics Research Lab Arradcom
Assoc Tech Dir (Rsch & Tech) Dir Bal Rsh Lab
Armament Materiel Readiness Command (Arrcom)
Deputy for Life-Cycle Management
Test and Evaluation Command, (Tecom)
Dir for Analysis
US Army Dugway Proving Ground
Sci Director
White Sands Missile Range, T&E Command
Tech Dir National Range Opers
Army Electronic Proving Ground, Ft Huachuca, Ariz
Technical Director
Army Communications Command
Tech Dir/Chf Engineer
Supreme Allied Commander, Europe (Shape)
Scientific Advisor
Sr Command & Control Specialist

NAVY

Office of the Under Secretary
Deputy Under Secy of Navy
Office of the General Counsel
Dep Gen Counsel, Procurement
Asst Gen Counsel
Deputy General Counsel
Asst Gen Counsel (Ethics/Stds Conduct)
Prin Dep General Counsel
General Counsel
OAS, Financial Management/Comptroller of the Navy
Spec Asst for Data Automation Counsel
Ofc of Asst Secretary Manpower Res Affairs and Logistics
Spec Asst to Sec of Navy (Manpower-Res Affs-L
Spec Asst for Nonapprop Fund Matters
Ofc of Principal Dep Asst Secy (Logistics)
Prin Dep Asst Secy of Navy (Logistics)
Dir-Air Programs
Special Asst for Small Business & Labor Surpl
Director-Resources and Policy Evaluation
Dir Transportation & Maritime Policy
Ofc of Principal Dep Asst Secy (Manpower & Reserve Affs)
Prin Dep Asst Sec of the Navy (Manp & Res Affs)
Deputy Assistant Secy of Navy (Manpower)
Dep Asst Sec of the Navy (Res Affs)
DAS of Navy (Equal Opportunity)
Dep Asst Sec of Navy (Civilian Personnel)
Ofc of Asst Secretary (Research Engineering and Systems)
Dir of Navy Laboratories

Spec Deputy for Advanced Concepts
Ofc of Dep Asst Secy (Res & Adv Tech)
OASN (Re & S)
Asst for Engineering Technology
Asst for Electronics & Physical Science
Asst for Electronics & Physical Science
Assoc DAS of Navy (Research and Adv Tech)
Dep Assistant Secretary of the Navy
Ofc Dep Asst Secy (Systems) OASN (Re & S)
Deputy Asst Secy of Navy for Systems (ACQ)
Assoc Dep Asst Secry of the Navy (Sys Enginee)
Special Asst for Combat Systems
Spec Asst for Intergrated Vehicle Sys
Ofc Dep Secy (Comd Control Comms & Intel)
Spec Asst for C3 & Space Systems
DAS of Navy (Comb-Control Comms and Intel) C3
Office of Naval Research
Technical Director
Assistant Chief Scientist
Scientific Director-London Branch
Dep Dir SaClant Asw Res Ctr
Office of Assistant Chief for Research
Dir-Artic and Earth Sciences Division
Dir Engr Psychology Progs
Dir, Psychological Sci Div
Dir, Physical Sciences Div
Dir, Math Sciences Div
Dir Material Sci Div
Dir Electronic & Solid State Science Prog
Dep Dir Ocean Sciences & Techn Div
Dir Info Systems Program
Dir Biological Sci Div
Dir of Research
Navy Ocean Research and Development Activity
Tech Dir
Office of the Director of Research
Dir of Research
Electronic Science and Technology Directorate
Assoc Dir of Research & Dir of Electronic Sci
Radar Division
Supt, Radar Div
Tactical Electronic Warfare Division
Supt, Tactical Electronic Warfare Div
Material and Radiation Science & Technology Directorate
Assoc Dir of Res & Dir of Material & Rad Sci
Chemistry Division
Supt, Chemistry Div
Material Science and Technology Division
Supt Materials Sci and Tech Division
Radiation Technology Div
Supt, Nuclear Phys Div
Plasma Physics Div
Controlled Thermo Res Coord & Hd Exp Plas Phy
Chief Sci Lab for Computational Physics
Superintendent Plasma Physics Division
Space & Communication Science and Technology Directorate
Assoc Dir of Res & Dir of Space & Comm Sci 6
Space Science Division
Supt, Space Sci Div
Head, Upper Air Physics Branch
Space Systems Division
Superintendent, Space Systems Div
Communication Sciences Division
Hd Telecomms Systems Technol Br
Superintendent, Communications Sciences Div
Oceanography Directorate
Assoc Dir of Res & Dir of Oceanology
Acoustics Division
Supt, Acoustics Div
Underwater Sound Reference Div
Supt Underwater Sound Reference Div Orlando
U.S. Marine Corps
Counsel for Commandant
Off Dep Chf-R&D
Sci Adv
Dir Command and Control and Communications (C3) Programs
Chf Scientist Commd Control & Comm C3 Program
Tech Dir to Dir, C3 Architecture Div
Dir-Naval Intelligence
Spec Asst (Estimates) Dir of Naval Intelligen
Tech Dir-Ofc of Naval Intelligence
Dir Naval Administration
Exec Dir for Fld Sup/Dir Fld Sup Activity
Research, Development, Test & Evaluation Division
Dep Dir, Res, Dev, Test & Evalu Plans Divisio
Asst Dir for Cmd/Control/Comms Plans
Dir, Res, Development, Test & Evaluation Plan
Ofc Dep Cno (Plans, Policy and Opers)
Spec Asst for Strategic Sys and Salt Matters
Dir-Navy Program Planning Office
Financial Dir, Navy Programs Planning Ofc
Systems Analysis Div
Deputy Dir for Studies and Analysis
Secnav/Cno Advisor for Resource Analysis
Commander in Chief, Pacific
Director Research and Analysis
U.S. Navy Observatory
Scientific Director
Oceanographic Office
Dep to the Cmdr/Scientific & Technical Dir
Naval Personnel Research & Development Center
Technical Director, NPRDC
Naval Personnel Research & Development Center
Dep Techn Dir for Manpower & Personnel
Ofc of the Chf of Naval Training
Principal Civilian Adv for Education & Traini
Naval Training Equipment Center—Orlando Florida
Technical Director
Naval Health Rsch Center, San Diego
Head, Psychophysiology Div
Head, Operational Psychiatry Division
Naval Medical Research Ins Bethesda
Dir, Environmental Biosciences Dept
Dir Department of Microbiology
Dir Behavioral Sciences Dept
Chairman Dept of Experimental Medicine
Naval Medical Research and Development Command
Dir of Prog & Scientific Advisor
Naval Security Group Command
Technical Director
Naval Intelligence Command
Spec Asst to the Commander
Tech Dir Naval Intel Support Center
Naval Data Automation Command
Technical Director
Tech Dir NARDAC
Military Sealift Command
Counsel, ACS/Plans
Engineering Officer
Naval Material Command
Dir Manpower/Personnel Mgmt
Dep Chf of Naval Material (Acquisition)
Chf Engineer for Acquisition
Asst Dep Chf of Naval Material (Technology & Labs)
Dir of Navy Technology
Strategic Systems Project Office
Chf Engr
Plans & Programs Division
Director
Head Resources Branch
Fire Control & Guidance Branch
Br Engr Fire Control & Guidance Br
SSBN Security Technology Program
Chief Scientist, SSBN Sec Tech Staff
Missile Branch
Chf Engr, Missile Branch
Ship Installation & Design Branch
Br Engr Ship Installation & Design Br
Antisubmarine Warfare Systems Project Office
Chief Analyst, Systems Analysis Off
Trident System Project Office
Dir, Plans & Programs
Dir, Logistics Support Div
David W Taylor Naval Ship R&D Center
Tech Dir Consultant
Aviation & Surface Effects Dept
Assoc Tech Dir for Aviation
Assoc Tech Dir, Computation & Mathematics
Ship Acoustics Department
Assoc Tech Dir Ship Acoust & Hd Ship Acoust De
Propulsion & Auxiliary Systems Dept
Assoc Tech Dir Prop & Auxiliary Systems
Materials Dept
Assoc Techn Dir for Materials Sci & Technology
Structures Dept
Assoc Tech Dir
Naval Surface Weapons Center, Dahlgren
Dept Hd/Dep Tech Dir/Assoc Tech Dir
Dept Head/Assoc Techn Director
Dept Hd/Dep Tech Dir/Assoc Tech Dir
Dept Hd/Dep Tech Dir/Assoc Tech Dir
Tech Dir Consultant
Combat Systems Integration Dept
Dept Hd/Dep Tech Dir/Associated Tecl Director
Weapons Systems Department
Dept Hd/Dep Tech Dir/Assoc Tech Dir
Strategic Systems Dept
Dept Hd/Dep Tech Dir/Assoc Tech Dir
Engineering Department
Dept Hd/Dep Tech Dir/Assoc Tech Dir
Dept Hd/Dep Tech Dir/Assoc Tech Dir
Research & Technology Dept
Dept Hd/Dep Tech Dir/Assoc Tech Dir
Naval Ocean Sys Center, San Diego
Technical Director/Consultant
Assoc Technical Dir, San Diego, Cal
Spec Asst for Command Cont & Commun Integrati
Dir Marine Science & Technology Div
Naval Weapons Center, China Lake, Calif
Tech Dir/Consultant
Ast Tec Dir for Tst & Eval & Hd Tst: & Eval De
Naval Weapons Center China Lake Calif
Hd Aero Thermochemistry Div
Laboratory Directorate NWC
Asst Tech Dir for Engineering & Hd Engineering
Asst Tech Dir for Ordnance Sys & Hd Ord Sys D
Asst Tech Dir for Surf Miss & Head Surf Miss
Asst Tech Dir for Res & Hd Res Dept China L

Asst Tech Dir for Sys & Hd Sys Dev Dept
Asst Tech Dir for Engineers & Hd Engineering
Asst Tech Dir for Plans & Hd Planning Group
Asst Tech Dir for Fuzes Hd Fuzes Dept
Acting Asst Technical Dir
Lab Dir Deputy Technical Director
Naval Air Development Center Johnsonville Pa
Dir Planning Assessment Resources Staff
Technical Director Consultant
Assoc Techn Dir
Senior Sci Airborne ASW Technol
Dep Dir Directorate Cmd Projects
Naval Coastal Systems Laboratory
Tech Dir Consultant Naval Coastal Systs Lab
Hd Coastal Technol Dept
Underwater Systems Center
Tech Dir Consultant
Assoc Tech Dir Plans & Analysis
Assoc Tech Dir for Plans & Analysis
Systems Development Directorate
HD Undersea Ranges Dept
Science & Technology Directorate
Assoc Tech Dir for Technology
Off of Asst Commander for Res & Technology
Dir Adv Aircraft Dev & Sys Obj Ofc
Associate Technical Director
Technical Director, Advanced Systems Director
Techn Dir Res & Techn
Asst Commander for Logistics/Fleet Support
Exec Dir Logistics/Fleet Support
Asst Commander for Logistics/Fleet Support
Asst Dir Logistics Mgmt Div
Dep Commander for Plans & Programs
Executive Director Management Plans & Progr
Deputy Project Mgr F18
Office of Counsel
Counsel
Asst Comdr for Material Acquisition
Exec Dir Material Mgt
Dir Advanced Systems Division
Dir Evaluation Div
Technical Asst Propulsion Division
Techn Dir for Aircraft & Weapon Structure
Tech Dir Airframe Div
Naval Air Test Center Patuxent River Md
Technical Director Natc Patuxent Riv Md
Naval Avionics Facility
Tech Dir Naval Avionics Facility Ind
Pacific Missile Test Center
Technical Director
Naval Electronic Systems Command
Techn Dir Naval Electronic Systems Command
Counsel
Navelex Project Offices
Tech Dir Navy Space Project Ofc
Tech Dir Spec Communications Project Office
Ofc of Commander & Spec Staffs
Counsel Off of Counsel
Designated Project Offices Navsea
Dep Proj Mgr & Tech Dir Trident Ship ACQ Proj
Dep Proj Mgr Guided Misle Frigate Ship ACQ Proj
Dep Project Mgr High Energy Laser Project Ofc
Dep & Techn Dir Adv Ltwt Torpedo Project
Dep Techn Dir Aegis Shipbuildg Proj
Industrial and Facility Management
Asst Dep Cmdr for Ind & Facility Mgmt
Submarine Navsea
Dep Dir Submarine Ship Logistics Div
Exec Dir Submarine Directorate
Weapons Systems & Engrg Navsea
Exec Dir Weapons Systems & Engrg Directorate
Undersea Warfare Sys Group WS&E Navsea
Exec Dir Undersea Warfare Sys Gr
Research & Technology, Navsea
Asst Dep Commander /Tech Dir for Res & Tech D
Aircraft Carrier, Navsea
Dep Proj Mgr/Tech Dir Aux & Spec Mission Ship
Nuclear Power Navsea
Dep Dir Reactor Engineering Div
Naval Ordnance Station, Indian Head, Md, Navsea
Technical Director
Hull Division
Asst Div Director & Chief Naval Architect
Machinery Systems Div
Asst Div Dir & Tech Dir Machinery Sys Div
Combat Systems Design & Integration Division
Asst Div Dir/Tech Dir Combat Sys Des & Int Div
Naval Ship Weapons Sys Engrg St, Navsea (Fld)
Technical Director
Headquarters
Counsel
Navy Publications & Printing Service
Deputy Commander
Office of Commander
Counsel, Navy Facilities Engineering Command
Tech Adv Real Property Management
Technical Director for Trident Facilities
Asst Comdr, Design & Engineering
Chf Design Eng/Dep Asst Commdr for Des & Spec
Dep Comdr for Acquisition
Chief Engineer
Naval Construction Bn Ctr
Technical Director

DRBC

U S Commissioner (Alternate Fed Member)

DOE

Ofc of the Secy
The Special Assistant
Asst to the Secretary
Dir-Ofc of the Secy
Exec Asst to the Deputy Secy
Dus for Commercialization
Asst to the Secy
Asst to the Secretary
Ofc of the Secy
Exec Asst to the Deputy Secy
Dus of Energy
Regional Reps of Secy
Reg Rep of Secy/Chrman Fed Reg Council (IX)
Reg Rep of the Secy (I)
Reg Rep of the Secy (II)
Reg Rep of the Secy (VII)
Reg Rep of the Secy (Region VIII)
Reg Rep of the Secretary (IV)
Reg Rep of the Secy (VI)
Reg Rep of the Secy (X)
Reg Rep of the Secy (III)
Chicago Operations Ofc
Reg Rep of Sec/Mgr-Chicago Opers of Ofc (V)
Dep Mgr
Asst Mgr for Projects and Tech Mgmt
Dir Chicago Site Ofc-Inel
Dep Dir Princeton Fusion Prgm
Area Mgr Brookhaven Area Ofc
Chief Counsel
Dir New Brunswick Lab
Dir for Princeton Fusion Prgm
Idaho Operations Ofc
Manager Idaho Op Off
Dep Mgr Idaho Op Off
Asst Mgr for Env Hlth & Safety Prog
Chf Counsel
Dir Engy and Tech Div
Oak Ridge Operations Ofc
Mrg Oak Ridge Op Off
Dep Mgr Oak Ridge Op Offce
Oak Ridge Operations Ofc
Chf Counsel
Deputy Chf Counsel
Dep Chf Counsel
Asst Mgr for Solv Refined Coal Prjs
Asst Mgr for Enrchg Op and Dvlmt
Asst Mgr for Const and Engrg
Asst Mgr for Manfg and Support
Dep Asst Mgr for Manfg and Support
Dep Asst Mrg for Energy R&D
Asst Mgr for Energy R&D
Dep Mgr for Enrichmt Expansion
Area Mgr Portsmouth
Mgr Centrifuge Machine Ofc
Engr Mgr Exp Proj Eng Ofc
Richland Operations Ofc
Mgr
Dep Mgr
Chf Counsel
Asst Mgr for Proj and Facilities Mgmt
San Francisco Operations Ofc
Mgr San Fran Op Ofc
Chf Counsel
Dep Mgr
Asst Mgr for Prgms
Strategic Petroleum Reserve Ofc
Dep Under Secy for Spr
Proj Mgr Spr Proj Mgmt Ofc
Dir Sys Div
Asst Proj Mgr Fac Mgmt
Dir Tech Assur Off
Strategic Petroleum Reserve Ofc
Assoc Dep Under Secy for SPRO
Asst Project Mgr for Resources Mgmt
Dep Proj Mgr
Asst Proj Mgr for Sys and Engr Mgmt
Office of General Counsel
Dep Gen Counsel
Special Assistant
Dep Gen Counsel for Regulation
Dep Gen Counsel for Regulations
Asst Gen Counsel for Import Security
Agc for Coal and Leasing Regs
Asst Gen Coun for Interpretations and Rulings
Agc for Petroleum Regulations
Dep Gen Coun for Enforcement and Litigation
Agc for Enforcement
Dir Ofc of Special Investigations
Agc for Gen Litigation
Asst General Counsel for Producer Litigation
Agc for Regulatory Litigation
Agc for Admin Litigation
Dep Gen Coun for Enfc and Litigation
Dep Gen Counsel for Programs
Dep Gen Coun for Progs
Agc for Natl Def and Intl Afrs
Agc for Regulatory Interventions
Agc for Program Dev
Dep Gen Coun
Asst Gen Coun for Conservation and Solar Appl
Dep General Counsel for Legal Services
Dep Gen Coun for Legal SVCS
Agc for Patents
Agc for Administration
Dep General Counsel for Legal Services
Asst Gen Counsel for Legal Counsel
Agc for Procurement

Agc for Legislation
Dep Agc for Patents
Field Elements
Fld Ops Counsel
OFC of Hearings and Appeals
Dir, Ofc of Private Grievances & Redress
OFC of Equal Opportunity
Dir Ofc of Equal Opportunity
Dep Dir Ofc of Equal Op
Executive Secretariat
Director-Executive Secretariat
Federal Energy Regulatory Commission
Dep Executive Director
Executive Director
Exec Asst to the Chairman
Exec Asst to Chm for Nea Impl
OFC of General Counsel
General Counsel
Deputy General Counsel
Agc for Reg Dev Legis Pol Coord and Mgmt
Asst Dir for Remedial Orders and Doe Rfrl
Agc Reg Dev Legis and Gen Law
Assoc G/C for Reg Dev, Legs, and Policy Coord
Asst Gen Coun-Pipeline Rates and Valuation
Asst Gen Coun for Producer Rates and Cert Bra
Agc Hydro Licensing
Chf Trial Counsel
Asst G/Counsel-Electric Rates Corporate Regul
Agc for Rulemaking Dvlmt and Prog Simp
Chief Advisory Counsel
Agc for National Energy Regulation
Agc for P/L Cert and Curtailments
Solicitor
Solicitor
Dep Solicitor
Ofc of Opinions and Review
Chf-Ofc of Opinions and Review
Dep Dir-Ofc of Opinions and Review
Ofc of Regulatory Anaylsis
Director-Office of Regulatory Analysis
Dep Dir Ora
Asst Dir for Litigation
Asst Dir for Policy
Ofc of Cong and Public Affs
Dir, Ofc of Cong & Public Affairs
Ofc of Chief Accountant
Chief Accountant
Dir Div of Rate Structure and Anal
Ofc of Pipeline and Producer Regulation
Dir P/L Curtlmt & Sc Div
Dir P/L Certif Div
Dir Ngpa Comp Div
Director, Oppr
Dep Dir Oppr
Dir Alaska Gas Project Off
Tech Advsr
Dir Pipeline Rates Div
Asst Dir for Rate Design Policies
Asst Dir for Incremental Pricing Prov
Ofc of Electric Power Regulation
Chf-Ofc of Electric Power Regulation
Dep Chf
Dir Interconnections & Sys Analysis Div
Dir Rates and Corporate Regulation Div
Director Licensed Projects Div
Asst Dir for Price Controls and Dereg
Ofc of Electric Power Regulation
Asst Dir for Cogenerator Policies
Ofc of Enforcement
Dir Off of Enforcement
Ofc of Public Participation
Dir Off of Pub Particip
Office of the Administrator
Dep Admr for Econ Reg Admin
Dep Admr for Policy
Dep Adm for Ops and Emergency Mgmt
Ofc of Special Counsel for Compliance
Special Counsel for Compliance
Asst General Counsel for Compliance
Solicitor
Dir-Ofc of Technology and Computer Science
Dir Ofc of Audit Prog Op
Dir Ofc of Audit Systems
Dir, Ofc Audit Planning & Sys Integration
Dir Ofc of Fields Operation
Ofc of Enforcement
Dep Asst Adm for Enf
Asst Admr for Enforcement
Dir-Ofc of Enforcement Policy and Planning
Dir Program Ops Div
Ofc of Regulations and Emergency Planning
Asst Admr for Regulations and Emergency Plann
Daa for Regulations and Emergency Planning
Ofc Of Petroleum Operations
Asst Admr for Petroleum Operations
Dir Industry and Regl Operations Div
Dir-Import/Export Division
Dir Petroleum Prod Div
Ofc of Fuels Conversion
Dep Asst Admr for Fuels Conversion
Dir Fuels Conv Anal Div
Dir Asst Admin for Fuels Conversion
Ofc of Utility Systems
Dep Asst Adm for Utl Sys
Asst Admr for Utl Sys
Energy Information Administration
Dep Admr Eia
Office of Program Development
Asst Adm for Prgm Dvlpmt
Dep Asst Admr for Prgm Devlmt
Asst Secy for Conservation & Solar Applications
Dep Asst Secy for Conservation & Solar Applic
Executive Director
Exec Dir
Dir Policy Plng and Eval Div
Ofc of Commercialization
Dir Ofc of Commercialization
Res Mgr Elec and Hybrid Vehicles
Resource Mgr Urban Waste
Resource Mgre Solar Hot Water
Res Mgr Solar Indus Process Heat
Res Mgr Solar Passive
Res Mgr Photo Voltaic
Res Mgr Wood
Res Mgr Sm Wind
Res Mgr Consv Products
Res Mgr Cogereration
Asst Dir for Engy Efficient Appl
Office of Buildings and Community Systems
Asst Dir for Com and Bldg En
Asst Dir for Anal and Tech Trans
Dir Ofc of Bldg and Comm Sys
Office of Transportation Programs
Dir Transp En Consv
Asst Dir for Hwy Sys
Asst Dir for Elec and Hyb Sy
Office of State and Local Programs
Dir En Ext Serv
Office of State and Local Programs
Dir Ofc of State and Loc Pgms
Ofc of Small Scale Technology
Dir Ofc of Sm Scale Tech
Ofc of Industrial Programs
Dir Indus Eng Consv Div
Ofc of Solar Applications
Chf R & D Branch
Asst Dir for Heating & Cooling
Dir Ofc of Solar Applications
Asst Secy for Resource Applications
Exec Asst to The Asst Secy
Ofc of Policy Planning and Analysis
Dir Ofc of Pol Plng & Anal
Dep Asst Secy for Utility and Indus Energy Appl
Das for Utility and Indus Energy Appl
Ofc of Uranium Resources and Enrichment
Dir Ofc of Uran Res and Enrchmt
Asst Dir Ur Enrchmt Dev and Exp
Asst Dir for Ur Enrchmt Op and Pol
Dep Dir Ur and E
Dir of Bus and Marketing Op Div
Ofc of Coal Supply
Dir Coal Liquids Div
Ofc of Emerging Energy Sources
Dir Commercial Appl Fossil En
Dir Ofc of Emerging En Sources
Resource Mgr Geothermal
Resource Mgr Hydroelectric
Ofc of Coal Resource Management
Dir Ofc of Coal Res Mgmt
Res Mgr for Iafbc and Pgm Mgr for Dcc
Resource Mgr Low/Med Btu Coal Gasification
Resource Mgr High Btu
Grand Junction Ofc
Mgr Grand Junction Ofc
Asst Mgr for Operations
Project Manager
Dep Asst Secy for Oil Natural Gas and Shale Resources
Dep Asst Secy for Liq Fuels
Ofc of Oil and Natural Gas Supply Dev
Dir Off of Oil & Ngs Dev
Res Mgr Unconventional Gas
Ofc of Shale Resources Applications
Dir Ofc of Shale Res Apl & Res Mgr Oil Shale
Ofc of Leasing Policy Development
Dir Ofc of Leasing Prgms
Dir Res Div
Ofc of Power Marketing Coordination
Dir Ofc of Pwr Admin Coord
Ofc of Naval Petroleum Reserve
Dir Naval Petrlm Rsvs in California
Alaska Power Administration
Admr Alaska Power Adm
Bonneville Power Administration
Asst Admr for Engineering & Construction
Asst Admr for Pwr Mgmt
Dep Admr Bonneville Power Adm
Asst Admr for Oper & Mntnce
Gen Counsel
Asst Chf Engr Const & Serv Mgr
Engr Mgr
Asst Power Mgr
Asst Ops & Maint Mgr
Admr—BPA
Southeastern Power Administration
Admr—Southeastern Power Administration
Southwestern Power Administration
Admr Southwestern Power Admin
Dep Admin Southwestern Power Admin
Western Area Power Administration
Admr—Western Area Power Administraton
Dep Admr—Western Area Power Admin
Asst Admr for Pwr Mgmt & Ops & Mntce
Asst Admr for Engineering
Gen Counsel
Asst Secy for Energy Technology
Ex Asst to the Asst Secy
Asst Secy for Energy Technology
Das for Ft
Prin Dep Ast Secy for Et
Das for Energy Technology (Plan & Anal)
Office of Field Operations Management
Dir Ofc of Field Op Mgmt
Dep Dir Ofc of Field Op Mgmt
Office of Planning & Technology Transfer
Dir Ofc of Plng and Techn Transf

Dep Dir Ofc of Plng and Tech Transf
Office of Fossil Energy
Program Director—Fossil Energy
Fossil Fuel Extraction Division
Dir Fossil Fuel Extract Div
Chf Minng Rsh Res Div
Fossil Fuel Processing Division
Dir Div of Fossil Fuel Processg Div
Fossil Fuel Utilization Division
Dir Fossil Fuel Utilization Div
Magnetohydrodynamics Div
Dir of Magnetohydrodynamics Div
Energy Tech Ctrs
Dir Bartleville Ftc
Director Laramie Etc
Director Morgantown Etc
Dir Pittsburgh Etc
Office of Solar Geothermal Electric & Storage Programs
Prog Dir for Solar Geoth Elec & Stor Sys
Dep Progm Dir Sgfs Sys
Planning and Tech Transfer Div
Dir Plng and Tech Trans Div
Central Solar Tech Div
Dir Div of Cent Solar Tech
Distributed Solar Tech Div
Dir Distrib Solar Tech Div
Geothermal Energy Div
Dir Div of Geothermal En
Dir Geothermal En Div
Electric Energy Sys Div
Dir Elec En Sys Div
Energy Storage Sys Div
Dir En Stor Sys Div
Office of Fusion Energy
Dir Ofc of Fusion En
Office of Fusion Energy
Dep Dir Off of Fusion En
Planning and Projects Div
Dir Plng and Projects Div
Development and Tech Div
Dir Dvlpmt and Tech Div
Applied Plasma Physics Div
Dir Applied Plasma Physics Div
Magnetic Confinement Sys Div
Dir Div of Applied Plasma Phy
Office of Nuclear Energy Programs
Dep Progm Dir Off of Nuclear En Progm
Dir Ofc of Nuclear Energy Programs
Dir Intl Fuel Cyc Ev & Intl Nuc Afrs
Reactor Res and Tech Div
Dep Dir Reactor Rsh & Tech Div
Dir Reactor Rsh and Tech Div
Advanced Nuclear Systems and Projects Div
Dir Adv Nucl Sys & Proj Div
Dep Dir Adv Nuc Sys and Prjts Div
Plans and Analysis Div
Dir Plans & Analysis Div
Nuclear Alt Sys Assessment Div
Dir Nucl Alt Sys Assmt Div
Field Offices
Director Clinch river Brppo
Asst Dir for Construction
Asst Dir for Engineering
Mgr Pittsburgh Nav Reactors
Mgr Schenectady Nav Reactors
Dir Fast Flux Test Facility Proj Off
Dep Dir Fast Flux Test Fac Proj Off
Asst Dir for Public Safety
Dep Dir Technical Operations
Office of Nuclear Waste Management
Dir Off of Nucl Waste Mgmt
Dep Dir Off of Nucl Wste Mgt
Pgrm Mgr Remedial Actions Prgm Ofc
Waste Isolation Div
Dir Waste Isolation Division
Waste Products Div
Dir Waste Products Div
Fossil Storage and Transfer Div
Dir Fuel Stor and Trnsf Div
Asst Secy for Environment
Das for Environment
Office of Program Coordination
Dir Prgm Plng and Analysis Div
Dir Ofc of Pgrm Coord
Office of Environmental Compliance & Overview
Dep Dir Ofc of Envir Com and Overview
Dir Envir Control Tech Div
Dir NEPA Affs Div
Dir Safety Engineering Div
Dir Offc of Env Com and Overview
Dir Oper and Environ Safety Div
Office of Technology Impacts
Dir Ofc of Tech Impact
Dep Dir Ofc of Tech Impacts
Dir Policy Analysis Div
Dir Div of Tech Overview
Dir Environmental Impacts Div
Dir Regional Assmts Div
Office of Environmental Research
Dir Ofc of Health and Env Rsh
Dep Dir Ofc of Health and Env Res
Mgr Human Hlth Stud Progs
Prgms Mgr Biomedical Progs
Dir Pollu Cha and Saf Rsh Div
Dir Ecological Research Div
Mgr Carb Diox and Clm Rsh Pgms
Dir Health & Safety Lab
Asst Secy for Defense Programs
Dep Asst Secy for Defense Programs
Ex Asst to Asst Adm for Nat Sec

Ofc of Policy Analysis Operations
Exec Asst to AA for Natl Scty
Dir Div of Plns Operations & Supt
Ofc of Military Applications
Dep Dir Ofc of Military Applications
Dir Opers Div
Dir Finan Mgmt Div
Asst Dir for Mgmt Op
Ofc of Inertial Fusion
Dep Dir Ofc of Inertial Fus
Dir Laser Fusion Div
Dir Plasmas and Practice Beams Div
Dir Ofc of Inertial Fus
Ofc of International Security Affairs
Dir Ofc of Intl Sec Afrs
Dep Dir Ofc of Intl Sec Afr
Chf Arms Cont Br
Dir Politico Mil Sec Afrs Div
Dir Intelligence Div
Ofc of Classification
Dir Ofc of Classification
Dir Pol Op & Support Div & Pgrm Mgr for Pol
Dep Dir Ofc of Classification
Ofc of Safeguards and Security
Dir Sec Afrs Div
Dir Sfgrds Sys Develp & Imp Div
Dep Dir Ofc of Sfgrds and Sec
Dir Ofc of Sfgrds and Sec
Dir Policy and Analysis Division
Albuquerque Operations Office
Mgr Albuquerque Op Offc
Dep Mgr
Asst Mgr for Operations
Chief Counsel
Albuquerque Operations Office
Area Mgr Kansas City
Area Manager Los Alamos
Area Mgr Rocky Flats
Prgm Mgr Waste Isola Pilot Plpo
Area Manager Amarillo
Dir Transportation & Safeguards Div
Savannah River Operations Office
Mgr
Deputy Mgr
Asst Mgr for Operations
Asst Mgr for Project Mgmt
Asst Mgr for Health Safety Environ
Nevada Operations Ofc
Mgr
Dep Mgr
Asst for Pacific Op
Chief Counsel
Asst Mgr for Op
Special Materials Production
Dir Ofc of Nucl Matl Prod
Dep Dir Ofc of Nuc Matls Prod
Dir Production Op Div
Dir Materials Processing Div
Indian Affairs Staff
Dir Indian Affs and Liaison Ofc
Policy & Coordination Staff
Dir Pol and Coord Stf
Dep Dir Pol and Coord Stf
Office of Public Affairs
Dir Ofc of Pub Affs
Dep Dir Ofc of Pub Affs
Asst Dir Ofc of Pub Affs
Dir Press Svcs Div
Office of Public Affairs
Dir Spec Progs Div
Dir Editorial Serv Div
Office of Intergovernmental Affairs
Director-Ofc of Intergovernmental Affs
Asst Dir for Fed Rela
Dir Prg Pln and Anal Div
Dir State Relations Ofc
Office of Education
Dir-Ofc of Business Education and Labor Affs
Dep Dir Fd Bus and Lab Afrs
Dir Business Prgms Div
Dir Educa Prgms Div
Dir Lab Af and Mnpwr Assmt Div
Office of Congressional Affairs
Dir Ofc of Congressional Affairs
Dep Dir Off of Cong Affrs
Office of Consumer Affairs
Dir Ofc of Consumer Afrs
Dep Dir Ofc of Consr Affrs
Dir Citizen Participation Div
Technical Information Center
Mgr Tech Info Ctr
Deputy A/S for International Nuclear & Technology
Dep Dir for Nuclear Pol
Asst Dir for Agreemt and Liaison
Deputy A/S for International Programs
Dir Ofc of Int'l R & D Programs
Dep Asst Sec'y for Trd and Res
Dir Ofc of Industry Ops
Dir Ofc of Res Trd
Asst Dir for Tech Pgms
Asst Dir for Eval and Anay
Dir Ofc of Special Regions Policy
Asst Dir for Ldc Program
Deputy A/S for International Programs
Dep Asst Secy for Intnl Progs
Deputy A/S for International Analysis
Dep Asst Sec'y for In En Anal
Dir Ofc of Intl Market Anal
Dir Ofc of Current Asmts
DOE Rep
DOE Rep-Brussels
Asst Secy for Policy & Evaluation
Dep Asst Secy-Policy and Evaluation
Progs Operations Mgr P&E
Deputy A/S for Planning & Evaluation
Dep Asst Sec'y for Plng and Eval
Office of Planning & Regulatory Program Evaluation
Dir Reg Plng and Prgms Eval Div
Asst Dir for Environmental Anal
Dir Ofc of Plng and Reg Prog Eval
Dir Env & Instit Imp Eval Div
Office of Technical Programs Evaluation

Dir Ofc of Tech Prgms Eval
Dir Tech Appls Div
Dir Engy Use Tech and Eval Coord Div
Office of Policy Coordination
Dir Fin and Tax Policy Div
Dir Ofc of Policy Coord
Dir Legis and Pol Coord Div
Deputy A/S for Policy Analysis
Dep Asst Sec'y for Policy Anal
Dep Asst Secy for Pol Analy
Office of Coal & Electrical Systems Policy
Dir Util and Coal Sup Pol Div
Dir Integrated En Anal Div
Dir Synthetic Fuels & Indus Fuel Use Div
Office of Oil & Gas Policy
Dir Ofc of Oil and Gas Pol
Dir Div of Oil Policy
Dir Gas Policy Div
Office of Conservations & Advanced Energy Systems Policy
Dir Ofc of Consv and Adv En Sys Pol
Office of Conservations & Advanced Energy Systems Policy
Dir Adv Energy Sys Div
Dir Div of Conservation
Office of Analytical Services
Dir Ofc of Anal Serv
Dir Energy Modeling and Analysis Div
Office of Competition
Dir Ofc of Competition
Ofc of Emergency Response Planning
Dir Strategic and Conting Plng Div
Dir Ofc of Emerg Resp Plng
Dir Strategic Analysis Div
Office of Energy Research
Assoc Dir for Nucl Non-Prolif
Dep Dir Ofc of ER
U.S. Coordnr for Intl Nucl Fl Cyc Eval
Dir Ofc of Nuclear Policy
Asst for Nul Non-Pro
Office of Field Operations Management
Assoc Dir Ofc of Field Op
Dep Assoc Dir Ofc of Field Op Mgmt
Dir Lab Mgmt Div
Dir Prgm Implement Div
Dir Instut Prgms Div
Office of Program Analysis
Assoc Dir for Prgm Anal
Assoc Dir Ofc of Program Analy
Dir R and D Strat Stud Div
Dir Tech Implm Anal Div
Dir Pol Issue Anal Div
Office of Research Policy
Assoc Dir Ofr Resrh Pol
Dir Advsry and Liaison Pgms Div
Dir Rsrh and Tech Assmt Div
Dir Adv Tech Projs Div
Office of Research Policy
Exec Dir DOE R&D Coord Council
Office of Basic Energy Sciences
Assoc Dir for basic En Sci
Dep Assoc Dir for Basic En Sci
Dir Nuclear Scie Div
Office of High Energy & Nuclear Physics
Assoc Dir of High En and Nucl Phys
Directorate of Administration
Dir of Administration
Dep Dir for Administration
Controller
Controller
Dep Controller
Office of Budget
Dir Ofc of Budget
Office of Program and Project Assessment & Control
Dir Ofc of Pgrm and Proj Asst and Contr
Directorate of Procurement & Contracts Management
Dir Procur & Contr Mgmt
Dep Dir Procur & Contr Mgmt
Org Deleted
Asst Admr

EPA

Ofc of the Administrator
Exec Asst to the Administrator (Technical)
Asst to the Deputy Adm'r & Dir Ofc of Operati
Special Asst to the Dep Admr
Exec Asst (Econometrics) to the Administrator
Ofc of Legislation
Dir-Congressional Affairs Division
Dir-Legislative Div
Dep Dir Ofc Legislation
Dir-Ofc of Legislation
Ofc of Public Awareness
Dep Dir For Media Services
Dir-Ofc of Public Awareness
Ofc of Reg'l & Intergovernmental Operations
Director, Ofc of Reg'l & Intergovern'l Operat
Ofc of the Assoc Adm'r for Intern'l Activities
Associate Administrator for International Act
Ofc of the Assoc Adm'r for Intern'l Activities
Dir Internatil Orgs and Western Hemisphere Di
Ofc of Federal Activities
Dir Ofc of Fed Activities
Ofc of Civil Rights
Dir Ofc of Civil Rights
Ofc of General Counsel
General Counsel
Dep Gen Counsel
Assoc Gen Coun (Toxic Substances)
Assoc Gen Coun (Water and Solid Waste)
Dep General Counsel for Regulatory Reform
Assoc Gen Coun (Grants Contracts & Gen Admn)
Assoc Gen Coun/(Pesticides)
Assoc General Counsel
Senior Litigation
Region I, Boston
Spec Representative
Deputy Regional Administrator
Regional Admr Region II Boston
Region II, New York
Dep Reg Amdr-Region II (New York)
Reg'l Admr/Chairman Fed Regional Council
Region III, Philadelphia
NSC Staff Member for Middle Eastern Affs
Dep Regl Admr, Philadelphia
Regional Admr Reg III Philadelphia
Region IV, Atlanta
Deputy Regional Administrator, Atlanta
Regional Admr Reg IV Atlanta
Region V, Chicago
Dep Regl Admr, Chicago
Regional Admr Chicago
Region VI, Dallas
Deputy Regional Administrator Reg VI
Deputy Regional Admr-Region VI
Regional Admr Reg VI Dallas
Region VII, Kansas City
Dep Reg Admr Reg VII
Reg'l Adm'r, Kansas City, Missouri, Reg VII
Region VIII, Denver
Dep Regional Administrator Reg 8 Denver
Regional Admr Reg 8 Denver
Region IX, San Francisco
Deputy Regional Administrato
Regl Admr, San Francisco Calif
Region X, Seattle
Deputy Regional Director, Seattle
Regl Admr, Seattle
Office of the Asst Adm for Planning and Management
Assoc Asst Admr for Planning and Mgmt
Dir Ofc of Occupational Health and Safety
Ofc of the Dep Asst Admin for Planning & Evaluation
Director, Regulatory Council
Deputy Director, Regulatory Council
Ofc of the Dep Asst Admin for Resources Management
Dir, Grants Admin Div
Ofc of Dep Asst Admin for Water Enforcement
DAA for Water Enforcement
Ofc of the Dep Asst Adm'r for Gen Enforcement
Dep Asst Admr For Gen Enforcement
Ofc of the Dep Asst Adm'r for Mobile Source & Noise Enf
Dep Asst Adm'r for Mobile Source & Noise Enfo
Ofc of Asst Admr'r for Air, Noise, and Radiation
Director Ofc of Policy Analysis
Ofc of the Dep Asst Adm for Air Quality Plans & Standard
Dep Asst Admr for Air Quality Planning & Stds
Ofc of the Dep Asst Adm for Mobile Source Air Poll Con
Dep Asst Admr for Mobile Source Airpol Contro
DAA for Mobile Source Air Pollution Control
Ofc of the Dep Asst Adm for Radiation Programs
Deputy Asst Administrator for Radiation
Ofc of Dep Asst Adm for Noise Abatement & Control
Dep Asst Adm'r for Noise Abatement & Control
Ofc of Asst Adm'r for Water & Waste Management
Pol Advisor and Dir-Ofc of Prog and Mgmt Oper
Ofc of DAA for Solid Waste
ADAA for Solid Waste
Deputy Asst Administrator for Solid Waste
Ofc of DAA for Water Programs Opportunities
Asst. DAA for Water Prog Oper
Dep Asst Admstr for Water Programs Operation
Ofc of DAA for Water Supply
Assoc Dep Asst Admr for Water Supply
Dep Asst Adm'r for water supply
Ofc of DAA for Water Planning and Stds
DAA for Water Planning and Standards
Assoc Dep Asst Admr For Water Plang and Stand
Ofc of Asst Admr for Toxic Substances
Dir, Ofc of Pol Analy & Management
Ofc of DAA for Prog Integration and Information
Deputy Asst Admr for Toxic Program Integratio
Ofc of DAA for Chemical Control
DAA for Chemical Control
Ofc of DAA for Testing and Evaluation
Dep Asst Administrator for Test & Evaluation
Ofc of DAA for Pesticides Program
Assoc Dep Asst Admin, Pesticide Programs
Dep Asst Adm for Pesticides Program
Ofc of Asst Adm'r for Research and Development
Exec Dir Carcinogen Assessment Group
Assoc Asst Adm'r For Research & Development

Dir Ofc of Research Program Management
Dir-Environmental Criteria and Assessment Ofc
Ofc of the Principal Science Advisor
Scientific Policy Advisor and Staff Director
Ofc of DAA for Monitoring & Technical Support
Assoc Dep Asst Admr for Monitoring & Tech Sup
Dep Asst Admin for Monitoring & Technical Sup
Environmental Monitoring & Support Laboratory
Dir Environmental Monitoring & Support Lab Cin
Dir Environmental Monitoring & Support Lab
Ofc of DAA for Energy, Minerals & Industry
Dir Industrial Environmental Research Lab Rtp
Dep Dir-Environmental Research Lab Cincinnati
Dir, Industrial Environmental Res Lab—Cinci
Ofc of DAA for Air, Land, and Water Use
Assoc Dep Asst Admr for Air Land & Water Use
Dep Asst Admr for Air Land & Water Use
Environmental Research Lab
Dir Environmental Sciences Research Lab Rtp
Dir Environmental Research Lab Athens GA
Dir Robert S Kerr Environmental Research Labor
Environmental Research Lab
Director Municipal Environmental Research Lab
Ofc of DAA for Health & Ecological Effects
Dir Env Res Lab Gulf Breeze
Dir Stratospheric Modification Research Staff
Assoc Dep Asst Admr, Hlth & Ecological Effects
Dir Environmental Research Lab
Dir Environmental Research Lab
Dep Asst Admr for Health and Ecological Effec
Health Effects Research Lab
Dir, Health Effects Res Lab-Cin
Dir-Health Effects Research Lab-Rtp

EEOC

Ofc of the General Counsel
Assoc General Counsel Legal Counsel Division
Assoc General Counsel for Appellate Div
Asso General Counsel Trial Div
Asst Gen Counsel, Appeals Branch
Deputy General Counsel
Office of Executive Director
Director Ofc of Administration
Dir-Ofc of Interagency Coordination
Dir-Ofc of Program Planning and Evaluation
Dir-Ofc of Appeals and Review
Dep Executive Dir
Executive Director
Ofc of Systemic Programs
Dir Ofc Systemic Programs
Asst General Counsel for Systemic Litigation
Ofc of Government Employment
Dir, Ofc of Government Employment Programs
Ofc of Special Projects and Programs
Director-Ofc of Special Projects & Programs
Ofc of Policy Implementation
Dir-Ofc of Policy Implementation
Office of Planning, Res & Sys
Dir Research and Hearing Advisory Group
Ofc of Field Services
Dir Ofc of Field Services
Training Director

EOP

National Security-Int & Space Div
Senior Policy Analyst
Senior Policy Advisor
Asst Dir for Nati Security-Internatl & Space
Human Resources Social & Ec Sec Div
Senior Policy Advisor
Asst Dir Human Resources Social & Economic Se
Natural Resources & Commercial Services Div
Senior Policy Advisor
Asst Dir Natural Resources & Commercial Servi
Ofc of the Special Rep for Trade Negotiation
Asst. Spec. Trade Rep. for Textile Policy
Asst Spec Representative for Cong & Public Aff
Asst Spec Rep for Policy Analysis and Develop
Asst Spec Rep for Industrial Trade Policy
Asst Spec Trade Rep for Bilateral Relations
Asst Spec Rep for Trade Negotiations (Tariffs
Asst Special Representative for Agriculture
Dep Asst Spec Rep Policy Development & Analyi
Dep Asst Spec Rep, Agricultural Trade Policy
Dep Asst Spec Rep, Trade Policy Staff Committ
Dep Asst Spec. Rep, Policy Staff Committee
Director. International Trade Information Ctr
Exec Sec. Trade Executive Committee
Deputy General Counsel
Chairman. Trade Policy Staff Committee
General Counsel
Council on Wage & Price Stability
Asst Dir Ofc of Government Operations and Res
Council on Wage & Price Stability
Asst Dir for Public Affairs and Congressional
General Counsel, Council on Wage & Price Stabilit
Asst Dir for Govt Operations
Asst Dir for Pay Monitoring
Deputy Asst Directors for Pay Monitoring
Assistant Director for Price Monitoring
Deputy Asst Director for Price Monitoring
Dep Dir, Council on Wage & Price Stability

FCA

Ofc of the Gov
Senior Deputy Governor
Chf of Staff to the Senior Deputy Governor
Ofc of Gen Coun
General Counsel
Ofc of Supervision
Deputy Governor, Supervision
Ofc of Finance
Deputy Governor, Finance
Ofc of Examination
Deputy Governor and Chief Examiner
Ofc of Administration
Deputy Governor, Administration

FCC

Office of Opinions and Review
Chief
Office of Plans & Policy
Chf Ofc of Plans & Plicy
Dep Chf Ofc of Plans and Policy
Office of General Counsel
General Counsel
Deputy General Counsel
Assoc Gen Counsel for Litigation & Enforcement
Assoc Gen Counsel
Office of the Executive Director
Executive Director
Deputy Executive Dir
Broadcast Bureau
Chief Broadcast Bureau
Broadcast Bureau
Dep Chf, Broadcast Bureau
Chf Policy & Rules Div
Assistant Chief
Safety and Special Radio Services Bureau
Chf Private Radio Bureau
Dep Chf Private Radio Bureau
Field Operations Bureau
Chief, Field Operations Bureau
Deputy Chief, Field Operations Bureau
Cable Television Bureau
Chf—Cable Television Bureau
Deputy Chief, Cable Television Bureau
Common Carrier Bureau
Chf Common Carrier Bureau
Dep Chf, Common Carrier Bureau
Ofc of Science & Technology
Chief Scientist
Deputy Chief Scientist
Assoc Chief Engineer

FEC

Federal Elections Commission
General Counsel
Staff Dir
Deputy Staff Director
Assoc Gen Counsel for Enforcement

FEMA

Office of the General Counsel
General Counsel
Chf Counsel
Org Deleted
Director. Ofc of Operations Support
Federal Insurance Administration
Deputy Administrator
Asst Admr, Flood Ins
Asst Admr. Fin & Admin Mgmt
Asst Admr. Insurance Exam
US Fire Administration
Supt National Fire Academy
Assoc Admr—Natil Fire Data Center
Director Office of Technical Utilities
Asst Administrator USFA
Assoc Admn Pub Ed Off
Asst Dir for Training & Education
Asst Dir Training & Education
Assoc Dir for Mitigation & Research
Manager, Special Programs & Studies
Assoc Dir for Plans & Preparedness
Dir, Ofc of Preparedness
Director. Federal Preparedness
Program Officer, Plans & Preparedness
Assoc Dir for Disaster Response & Recovery
Director. Temporary Housing
Chief, Public Assistance Division
Chf, Individual Assistance Division
Assistant Administrator for Management
Dep Assoc Dir Disaster Response and Recovery
Assoc Dir. Disaster Response & Recovery
Regions
Regl Dir. Region 8, Denver
Regl Dir. Reg 9, San Francisco
Reg Dir Region 6 Dallas
Reg Dir Region 10, Seattle

FHLBB

Federal Home Loan Bank Board
Asst to the Chairman

Office of the General Counsel
General Counsel
Deputy General Counsel
Assoc General Counsel for Operations
Off of Industry Dev
Dir Office Industry Development
Federal Savings & Loan Insurance Corporation
Director Fed Stl Ins Corp
Federal Savings & Loan Insurance Corporation
Dep Dir Ins Fed Savings & Loan Ins Corp
Ofc of Dist Banks
Dir—Ofc of Federal Home Loan Banks
Deputy Director—Supervision Ofc/Dist Banks
Office of Economic Research
Director—Office of Economic Research
Deputy Director, Ofc of Econ Research
Dir, Spec Studies, Ofc of Economic Research
Ofc of Community Investment
Dir—Ofc of Community Investment

FMC

Office of the General Counsel
Gen Counsel
Office of the Managing Director
Managing Director
Bureau of Ocean Commerce Regulation
Dir Bureau of Ocean Commerce Regulation

FM&CS

Ofc of the Director
Deputy Dir
Ofc of the General Counsel
General Counsel
Assoc Gen Counsel
Ofc of Mediation Services
Director of Mediation Services
Assoc Dir of Mediation Services
Ofc of Arbitration Services
Director of Arbitration Services
Ofc of Technical Services
Assoc Dir of Mediation Svcs (Techn Svcs)
Ofc of Special Services
Dir Ofc of Special Services
Regional Offices
Reg:l Dir—Region I—New York
Regional Dir Region 2 Philadelphia Pa
Regional Dir—Region 3 Atlanta Georgia
Regional Dir Region IV Cleveland Ohio
Regional Dir Region 5 Chicago Illinois
Reg:l Dir—Region 6—St. Louis, Missouri
Regional Dir Region 7 San Francisco
Regional Offices
Regional Director, Seattle, Wash-Reg VIII

FMSHR

Ofc of the General Counsel
General Counsel
Ofc of the Executive Director
Executive Director

FTC

Office of the Chairman
Asst to the Chairman
Office of the Secretary
Secretary
Ofc of Policy Planning & Evaluation
Dep Dir of Policy Planning
Dir of Policy Planning
Office of the General Counsel
General Counsel
Dept Gen Counsel
Asst General Counsel for Legal Counsel
Asst Gen Coun for Legis & Cong Liaison
Asst Gen Counsel for Litigation & Environ Pol
Ofc of Executive Director
Financial Manager
Dir, Data Processing & Mis
Executive Director
Bureau of Competition
Asst Dir for Evaluation
Asst Dir for General Planning
Asst Dir for General Litigation
Asst Dir for General Litigation
Asst Dir for General Litigation
Asst Dir for General Litigation
Asst Dir for Compliance
Asst Dir for Genl Litigation
Asst Dir for Spec Projects
Dep Bur Dir
Bureau of Competition
Dep Bureau Dir
Dir
Bureau of Economics
Asst Dir for Econ Evidence
Deputy Director
Dir, Bureau of Economics
Bureau of Consumer Protection
Asst Dir for Marketing Abuses
Asst Dir for Compliance
Asst Dir for Energy & Prod Info
Asst Dir for Food & Drug Adv
Asst Dir for Professional Svcs
Asst Dir for Prod Reliability
Asst Dir for Advertising Practices
Asst Dir for Credit Practices
Dep Dir Bureau of Consumer Protection
Dep Director for Operations
Director, Bureau of Consumer Protection
Regional Offices
Regional Dir, Chicago
Regional Dir, Cleveland
Regional Dir, Denver
Regl Dir, New York

GSA

Office of the Administrator
Deputy Administrator
Dir of Information Security Oversight
Dir, Management Planning Division
Executive Asst to the Administrator
Asst to the Admr for Field Operations
Ofc of Public Affairs
Director of Public Affairs
Org Deleted
Dir of Planning, Pol & Evaluation
Office of the General Counsel
General Counsel
Dep General Counsel
Asst General Counsel for Claims & Litigation
Asst Gen Counsel for Procurement
Asst Gen Counsel for Public Buildings
Asst General Counsel for Automated & Telecomm
Ofc of Management, Policy, and Budget
Dep Asst Admr for Management, Policy & Budget
Dir Program and Policy Planning Staff
Executive Officer, OAD
Asst Admr for Management Policy and Budget
Office of Human Resources and Organizations
Asst Admr for Human Resources and Organizations
Dir of Administrative Services
Regional Directors
Regl Admr Reg 1, Boston
Regional Administrator, Reg 2, New York
Regional Admr, Natl Capital Region
Regl Controller & Dir of Adm, Natl Capital Re
Regil Admr, Region 4, Atlanta, Ga
Regional Administrator, Reg 5, Chicago
Regl Admr, Reg VI, Kansas City
Regional Admir, Region 7, Ft Worth, Texas
Regional Admr (Region VIII—Denver)
Regional Administrator, Reg 9, San Francisco
Regional Administrator, Reg 10, Auburn, Wash
Regional Admr, Reg 3, Philadelphia, Pa
Deputy Regl Admr, Reg 3, Phila, Pa
National Archives and Records Service
Archivist of the U.S.
National Archives and Records Service
Dep Archivist of U.S.
Exec Dir National Archives & Records Service
Automated Data & Telecommunications Service
Comm:R, Automated Data & Telecommunications S
Dep Commissioner Automated Data & Telecom Ser
Exec Dir Automated Data & Telecomm Svc
Federal Property Resources Service
Commr-Fed Property Resources Svc
Dept Commr Federal Property Resources Svc
Public Buildings Service
Deputy Commissioner-Public Building Service
Director Ofc of Special Programs
Commissioner Public Buildings Serv
Federal Supply Service
Dir, Program Review and Resources Management
Dep Comm,R, Federal Supply Service
Asst Comm:R for Trans & Public Utilities
Asst Commr for Procurement
Commissioner Federal Supply Service
Transportation & Public Utilities Service
Asst Admr & Comm Trans & Pub Utililt

HSTSF

Ofc of Exec Secy
Exec Secy

HEW

Office of the Secretary
Asst to Secy (Exec Secy to the Dept)
Dep Exec Secretary to the Department
Dep Exec Secy to the Dept (Asst to the Secy)
Exec Asst to the Secy
Deputy Dir-Ofc of Consumer Affairs
Ofc of the Under Secretary
Deputy Under Secretary
Deputy Under Secy for Intergovernmental Affa
Principal Regional Official Reg I Boston Mass
Ofc of the Under Secretary
Prin Reg:l Official (New York)
Princ Regional Offical Reg III Philadelphia
Prin Reg'l Official/Chrperson Fed Reg'l Counc
Princ Regional Official Reg V Chicago
Princ Reg Official Reg VI Dallas
Prin Reg Official Reg VII Kansas City
Principal Regional Official—Denver
Principal Regil Official (San Francisco)
Prin Regl Official/Chairman Fed Reg Council—SE
Chairman, Dept Grant Appeals
Ofc for Civil Rights
Spec Asst to Secy for CR/Dir Ofc of CR
Dep Dir for Compliance & Enforcement
Dep Dir for Standards Policy and Research
Dep Dir for Program Review
Dep Dir for Mgmt & Admin
Office of the Inspector General
Asst Inspector General for Auditing
Asst I/G for Health Care and Systems Review
Asst Inspector General for Investigations
Exec Asst Inspector General

Assoc Dir, Div of Univ & Nonprofit Audits
Asst Secy for Human Dev Services
Dir—Ofc of Planning Research and Evaluation
Director, Ofc of Administration & Management
Dept Asst Secretary for Human Development Serv
Dept Comm:R Public Services Administration
Commr-Adm for Public Service
Dir Division of Program Sys Dev
Dep Commr Rehab Servcs Adm
Asst Secy for Human Dev Services
Deputy Director NIHR
Org Deleted
Commr Adm on Children Youth and Families
Administration on Aging
Dep Commr
OAS—for Management and Budget
Das—Policy Coordination
Deputy Assistant Secretary, Budget
Dir, Division of Health Budget Analysis
Dir, Div of Education Budget Analysis
Dir, Division of Welfare Budget Analysis
Dir, Division of Budget Review
Dep Asst Secy for MGMT Analysis and Systems
Dir—Ofc of Facilities Engineering
Dir—Ofc of Mgmt Services
Asst Sec for Mgmt and Budget
Dir—Ofc of Mgmt Analysis
Dir—Ofc of Computer and Information Systems
Dir—Ofc of Technical Services
Ofc of Asst Secy for Personnel Adm
Asst Sec for Personnel Administration
Dep Asst Sec for Equal Employment Opportunity
DAS—For Personnel and Training
Dep Asst Secy for Personnel & Training
Dir—Ofc of Personnel Policy & Training
Dir—Ofc of Exec Personnel and Career Dev
Dir Employees Systems Center
Assistant Secretary for Planning and Evaluation
Dep Asst Secy for Planning & Evaluation
Tech Dir—Ofc of Evaluation Tech Analysis
DAS for Program System
Dep Asst Sec for Evaluation & Tech Analysis
Dir Econ Analysis (Cost Est Svcs NHI and HCC)
Deputy Assistant Secretary for Planning and Eval—Health
Asst to Sec for Planning and Evaluation (Health)
Deputy Assistant Secretary for Planning and Eval—Education
Dep Asst Secy for Planning & Evaluation (Education)
Dep to the DAS for Planning and Eval/ Health
Dep Asst Secy Plang and Eval—Income Maint and Soc Serv
DAS for Social Services and Human Development
Dep Asst Secy for Income Security Policy
Dep Asst Sec for Income Security Policy
Dep to the DAS for Income Sec Policy
Assistant Secretary for Legislation
Dep Asst Sec for Legislation
Deputy Asst Sec for Legislation (Health)
Dep Asst Sec for Legislation (Ed)
Dep Asst Sec for Legislation (Welfare)
Dir—Program Coordination
Assistant Secretary for Health
Dep Asst Sec for Health Operations
DAS for Health Policy Research, Stat & Techn
DAS for Hth Plan & Eval
Dir—Ofc of Management
Director Office of International Health
Dep Asst Sec, Population Affairs
Regl Health Administrator, Reg 5, Chicago
Regl Health Administrator, Reg VI, Dallas
Exec Dir, Pres Council on Phys Fitness & Spor
Dir Natl Ctr for Health Statistics
Assoc Dir for Program Analysis
Dir Ofc of Personnel Mgmt
Director, Ofc of Organization & Management Sy
Dep Dir Natl Ctr for Health Statistics
Dep Dir Ofc of Health Maintenance Org
Dir Ofc of Hlth Maintenance Org
Assistant Secretary for Health
Dir, Ofc of Smoking & Health
Special Asst for Environmental Health
Spec Asst for Science
Assistant Secretary for Public Affairs
Deputy Asst Secy for Public Affairs
Dir, Editorial & Publications Management Div
Dir News Div
Office of the General Counsel
Deputy General Counsel
Dep General Counsel—Legal Counsel
Dep Gen Counsel for Regulatory Review
Asst General Counsel Legislation Division
Dep Asst General Counsel
Asst Gen Counsel, Public Health Division
Dep Asst Gen Counsel SSA Div
Asst Gen Counsel, Social Security Div
Dep Asst Gen Counsel, Pub Health Division
Asst Gen Counsel Ed Div
Dep Asst Gen Counsel, Educ Div
Asst Gen Counsel, Food & Drug Division
Asst Gen Counsel Civil Rights Div
Dep Asst Gen Counsel, Food & Drug Div
Assoc Gen Counsel (Reg Operations)
Dep Asst Gen Counsel (HCFHDS)
Dep Asst Gen Counsel (HCFHDS)
Dep Asst Gen Counsel Civil Rights Div
Dep Asst Gen Counsel Insp General Div
Asst General Counsel, Human Resources Division
Asst Gen Counsel—Inspector General Division
Office of the Assistant Secretary for Education
Dep Asst Sec for Education
Dir, Fund for Improvement of Post-Scndy Educat
DAS for Education (Policy Development)
National Center for Education Statistics
Admr, Natl Cntr for Educ Statistics
Dep Admr Natl Center for Education Statistic
Asst Admr for Research and Analysis
National Institute of Education
Dep Dir for Mgmt
Assoc Director Education Policy
Assoc Dir Dissemination
Chf Functional Organization & Instruction
Deputy Director NIE
Ofc of Education
Exec Dep Commr for Educational Progs
Exec Dep Commdr for Resources & Operations
Dep Commr for Higher and Continuing Education
Director Office of Bilingual Education
Dir, Teacher Corps
Dir Ofc of Career Education
Asst Commr for Policy Studies
Asst Commr for Regional Liaison
Dep Dir Teacher Corps
Dep Comm Bureau of School Improvement
Director, Right-to-Read Program
Ofc of Management
Assoc Deputy Commr for Management
Ofc of Planning
Asst Commr Program Planning & Evaluation
Asst Commr for Legislation
Dir, Evaluation Div
Dir, Div of Planning & Budgeting
Dep Commissioner for Occupational & Adult Education
Dep Commr for Occupational & Adult Education
Assoc Commr for Vocational, Adult & Manpower
Associate Commr for Occupational Planning
Dir Div of Voc & Techn Ed
Dir Div of Res & Demonstration
Dir Div of Adult Education
Dir, Div of Secondary Occupational Planning
Dir—Div of Postsecondary Occupational Planning
Dir Div of State Vocational Pgm Ops
Dep Commr for Elementary and Secondary Education
Dep Commr for Elementary & Secondary Education
Assoc Commr for State and Local Ed Programs
Assoc Commr, Libraries & Learning Resources
Associate Commissioner for Compensatory Educa
Dir, Div of Education for the Disadvantaged
Dep Assoc Commr for Libraries & Learning Res
Dep Commr for Education of the Handicapped
Dep Commr of Education for the Handicapped
Assoc Dep Commissioner for Education of the Handicapped
Dir, Div of Innovation & Dev-Beh
Director, Division of Personnel Preparation,
Dir-Div of Media Services
Dep Commr for Higher and Cont Education
Assoc Dep Commr for Higher & Continuing Educa
Asst to the Comm (Internal Education)
Dir, Div Institutional Development
Dir Div of Student Financial Aid
Director, Community College Unit
Dir College University Unit
Ofc of Student Financial Assistance
Dep Commr for Student Financial Assistance
Ofc of Student Financial Assistance
Dir Div Basic & State Students Grants
Dep Commr For Indian Education
Deputy Commr For Indian Education
Assoc Dep Commr For Indian Education
Health Care and Financing Administration
Adm Health Care Financing Adm
Dep Admr For Operations
Dir Health Care Standards and Quality Bureau
Dir—Ofc of Intergovernmental Affairs
Director Office of Management and Budget
Dir—Ofc of Res Demonstrations and Statistics
Dir Bureau of Prog Operations
Dep Dir Bureau of Program Operations
Dep Dir Ofc of Management & Budget
Dir Ofc of Legislative Planning
Director—Ofc of Policy Analysis
Dir Office of Eligibility Policy—HCFA
HCFA Regional Administrator
HCFA Regional Administrator
HCFA Regional Administrator
HCFA Regional Administrator

HCFA Regional Administrator
HCFA Regional Administrator
HCFA Regional Administrator
HCFA Regional Administrator
Dir Ofc of Executive Operations
Dir Ofc of Legislation and Policy
Social Security Administration
Assoc Comm For Family Assistance
Dir Prog Service Center (Mid-Atlantic)
Dir Prog Service Center (Northeast)
Dir Prog Service Center (Great Lakes)
Dir Prog Service Center (Southeast)
Dep Assoc Comm Ofc of Family Assistance
Dir Prog Service Center (Mid-America)
Dir Div of Policy Ofc of Family Assistance
Asst For Public Affs
Ofc of Child Support Enforcement
Deputy Director—Ofc of Child Support Enforcem
Assoc Dep Dire Ofc of Child Support Enforce
Office of Advanced Operating Sys
Director Office of Advanced Systems
Dep Dir Ofc of Advanced Systems
Office of Management and Administration
Deputy Commr For Operations
Dir SSA Reorganization Task Force
Dir Ofc of Payment Eligibility Quality
Office of Program Policy and Planning
Dir Div of Retirement & Survivors Benefits
Dep Assoc Commr Ofc of Policy
Dep Assoc Comm Office of Family Assistance
Dir Ofc of Legislative and Regulatory Policy
Dir Ofc of Regulations
Office of External Affs
Dir Congressional Relations Staff
Dir Ofc of International Policy
Assoc Commr Govtl Affrs
Ofc of Progam Operations
Regional Commr Boston
Regional Commr New York
Regional Commr Philadelphia
Regional Commr Atlanta
Regional Commr Chicago
Regional Commr Kansas City
Regional Commr Dallas
Regional Commr Denver
Regional Commr San Francisco
Regional Commr SSA Seattle
Dir Western Program SVC Center
Dep Commr For Programs
Assoc Commr Ofc of Mgmt Budget and Personnel
Assoc Commr Ofc of Systems
Assoc Commr Ofc of Central Operations
Assoc Commr Ofc of Operational Policy and Proc
Dep Assoc Commr—Ofc of Hearings and Appeals
Dep Dir Bureau of Supplemental Security Incom
Dir Ofc of Disability Operations
Dir Ofc of Program Service Centers
Chief Medical Consultant Disability Operatio
Dir Ofc of Operations Analysis and Support
Dir Ofc of Insurance Programs
Bureau of Hearings and Appeals
Assoc Comm For Hearings & Appeals
National Institutes of Health
Deputy Director NIH
Immediate Office of the Director
Assoc Dir For Extramural Research & Training
Assoc Dir For Program Planning & Eval
Assoc Dir For Communications
Dir John E Fogarty Intil Ctr
Dep Assoc Dir For Program Planning & Eval
Dir Office of Program Analysis Bethesda Md
Deputy Director For Science
Asst Director For Intramural Affairs Bethesda
Division of Research Grants
Dir Div of Research Grants
Deputy Director Division of Research Grants
Associate Director for Administration
Assoc Dir for Adm
Dir Division of Personnel Mgmt
Division of Computer Research & Tech
Director Div of Computer Research Techn
National Library of Medicine
Dir NLM
Natl Institute of Environmental Health Sciences
Dep Dir Natl Inst of Environmental Health Sci
Assoc Dir Research Resources Program
Assoc Dir for Extramural Programs Durham NC
Scientific Dir NIEHS
National Inst of Allergy and Infectious Diseases
Dep Dir Natl Institute of Allergy & Inf Dis
Natl Institute of Neurological & Comm Disorders & Stroke
Dep Dir NINCDS
Dir Extramural Activities Programs
National Heart and Lung Institute
Dir Natl Heart & Lung Institute
Executive Officer Natl Heart Lung & Blood In
Assoc Director for Scientific Review Drg
Ofc of Program Planning and Evaluation
Dir Ofc of Program Planning & Evaluation
National Cancer Institute
Dep Dir Natl Cancer Institute Bethesda Md
Executive Officer
Assoc Dir Prog Planning & Analysis
Associate Director for Cancer Communications
Div of Cancer Control & Rehabilitation
Chief Liaison Branch
Natl Inst of Arthritis Metabolic & Digestive Diseases
Director
Intramural Research
Director
Natl Institute of General Medical Sciences
Dir National Institute of General Med Scienc
National Institute of Child Health and Human Development
Dep Dir NICHD
Dir Nat Inst of Child Health & Human Dev
National Institute on Aging
Dep Dir
National Eye Institute
Dir
Assoc Dir for Extramural and Collaborative Pr
National Institute for Dental Health
Dir Intramural Research Program
Asso Dir for Natl Caries Program
Food and Drug Administration
Commissioner of Food & Drugs
Deputy Commr of Foods & Drugs
Asst Commissioner for Planning & Evaluation
Exec Dir of Regional Operations
Dep Exec Dir of Regl Operations
Assoc Commr for Legislative Affairs
A/D for Field Support
Regl Food and Drug Reg VIII Denver
Assoc Commr for Mgmt & Operations
Spec Asst to Commr for Consumer Affairs
Associate Commissioner for Medical Affairs
Assoc Comm for Health Affs
Dep Assoc Commr Health Affrs (Ed & Prof Tng)
Dep Assoc Commr for Health Affairs (Science)
Associate Commissioner for Compliance
Assoc Commr for Regulatory Affairs
National Center for Toxicological Research
Exec Dir Natl Cntr for Toxicological
Bureau of Foods
Dir Bureau of Foods
Ofc of Assoc Dir for Nutrition & Consumer Sciences
Dir Div of Nutrition
Bureau of Drugs
Dir Ofc of Planning & Evaluation
Bureau of Biologics
Dep Dir Bureau of Biologics
Bureau of Veterinary Medicine
Director
Bureau of Radiological Health
Deputy Director
Bureau of Medical Devices & Diagnostic Products
Dir Bur of Med Devices & Diagnostic Products
Bureau of Medical Devices & Diagnostic Products
Dep Dir-Bureau of Medical Devices
Health Resources Administration
Administrator Health Resources Administration
Assoc Admr for Operations & Management
Dir Div of Associated Health Professions
Assoc Admr for Planning Evaluation & Legisla
Dir Bur of Health Plan
Dep Dir Bureau of Health Planning
Dir Div of Manpower Training Support
Dep Dir Bur of Health Facil Empl Conv
Dir Bureau of Health Facilities Fin Comp & Dir Div of Manpower Analysis
Dir Ofc of Hlth Resources Oppor
Dep Amdr Health Resources Administration
Center for Disease Control
Dep Dir Center for Disease Control
Dir Natl Institute for Occupational Safety
Executive Officer
Dir Bureau of Health Ed
Natl Inst of Occupational Safety and Health
Dep Dir
Alchol Drug Abuse & Mental Health Administration
Dep Admr Alcohol Drug Abuse & Mental Health A
Ex Ofr Alcohol Drug Abuse & Mental Health
Assoc Administrator for Program Coordination
Assoc Dir for Program Implementation
National Institute of Mental Health
Deputy Director NIMH
Division of Manpower and Training Programs
Dir Div of Manpower & Training Programs
Division of Special Mental Health Programs
Dir Division of Special Mental Health Program
Natl Inst of Alcohol Abuse and Alcoholism
Dep Dir Natl Inst of Alchol Abuse & Alcoholi
Dir Div of Resource Development
Natl Inst of Alcohol Abuse and Alcoholism
Dir Div of Spec Treatment & Rehabilitation Pr
Dir Nati Institute on Alcohol Abuse & Alcoho

Natl Institute on Drug Abuse
Dir Div of Community Assistance
Saint Elizabeths Hospital
Assoc Superintendent for Administration
Dir Area D Community Mental Health Center
Health Services Administration
Deputy Administrator HSA
Associate Administrator for Management
Director Division of Emergency Medical Servi
Assoc Admr for Internatl Health
Assoc Admr for Planning Evaluation & Legisla
Indian Health Service
Dep Director Indian Health Service
Bureau of Community Health Services
Deputy Dir-Bureau of Community Health Service
Assoc Bur Dir for Maternal & Child Health
Regional Health Adm Region VII Kansas City
Assoc Bureau Dir for Family Planning
Welfare Reform Planning Staff
Commr of Welfare

HUD

Office of the Secretary
Counsellor to the Secretary
Exec Asst to the Secy (Spec Projects)
Asst to the Secy for Internatl Aff
Inspector General
Dep Asst to Secy for Public Affairs
Exec Asst to the Secy (Operations)
Asst to the Sec for Labor Rel
Ofc of the Under Secy
Assoc Dep U/S for Filed Coord
Dep Under SFC for Field Coordination
Ofc of Asst Secy for Legis and Intergovl Rel
Das for Legislation and Intergovernmental Rel
Office of the General Counsel
Dir-Regulations & Issuances
Assoc Dep General Counsel
Assoc Gen Counsel for Litigation Division
Dep Assoc Gen Coun for Insured Housing
Assoc General Counsel for Urban Development
Assoc Gen Coun for Insured Housing
Assoc Gen Coun for Fin & Administrative Law
Assoc Gen Counsel for Legislation
Assoc General Counsel for Regulatory Programs
Deputy General Counsel
Govt National Mortgage Association
Vice President of Mortgage Finance
Vice President for Mortgage Backed Securities
Executive Vice President
Asst Sec for Fair Housing and Equal Opportunity
Deputy A/S for Mgmt & Oper
Dir Ofc of Voluntary Compliance
Gen Dep Asst Secy for Fair Housing & Equal Op
Dir Ofc of Mgmt and Field Coord
Assistant Secretary for Administration
Dir Ofc of Adp Systems Development
Director Ofc of Personnel
Deputy Director of Personnel
Dep Dir Ofc of Org and Mgmt Info
Dep Asst Sec for Administration
Dir Ofc of Budget
Dir Ofc of Administrative Services
Dir Ofc of Adp Operations
Dep Dir Ofc of Budget
Dir Ofc of Org & Mgmt Info
Assistant Secretary for Policy Development & Research
Dir Div of Evaluation
Dir Div of Housing Asst Research
Dep Asst Secy for Policy Dev
Dep Asst Secy for Economic Affairs
Dir Ofc of Mgt & Program Control
Dir Div of Community Conservation Research
Dep Asst Secy for Research
Ofc of Asst Secy for Community Planning & Development
Dir Ofc of Urban Development Action Grants
Dir Off of Mgmt
Dep Asst Secy for Comm Planning & Dev
Dep Asst Sec for Urban Policy
Dir Div of Program Completion
Dep Dir Ofc of Blk Grant Assistance
Das for Interprogram and Areawide Concerns
Deputy Dir Ofc of Policy Planning
Dir Ofc of Block Grant Asst
Dir Ofc of Policy Planning
Dir of Field Operations and Monitoring
Program Advisor
Oas for Neighborhoods Voluntary Assoc & Cons Proj
Gen Dep Asst Sec for Neighborhds Vol Assoc &
Asoc Dep Asst Sec for Reg Functions/Assoc ILSR
Dep Asst Secy for Neighborhood and Consumer A
Dep Asst Sec for Regulatory Functions/ ILRS Ad
New Communities Dev Corporation
Dir Ofc of Program Policy and Mgmt
Program Advisor
Dep Dir Ofc of Prog Policy and MGMT
Asst Secretary for Housing
Gen Dep A/S for Housing/Dep Fed HSG Commr
Asst Secretary for Housing
Dir Ofc of Financial Mgmt
Dir Ofc of Hsg Ops and Field Monitoring
Dir Ofc of Existing & Moderate Rehab Hsg
Dir Ofc of Multifamily Hsg Dev
Dep Dir Ofc of Multifamily Financing & Pres
Das for Public Housing and Indian Programs
Dep Asst Sec for Multifamily Hsg Prog
Dir Ofc of Multifamily Hsg Mgmt & Occupancy
Deputy Director Office of Management
Director Ofc of Mgmt
Dep Dir Ofc of Public Housing Programs
Region I Boston
Dep Regl Admr Boston
Regional Administrator Boston
Region II New York
Dep Regl Admr NY
Regional Administrator
Regional III Philadelphia
Dep Reg Admr Philadelphia
Regional Admr Chairperson Fed Regional Counc
Region IV Atlanta
Dep Regl Admr Rfg IV Atlanta
Regional Admr Atlanta Georgia
Region V Chicago
Dep Regional Administrator
Regl Admr Region V Chicago
Region VI Dallas
Regional Administrator
Dep Regional Administrator Dallas
Region VII Kansas City
Dep Regional Administrator Kansas City
Regional Administrator Reg VII
Region VIII Denver
Dep Regional Administrator Denver Colo
Regl Admr/Chrperson Fed Regional Council
Region IX San Francisco
Dep Regl Admr San Francisco
Regional Admr San Francisco
Region X Seattle
Dep Regl Admr, Seattle
Reg Admr-Seattle

INT

Ofc of the Secretary
Assistant and Science Adviser to the Secret
Asst to Secy (State and Federal Relations)
Asst to Sec an Dir Ofc of Congressional & Le
Executive Assistant to the Secy
Asst to Secretary and Dir—Ofc of Public Affai
Director of Small and Disadvantaged Bus Util
Asst to Secy
Asst to the Secy and Dir Exec Secretariat
Dir Ofc of Youth Programs
Special Asst to Secy
Asst to the Secretary
Spec Asst (Field Representative)
Spec Asst (Field Representative)
Spec (Field Representative)
Spec Asst (Field Representative)
Legislative Counsel
Dep Dir for Senate Liaison
Dep Director for House Liaison
Asst to the Secy
Ofc of the Under Secretary
Deputy Under Secretary
Dep Under Secy
Deputy under Secy
Ofc of Equal Opportunity
Dir Off for Equal Opportunity
Asst Dir-Div Fed EEO
Asst Dir Div Title VI Compliance
Ofc of the Chf Administrative Law Judge
Dir, Ofc of Hearings & Appeals
Ofc of Territorial Affairs
Dir, Ofc of Territorial Affs
Deputy Dir Territorial Affairs
Dep High Commr of the Trust Territory
Chief Justice Trust Territory
Ofc of the Solicitor
Deputy Solicitor
Assoc Solicitor for Energy & Resources
Assoc Solicitor (General Law)
Assoc Solicitor (Conservation & Wildlife)
Associate Solicitor (Indian Affairs)
Assor Solicitor—Surface Mining
Regional Solicitor, Portland
Regional Solicitor, Anchorage
Regional Solicitor, Denver
Regional Solicitor, Sacramento
Regional Solicitor, Boston
Regional Solicitor, Tulsa
Regional Solicitor, Atlanta
Asst Sec'y-Policy & Budget & Administration
Dep Asst Secy For Policy Budget and Administr
Dep Asst Secy Policy Budget & Administration
Dep Asst Secretary-Policy Budget and Adm
Asst to the Asst Secy
Dir Ofc of Administrative & Mgmt Policy
Procurement and Grants Officer, PBA
Dir Ofc of ADP & Telecommunications Managemen
Director Ofc of Environmental Project Review
Dir Ofc of Administrative Service
Dir, Off of Budget
Dep Dir, Off of Budget
Director, Ofc of Outer Continental Shelf Prog
Dir, Ofc of Policy Analysis
Asst Dir for Economics
Asst Dir for Studies

Asst Dir for Programs
Direc WR Ofc of Personnel
Chf Div of Employment & Position Mgmt
Chief Div of Planning and Evaluation
Asst Secretary for Fish & Wildlife & Parks
Dep Asst Sec for Fish Wildlife and Parks
Dep Asst Sec for Fish and Wildlife and Parks
Special Asst to the Assistant Secretary
Staff Asst, FWP
Nat'l Park Service
Director National Park Service
Dep Dir-Nat'l Park Service
Associate Dir, Science and Technology
Chief Scientist, National Park Service
Assoc Dir, Mgmt & Operations
Dir Natl Capital Region
Director Pacific Northwest Region, Seattle, W
Regional Director, Atlanta
Regional Director, Philadelphia
Regional Director, Omaha
Area Director, Alaska
Regional Director, Boston
Regl Dir S.W. Region
Regional Director, Western Region
Reg'l Director Rocky Mountain Region
Associate Director, Legislation
Assoc Dir Administration NPS
Heritage Conservation & Recreation Service
Dir-Heritage Conservation and Recreation SVC
Dep Dir For Planning
Dep Dir For Programming
Associate Director, Professional Services
U.S. Fish & Wildlife Service
Deputy Director
Assoc Dir-Fish & Wildlife Resources
Assoc Dir Environment
Assoc Dir-Research
Assoc Dir Federal Assistance
Assoc Dir-Fisheries Resources
Regional Director, Pacific Reg 1, Portland, O
Regional Director, SW Reg 2, Albuquerque, N M
Regl Dir, Twin Cities
Regl Dir, SE Reg 4, Atlanta
Regional Director, NE Region 5, Boston
Area Director Alaska
Deputy Associate Director-Research
Western Field Coordinator
Regl Dir, Denver
Assoc Dir, Planning and Budget
Asst Secretary Energy & Minerals
Deputy Asst Secy-Energy and Minerals (Policy)
Dep Asst Secy E&M (Regulation)
Dir-Ofc of Minerals Policy Development
Bureau of Mines
Assoc Dir-Mineral & Materials Supply/ Demand A
Asst Dir Mining
Asst Dir-Program Development & Evaluation
Asst Dir-Metallurgy
Asst Dir-Interindustry & Economic Analysis
Asst Dir International Data and Analysis
Asst Dir-Metals & Minerals & Materials
Research Dir, Albany Metallurgy Res CTR
Chief Scientist
U.S. Geological Survey
Assoc Dir
Asst Dir Land Resources
Chief Publication Div
Asst Dir-Mineral and Water Resources
Asst Dir-Geologic Engineering
Asst Dir, Central Region Asst Dir for Admin USGS
Asst Dir, Program Analysis
Topographic Div
Chief, Topographic Division
Assoc Che, Topographic Division
Ofc of Surface Mining Reclam and Enforcement
Deputy Director
Asst Dir for Tech Services & Research
Asst Director-State and Fed Progs
Asst Dir-Inspection and Enforcement
Asst Dir-Abandoned Mined Lands
Ofc of Surface Mining Reclam and Enforcement
Asst Director for Management and Budget
Regil Dir (Charleston)
Regil Dir (Kansas City)
Regil Dir (Denver)
Regil Dir (Knoxville)
Regil Dir (Indianapolis)
Asst Sec'y-Land & Water Resources
Dep Asst Sec Land & Water Resources
Staff Asst Economics
Spec Asst for Emergency Water Planning
Dep Asst Sec-Land & Water Resources
Bureau of Reclamation
Commissioner of Reclamation
Dep Commr
Asst Commr-Engineering & Research
Asst Commissioner Resource Development
Regl Dir. Reg 3 Boulder City Nevada
Asst Cmmr Resource Planning
Regional Director Region 2 Sacramento
Regl Dir (Pacific Northwest Region)
Assistant Commissioner Administration
Regional Director Upper Colorado
Regional Director Southwest
Regional Director Upper Missouri
Bureau of Land Management
Assoc Director BLM
State Dir Utah
State Dir Wyoming
Montana State Dir
State Dir Denver Colorado
Bureau of Land Management
State Director (California State Office)
State Director (Alaska)
Deputy Director Services
State Director-Arizona
State Director-New Mexico
State Director Idaho
State Dir Nevada
Service Center Director
Ofc of Water Research & Technology
Dir Ofc of Water Research and Technology
Dep Dir and Asst Dir-Technology Dev
Asst Dir-Technology and Information Transfer
Asst Dir. Research
Tech & Info Transfer Coordinator & Manager
Asst Secy-Indian Affs
Dep Asst Sec for Indian Affairs (Operations)
Deputy Asst Secretary
Bureau of Indian Affairs
Area Director
Area Director
Area Director
Area Director
Area Director
Area Director
Area Director
Area Director
Area Director
Director of Indian Services
Director of Trust Responsibilities
Director of Administration
Bureau of Indian Affairs
Dir of Indian Education Programs
Director of Tribal Resources Development
Director Technical Assistance & Training

ICA

Ofc of the Dir African Affs
Deputy Assistant Director-Africa
Ofc of Assoc Dir for Management
Dir Ofc of Personnel Services
Dir Ofc of Comptroller Services
Dir Off Security
Dep Dir Admin Svcs
Dir Ofc of Sys Techn
Ofc of Assoc Dir for Education & Cultural Affs
Dir Institutional Relations
Dir Academic Programs
Ofc of Assoc Dir for Broadcasting
Dir Offc Engr/Tech Opr
Deputy Program Manager (Broadcasting)
Chf News/Current Affairs
Chf Oper Div Communications Mgr
Dep Manager (Engineering & Technical)
Dir of Administration
Ofc of the Assoc Dir for Programs
Dir Internatl Communication Policy Staff
Dir Exhibits Service
Executive Officer
MOPIX/TV Planning Mgr
Dep Dir Ofc of Research
Ofc of the General Counsel
General Counsel
Dep General Counsel
US Advisory Commission on Information
Staff Director

ICC

Ofc of the Chairman
Attorney Advisor (Transportation)
Office of the Special Counsel
Spec Counsel
Office of the General Counsel
Deputy General Counsel
Associate General Counsel—Legislation
General Counsel
Rail Services Planning Ofc
Dep Dir-Sec of Policy Planning
Ofc of the Managing Director
Assistant Managing Director
Asst Managing Director (Operations & Assessment)
Managing Director
Ofc of Proceedings
Director Office of Proceedings
Office of Rail Public Counsel
Deputy Director
Assoc Rail Public Counsel

JUSFC

Japan-United States Friendship Commission
Executive Director

JUST

Office of the Attorney General
Counselor to the Atty General
Spec. Ass't to Att. General
Spec Asst to Atty Gen
Ofc of Public Information
Dir of Public Information
Dep Dir Ofc of Public Information
Ofc of Legislative Affairs
Dep Asst Atty General
Legislative Counsel
Deputy Legislative Counsel
Ofc of the Solicitor General
Dep Solicitor General
Deputy Solicitor General
Dep Solicitor General
Dep Solicitor General
Tax Asst to the Solicitor General
Deputy Solicitor General
Deputy Solicitor General
Ofc of the Asst Atty Gen Legal Counsel
Dep Asst Atty General
Dep Asst Attorney General
Counsel for Intelligence Policy
Senior Attorney

Office for Improvements in the Administration of Justice
Dep Asst Atty General Oiaj
Dep Asst Atty Gen Oiaj
Supervisory Social Scientist
Ofc of the Deputy Attorney General
Assoc Dep Attorney General
Assoc Dep Atty General
Exec Asst to the Assoc Atty Gen
Pardon attorney
US Marshals Service
Dir US Marshals Service
Dep Director US Marshals Service
Law Enforcement Assistance Administration
Spec Asst to Adm'r
Asst Admr-Ofc of Comm and Anti-Crime Programs
Spec. Asst. to Administrator
Natl Institute of Law Enforcement & Criminal
Dep Dir Natl Inst of Law Enf & Criminal Justi
Ofc of Asst Attorney General Criminal Division
Dep Asst Attorney Gen
Deputy Asst Attorney General
Deputy Asst Attorney General
Chief Appellate Section
Chief General Crimes Section
Chf Govt Regulations & Labor Section
Chf Legislation & Spec Projects Section 10287
Ofc of Asst Attorney General, Criminal Division
Chf, Internal Security Section
Chf, Special Litigation Section
Chf Fraud Section
Chf Public Integrity Section
Sr Counsel for Litigation
Senior Trial Attorney
Sr Trial Attorney
Organized Crime & Racketeering Section
Chief, Organized Crime & Racketeering Section
Dep Chf, Org Crime & Racketeering Sec-West
Dep Chf, Org Crime & Racketeering Sect (Centra)
Dep Chf, Organ Crime & Racketeering Sec-East
Chf Chicago Strike Force
Chf, Boston Strike Force
Bureau of Prisons
Director Bureau of Prisons
Office of the Associate Attorney General
Deputy Assoc Attorney General
Counselor to the Assoc Attorney General
Dir-Ofc of Information Law and Policy
Chf Freedom of Info and Privacy Appeals Unit
Chf Attorney, Investigation Review Unit
Board of Immigration Appeals
Chairman BIA
Ofc of Managment & Finance
Asst Attorney General for Administration
Ofc of Asst Atty Gen, Civil Div
Dep Asst Atty Gen
Dep Asst Attorney General
Deputy Assistant Attorney General
Spec Asst to Asst Atty General
Branch Director (General Litigation)
Branch Director (Appellate)
Ofc of Asst Atty Gen, Civil Div
Branch Director (Court of Claims)
Branch Director (Customs)
Branch Director (Economic Litigation)
Branch Director (Frauds)
Branch Dir (Commercial Litigation)
Branch Director (Torts)
Branch Director (Patents)
Branch Director (Admiralty)
Branch Director (Aviation)
Branch Dir (Info and Privacy)
Chief Foreign Litigation Unit
Appellate Litigation Counsel
Spec Litigation Counsel
Sr Trial Atty
Sr Trial Atty
Senior Trial Attny
Sr Trial Attorney
Senior Trial Attorney
Attorney-in-Charge
Ofc of Asst Atty General, Lands & Natural Resources Div
Dep Assistant Attorney General
Deputy Asst Attorney General
Chf, General Litigation Section
Chf-Land Acquisition Section
Chf-Appellate Section
Chief, Indian Claims Sect
Chf, Indian Resources Section
Chief, Pollution Control Section
Ofc of Asst Atty General, Lands & Natural Resources Div
Chf-Marine Resources Section
Asst Chf, General Litigation Section
Spec Litigation Counsel
Spec Litigation Counsel
Spec Litigation Counsel
Chief, Policy, Legislation & Spec Lit Sec
Ofc of Asst Atty General, Antitrust Div
Dep Asst Attny Gen (Litigation)
Dep Asst Attorney General
Deputy Assistant Attorney General
Chf, Spec Trial Section
Chief, Trial Section
Chief, Appellate Section
Chf Consumer Affairs Section
Chief, Judgments & Judgm Enforcement Sect
Chief Evaluation Section
Chf, Gen Litigation Section
Chf, Foreign Commerce Section
Chf-Special Litigation Sec
Chf Spec Reg Industries Section
Dir of Operations
Dep Dir of Operations
Dir Ofc of Policy Plng and Legislation
Director Ofc of Economic Policy
Senior Trial Attorney
Senior Trial Attorney
Sr Trial Attorney
Sr Trial Attorney
Chief, Cleveland Field Office
Chief, Chicago Field Office
Chf-Dallas Field Ofc
Chief San Francisco Field Ofc
Chf-Philadelphia Field Office
Chf, Transportation Section
Chf, Intellectual Property Section
Chf, Energy Section
Chf, Atlanta Field Ofc
Chf, Los Angeles Field Ofc
Chf, N Y Field Ofc
Ofc of Asst Attorney General, Tax Division
Dep Asst Attorney General
Dep Asst Atty Gen (2nd Assistant)
Chf, Appellate Section
Chief, Review Section
Chf, Court of Claims Section
Dir Civil Litigation
Chief Civil Trial Section Central Region
Chief Civil Trial Section Northern
Chief Civil Trial Sec (Southern Reg)
Chf Civil Trail Section-Western Region
Supervisory Trial Attorney
Sr Trial Attorney
Sr Trial Attorney
Special Litigation Counsel
Spec Litigation Counsel
Chief Criminal Section
Senior Asst Chf, Criminal Section
Senior Asst Chf, Appellate Section
Ofc of Asst Attorney General, Civil Rights Div
Dep Asst Attny Gen, CRD
Dep Asst Attorney General
Chf Employment Sect
Chf Appellate Section
Chf Criminal Sect
Chf Housing Sect
Chf, Voting Section
Chf, Education Sect
Chf, Fed Progs Section
Chf-Special Litigatioon Section
Sr Trial Attorney
Sr Trial Attorney
Chief, General Litigation Section
Immigration & Naturalization Service
Deputy Commissioner
Spec Asst to the Commr (Hispanic Liaison)
Assoc Dep Commr, Planng, Eval & Budgeting
Assoc Commr, Operations Support
Assoc Commr for Examinations
Assoc Commr for Enforcement
Associate Commissioner, Management
Reg:l Commr, Burlington, Vt
Regl Commr, Twin Cities, Minn
Regional Commr Dallas Texas
Regl Commr, San Pedro
Dist Dir, Eastern Reg, NY Dist
Immigration & Naturalization Service
District Dir Chicago Ill
Dist Director Western Reg Los Angeles Dist
Dist Dir Southern Reg Miami Dist
General Counsel
Community Relations Service
Associate Director
Deputy Director CRS

LABOR

Women's Bureau
Deputy Director Womens Bureau
Ofc of the Inspector General
Dep Inspector General
Ofc of Information Publications and Reports
Dir Off of Information Publications & Repor
Office of the Under Secretary
Dep Under Secy for Legislation & Intergovt'l
Office of the Dep Under Secy for International Affairs
Dir Ofc of Foreign Economic Affairs
Assoc Dep Under Sec for International Affairs
Dep Under Secy for International Affairs
Research and Evaluation
Dir Ofc of Health and Disability
Dir Ofc of Macroeconomic & Economic Policy Re
Director of Income Maintenance
Dir Ofc of Employment and Training
Dir Ofc of Wage and Labor Relations
Das for Policy Evaluation and Research
Program Analysis & Policy Development
Das for Economic Policy and Research
Office of the Solicitor
Assoc Solicitor for Employment and Trang—Leg
Dep: Solicitor (Reg: L Operations)
Assoc Solicitor for Legislation and Legal Cou
Dep Solicitor
Employment Standards Administration
Dep Asst Sec for Employment Standards
Ofc of Federal Contract Compliance Programs
Dir Div of Program Operations
Ofc of Federal Contract Compliance Programs
Dir—Div of Program Policy
Dir—Ofc of Fed Contract Comp Programs
Dir Div of Prog Analysis Ofccp
Dep Dir/Ofccp
Wage and Hour Division
Dep Admr Wage & Hour Division

Ofc of Workers Compensation Programs
Dep Dir for Operations
Dep Dir for Policy Owcp
Dir Ofc of Workers Compensation Programs
Regional Administrator
Regional Administrator Esa—New York
Regional Administrator ESA Chicago
Rel Admr Boston Region Esa
Regl Admr Esa Atlanta
Regl Admr Dallas Reg Esa
Regl Admr Kansas City Esa
Regl Admr Denver Esa
Regional Admr San Fran Region Esa
Regl Admr Seattle Reg Esa
Regl Admr Philadelphia Reg Esa
Labor-Management Services Administration
Dep Asst Secy for Labor-Management Relations
Pension & Welfare Benefits Programs
Adm R for Pension & Welfare Benefits Programs
Asst Admr Communications and Public Services
Asst Admr Ofc of Policy Planning and Research
Planning Evaluations & Systems
Dir Ofc of Planning Evaluation & Systems
Construction Industry Services
Dir Ofc of Construction Industry Services
Labor Management Policy Development
Dir Ofc of Labor Management Policy Development
Labor-Management Relations Services
Dir Ofce of Labor-Mgmt Relations Services
Regional Administrators
Regl Admr for Labor Mgmt Services—Chicago
Regional Administrators
Regil Admr for Labor Management Services—Atla
Regil Admr for Labor Mgmt Svcs—San Francisco
Regil Admr for Labor Mgmt Svcs—Kansas City
Regil Admr for Labor-Mgmt Svcs—Philadelphia
Regil Admr for Labor—Management Services—NY
Employment and Training Admin
Dir Ofc of National Programs
Dir Natl Comm on Manpower Policy
Dep Assist Sec for Employment & Training
Dep Assist Sec for Employment & Training
Ofc of Youth Programs
Director Ofc of Community Youth Empl Progs
Admr Youth Programs
Dir Job Corps and Nyacc
Unemployment Insurance Service
Dir Ofc of Program Management
Dep Admr—Uis
Dir Ofc Res Leg Prog Pol
Adm: R Uts
United States Employment Service
Dir Ofc of Program Services
Dep Administrator US Employment Service
Administrator US Employment Service
Ofc of Comprehensive Employment Development
Adm R Comprehensive Employ M Development
Dep Dir Ofc of Community Employ M Programs
Dir Work Incentive Programs
Dir—Ofc of Community Employment Programs
Dir Div of Private Sector Initiatives
Bureau of Apprenticeship & Training
Admr Bat
Dep Admr Bat
Ofc of Policy Evaluation and Research
Dir Ofc of Research & Development
Ofc of Policy Evaluation and Reseach
Dir Ofc of Policy & Planning
Dep Admr Ofc of Pol Eval & Research
Admr Policy Evaluation and Research
Field Operations
Dep Admr Field Operations
Admr Field Operations
Regional Administrators
Regl Admr Eta Dallas
Regional Administrator—Eta Boston
Regional Admr Region IV Atlanta
Regional Administrator—Eta Region VIII Denver
Reg Admr Eta Chicago
Regional Administrator—Kansas City
Regional Administrator—Eta Reg X Seattle
Regl Admr—Reg III Philadelphia
Regl Admr—Reg IX San Francisco
Regional Admr Reg II NY
Occupational Safety & Health Administration
Dir Ofc of Information and Consumer Affairs
Dir Policy Analysis Integration and Evaluation
Dep Asst Secy
Training Education Consul & Federal Agency Progs
Dir Off of Training & Education
Dir Training Edu Consul & Federal Agency Prog
Field Operations Coordination
Field Operations Coordinator
Regional Offices
Regional Administrator Reg II—NY
Regional Administrator Reg IX—San Francisco
Regional Administrator—Reg X—Seattle
Regional Administrator Reg III—Philadelphia
Regional Administrator—Region VI Dallas
Regional Administrator—Region IV—Atlanta
Regional Offices
Regional Administrator—Osha Reg V Chicago
Regional Administrator Boston Region
Regl Admr—Kansas City Mo
Regl Admr Denver
Nine Safety and Health Administration
Dir of Program Planning and Eval
Dir of Education & Training
Dep Admr Coal Mine Safety and Health
Dep Admr Met & Nonmetal Mine Safety and Health
Admr for Coal Mine Safety & Health
Admr for Metal & Nonmetal Mine Safety and Health
Das for Mine Safety & Health

MMC

Exec Dir

MSPB

Office of General Counsel
General Counsel
Dep Gen Counsel (Trial)
Dep Gen Counsel (Appellate)
Ofc of Merit Systems Review and Studies
Dir Merit Sys Review & Studies

NASA

Ofc of the Administrator
Assoc Dep Admr
Assistant for Special Projects
Exec Officer NASA
Ofc of the Chief Engineer
Chief Engineer NASA
Deputy Chief Engineer NASA
Special Assistant to the NASA Chief Engineer
Director Systems Engineering Division
Ofc of the Chief Scientist
Dep Chf Scientist (Dep Assoc Admr)
Ofc of the Chief Scientist
Asst to the Chf Scientist
Chf Scientist (Assoc Admr)
Ofc of Legislative Affairs
Dir Ofc of Legislative Affs
Deputy Director Legislative Affairs
Dir Congressional Liaison Div
Ofc of Equal Opportunity Programs
Director of Equal Opportunity Programs
Deputy Director of Equal Opportunity Programs
Dir of Affirmative Action & Evaluation Div
Director Discrimination Complaints Division
Ofc of the Inspector General
Deputy Inspector General
Ofc of the General Counsel
General Counsel
Deputy General Counsel Nasa
Assistant General Counsel for General Law
Assistant General Counsel for Litigation
Asst General Counsel for Patent Matters
Asst General Counsel for Procurement Matters
Ofc of the Assoc Adm/Comptroller
Assoc Administrator/Comptroller
Deputy Comptroller
Spec Programs Coordinator
Director. Resources Analysis Division
Ofc of the Assoc Admr for External Relat
Associate Administrator for External Relation
Dep Assoc Administrator for External Relation
Manager Special Activities
Director University Affairs Office
Director Management Support Office
Director Government/Industry Affairs Div
Technical Manager State & Local Affairs
Ofc of the Assoc Admr for External Relat
Director Dod Affairs Division
Assistant Director Dod Affairs Division
Director Public Affairs Division
Deputy Director Public Affairs Division
Assoc Dir Public Affairs Div (for P&R Mgmt)
Chief Public Services Branch
Chief Community & Educational Services Br
Director International Affairs Division
Dep Director International Affairs Division
Nasa European Representative
Spec Asst for Student Activities
Chief International Program Policy Office
Ofc of the Assoc Admr for Mgmt Opers
Asst Assoc Admr for Management Operations
Chf Occu Medicine Br
Dir of Info Sys
Dir Hdqrs Adm Div
Dir Inst Opers Div
Dir Exec Dev Ofc
Dir Industrial Relations Ofc
Assoc Admr for Mgmt Opers
Dep Assoc Admr for Mgmt Op
Offc of Assoc Admr for Space & Terr Applcs
Assoc Admr for Space & Terrestrial Application
Asst Assoc Admin for Space & Terr Application
Director Administration & Management
Chief Scientist for Space & Terr Applications
Asst Assoc Admin for Space & Terr Aps (Programs)
Dep Assoc Admin for Space & Terr Applications

Communications Div
Director Communication Division
Materials Processing Space Div
Director Materials Processing in Space Div
Environmental Observations Div
Director Environmental Observations Division
Resource Observation Div
Director Resource Observation Division
Applications System Div
Director Applications Systems Division
Technology Transfer Div
Director Technology Transfer Division
Ofc of Assoc Admr for Space Transp Sys
AA for Space Transpo Sys
Dep Assoc Admin for Space Transportation Syst
Dep Assoc Admin for Space Trans Systems (Tech)
Dep Assoc Admin for Space Trans Systems (Eo)
Space Transp Syst Opers Div
Dir Space Transportation Systems Operations
Dir Expendable Launch Vehicles Prog Div
Director Expendable Launch Vehicles Prog Div
Space Lab Prog Div
Director Spacelab Program Division
Space Shuttle Proj Div
Dir Space Shuttle Program Div
Resource Mgmt/Admin Div
Director Resource Management/Admin Office
Advanced Projs Div
Dir Adv Progs Div
Ofc of the Assoc Admr for Aeronautics and Space Tech
Assoc Admr for Aeronautics and Space Tech
Deputy Assoc Admr for Aeron & Space Technolog
Chief Engineer
Resource & Mgmt Support Div
Dir Resources and Management
Adm & Proj Support Div
Dir Administration and Program
Space Systems Div
Director Space Systems Div
Aeronautical Systems Div
Dir Aeronautical Sys Div
Research & Technology Div
Dir Res and Tech
Energy Systems Division
Director Energy Systems Div
Ofc of Assoc Admr for Space Science
Associate Administrator for Space Science
Dep Assoc Admr for Space Science
Ofc of Assoc Admr for Space Science
Asst Assoc Admr for Space Science
Director Program Analysis Division
Astrophysics Division
Dir Astrophysics Div
Life Science Div
Dir Life Sciences Division
Planetry Division
Director Planetary Division
Solar Terrestrial Div
Director Spacelab Mission Integration Div
Director Solar Terrestrial Division
Ofc of Assoc Admr for Space Tracking and Data Sys
Assoc Admin for Space Tracking & Data Systems
Dep Assoc Admin for Space Tracking & Data Acq
Director Tdress Program Office
Dir Program Review and Resources Mgmt Div
Network Sp Dev-Programs Div
Dir Network Systems Dev Programs Div
Chief Systems Support Program
Network Opers and Comms Prog Div
Dir Operations & Communications Program Div
Ames Research Center
Director Nasa Ames Research Center
Deputy Dir Nasa Ames Res Ctr
Director Of Administration
Aeronautics and Flight Systems Directorate
Director of Aeronautics & Flight Systems
Astronautics Directorate
Director Of Astronautics
Life Sciences Directorate
Director of Life Sciences
Research Support Directorate
Director of Research Support
Dryden Flight Research Center
Director of Engineering
Director of Administration
Director of Flight Operations and Support
Director Nasa Dryden Flight Research Center
Deputy Dir Nasa Dryden Flight Research Ctr
Goddard Space Flight Center
Director Nasa Goddard Space Flight Center
Goddard Space Flight Center
Dep Director Nasa Goddard Space Flight Ctr
Asst Director Nasa Goddard Space Flight Ctr
Dir Goddard Institute for Space Studies-Nyc
Administration and Management Directorate
Director of Administration & Management
Project Management Directorate
Director of Project Management
Applications Directorate
Dir of Applications
Sciences Directorate
Director of Sciences
Engineering Directorate
Director of Engineering
Networks Directorate
Dir of Networks
Mission and Data Operations Directorate
Dir of Mission & Data Operations
Johnson Space Center
Dir Nasa Johnson Space Center
Dep Dir Nasa Johnson Space Center
Chief Counsel Nasa Jsc
Space Shuttle Program Ofc
Manager Space Shuttle Program Office
Space Shuttle Orbiter Program Ofc
Manager Space Shuttle Orbiter Project Office
Shuttle Payload Integration and Dev Proj Ofc
Manager Shuttle Payload Integ and Dev Prog O
Center Operations Directorate
Dir of Center Operations
Administration and Program Support Directorate
Dir of Administration & Program Support
Space and Life Sciences Directorate
Director Of Space and Life Sciences
Engineering and Development Directorate
Dir of Engineering & Development
Flight Operations Directorate
Dir of Flight Operations
Data Systems and Analysis Directorate
Dir of Data Systems & Analysis
Kennedy Space Center
Director Nasa Kennedy Space Center
Deputy Director Nasa Kennedy Space Center
Chf Counsel
Manager Advanced Planning and Tech Office
Shuttle Projects Ofc
Manager Shuttle Projects Office
Cargo Projects Office
Manager, Cargo Projects Office
Shuttle Opers Directorate
Director of Shuttle Operations
Cargo Payloads Directorate
Director of Cargo Operations
Desgin Engineering Directorate
Director of Design Engineering
Technical Support Directorate
Director of Technical Support
Adm and Mgmt Opers Directorate
Dir., of Administration and Management Operat
Langley Research Center
Deputy Director, NASA Langley Research
Dir for Management Operations
Associate Director, NASA Langley Research
Director, NASA Langley Research
Projects Directorate
Director for Projects
Electronics Directorate
Director for Electronics
Structures Directorate
Director for Structures
Aeronautics Directorate
Dir for Aeronautics
Systems Engineering and Operations Directorate
Dir for Systems Engineering & Operations
Space Directorate
Director for Space
Lewis Research Center
Dir, NASA Lewis Research Center
Dep Dir, NASA Lewis Research Center
Associate Dir for Flight Programs
Dir of Technology Utilization & Public Affair
Aeronautics Directorate
Director of Aeronautics
Energy Programs Directorate
Director of Energy Programs
Space Systems and Technology Directorate
Director of Space Systems & Technology
Launch Vehicles Directorate
Director of Launch Vehicles
Engineering Directorate
Director of Engineering Services
Tech Services Directorate
Director of Technical Services
Administration Directorate
Director of Administration
Marshall Space Flight Center
Director, NASA George C Marshall Space Flight
Dep Dir, George C Marshall Space Flight Cente
Associate Dir (Management), NASA MSFC
Assoc Dir for Science & Engineering-NASA MSFC
Chief, Counsel, NASA MSFC
Manager, Materials Processing in Space Projec
Dir, Administration & Program Support
Shuttle Projects Office
Manager, Shuttle Projects Office
Special Projects Ofc
Manager, Special Projects Office
Space Telescope Project Office
Manager, Space Telescope Project Office

Spacelab Program Office
Manager, Spacelab Program Office
Spacelab Payload Project Ofc
Manager, Spacelab Payload Project
Program Development Directorate
Director, Program Development
Science and Engineering Directorate
Dir, Science & Engineering
Nat'l Space Technology Laboratories
Manager, National Space Technology Lab
Wallops Flight Center
Director, NASA Wallops Flight Center
Associate Dir., NASA Wallops Flight Center
Director of Engineering
Director of Operations
Director, Applied Science

NCL&I

National Commission on Libraries & Information Science
Exec Dir

NCIYC

National Commission on the Internat:l Year of the Child
Executive Director

NCUA

National Credit Union Adm
General Counsel
Director, Examination & Insurance
National Credit Union Adm
Asst Director, Ofc of Policy Analysis
Dir Ofc of Policy Analysis
Dep Dir Ofc of Exam and Ins
Ch Exec Officer, Cent Liquidity Fac
Dep Gen Counsel
Regional Directors
Regional Director
Regional Director
Regional Dir
Regional Dir
Regional Director
Regional Dir

NEFA

National Endowment for the Arts
Dep Chairman for Intergovernmental Activities
Dep Chrman for Fed Council on Arts & Humanities
Deputy Chairman for Policy and Planning
Dep Chrman for Progs

NEH

National Endowment for the Humanities
Dep Chairman for Programs
Asst Chairman for Institutional Relations
General Counsel
Dir Ofc of Planning and Policy Assessment
Dir Div of State Programs

NLRB

Ofc of the Board Members
Chief Counsel to the Chairman
Chief Counsel to Board Member
Chief Counsel to Board Member
Chf Counsel to Board Member
Ofc of the Board Members
Chf Counsel to Board Member
Dir Off Representation Appeals & Advice
Solicitor, Office of the Solicitor
Deputy Chief Counsel to the Chairman
Deputy Chief Counsel to Board Member
Deputy Chief Counsel to Board Member
Deputy Chief Counsel to Board Member
Deputy Chief Counsel to Board Member
Executive Assistant to the Chairman
Ofc of the General Counsel
Dep Gen Counsel
Div of Enforcement Litigation
Assoc Gen Counsel, Div of Enforcement Litigat
Dep Assoc Gen Counsel, Supreme Court Br

NMB

National Mediation Board
Executive Secretary

NSF

National Science Board
Executive Secretary
Special Assistant
Special Assistant
Special Assistant
Special Assistant
Office of the Director
Senior Science Associate
Office of the General Counsel
General Counsel
Deputy General Coun
Ofc of Small Business Res and Dev
Director
Ofc of Planning and Resources Management
Director
Deputy Director
Office of Government and Public Programs
Director
Office of Government and Public Programs
Deputy Director
Direct for Astro, Atmospheric, Earth and OC Sci
Director of Operations
Deputy Asst Dir
Exec Asst
Div of Astronomical Sciences
Division Director
Div of Atmospheric Sciences
Division Director
Div of Earth Sciences
Division Dir
Chief Scientist
Div of Ocean Sciences
Division Director
Section Head IDOE
Division Director
Div of Polar Programs
Division Director
Chief Scientist Polar Science
Direct for Engineering and Applied Science
Assistant Director
Dep Asst Dir
Dir of Operations
Div of Problem Focused Research
Division Director
Head Earthquake Hazards Mitigation Group
Problem Analysis Group Leader
Div of Applied Research
Division Director
Div of Intergovernmental Sci and Pub Tech
Division Director
Div of Civil & Mechanical Sci and Engineering
Division Director
Div of Electrical Sciences and Analysis
Division Director
Div of Engineering Chemistry and Energetics
Division Director
Direct for Biological, Behavioral and Soc Sciences
Deputy Assistant Director
Div of Environmental Biology
Division Director
Div of Physiology, Cellular, and Molecular Biology
Division Director
Section Head Molecular and Biological Science
Div of Physiology, Cellular, and Molecular Biology
Section Head Cellular & Physio Sciences
Div of Behavioral and Neural Sciences
Division Director
Deputy Division Director
Sect Hd Neurosciences
Sect. Hd. Psychological Sciences
Div of Social Sciences
Division Director
Direct for Mathematical and Physical Sciences
Deputy Asst Dir
Div of Physics
Division Director
Div of Mathematical and Computer Sciences
Division Director
Div of Materials Research
Division Director
Div of Chemistry
Division Director
Directorate for Science Education
Deputy Asst Dir
Dir ofc of program Int
Dir Ofc of Science and Soc
Div of Scientific Personnel Improvement
Division Director
Div of Sci Education Resources Improvement
Div Dir
Div of Science Education Dev and Research
Division Director
Directorate for Sci, Tech and Internat'l Affs
Assistant Director
Deputy Assistant Director
Dir of Op and Analysis
Div of Policy Research and Analysis
Division Director
Div of Science Resources Studies
Division Director
Div of Information Sci and Tech
Division Director
Div of International Programs
Division Director
Directorate for Administration
Assistant Director
Deputy Assistant Director

NTPSC

Exec Counsel & Dir of Administration
Director Policy Development
Senior Economist
General Counsel & Dir of Publ Participation
Deputy Executive Director
Director Impact Analysis
Director Policy Integration
Deputy Director Policy Integration

NTSB

Off of General Counsel
General Counsel
Dep Gen Counsel
Office of the Managing Director
Managing Director

NHIRC

Commissioner
Commissioner
Commissioner
Executive Director

NRC

Adv Committee on Reactor Safeguards
Exec Dir ACRS
Asst Exec Dir ACRS
Asst Exec Dir for Project Review ACRS
Office of the Secretary
Secretary of the Commission
Asst Secy of the Commission
Office of the General Counsel
Asst Gen Counsel for Adjudic and Adm
Solicitor OGC
Asst Gen Counsel for Intern'l Legislation

Deputy General Counsel
Office of the General Counsel
General Counsel
Office of Public Affairs
Director Opa
Office of Congressional Affairs
Director Office of Congressional Affairs
Office of Policy Evaluation
A/D for Technical Review Ope
A/D for Special Projects
A/D for Policy Review Ope
Dir Ofc of Policy Evaluation
Exec Dir for Operations (Office of)
Asst for Operations
Dep Exec Dir for Opns
Exec Dir for Operations
Office of Administration
Deputy Director Adm
Director Office of Administration
Organization and Personnel
Director Division of Org & Personnel
Tech Info and Document Control
Dir Div of Tech Info & Document Control
Office of Exec Legal Director
Deputy Executive Legal Director
Executive Legal Director
Regulations Div
Dir & Chief Counsel Regulations Division
Opns and Admin Div
Dir/Chief Counsel Operations & Adm Div
Hearing Division
Dep Chf Hearing Counsel Dep Dir Hearing Div
Dir & Chief Counsel Hearing Division
Rulemaking and Enforcement Div
Dir & Chief Counsel Rulemaking & Enforcement
Antitrust Division
Dir & Chief Counsel Antitrust Div
Office of Controller
Controller
Dir Resources Planning & Evaluation Staff
Division of Budgeting
Director Division of Budget
Office of International Programs
A/D for Export/Import & Intl Safeguards
Dep Dir & A/D for Intl Coop
Office of International Programs
Director Ofc of International Programs
Office of State Programs
A/D for Emergency Preparedness
A/D for Program Development
A/D for State Agreements Programs
Dir State Programs
Office of Mgmt and Program Analysis
Dir Mpa
Information Analysis and Planning
Dir Div of Info Anal and Planning
Technical Support
Dir Div of Tech Support
Office of Standards Development
Dep Dir Ofc of Stds Dev
Dir Ofc of Stds Dev
Engineering Standards
Dir Div of Eng Stds
General Engineering Stds
A/D for Gen Eng Stds
Material Safety Stds
A/D for Materials Safety Stds
Siting Health and Safeguards Stds
Dir Div of Siting Health and Sfgrds Stds
Siting Stds
A/D for Siting Stds
Safeguard Stds
A/D for Radiological Hlth and Safeguards
Office of Nuclear Reactor Regulation
Dir NRR
Dep Dir Off of Nuclear Reac Reg
Program Support Staff
Dir Prog Support Staff
Project Management
Dir Div of Project Magmt
Dep Dir Div of Project Mgmt
Light Water Reactors
A/D for Light Water Reactors
Quality Assurance and Opns
A/D for Quality Assurance and Opns
Standardization and Advance Reactors
A/D for Standardization and Adv React
Operating Reactors
Deputy Dir Div of Operating Reactors
Director Div of Operating Reactors
Engineering Projects
A/D for Engineering and Projects
Systems and Projects
A/D for Systems and Projects
Reactor Safeguards
A/D for Reactor Safeguards
Systems Safety
Director Division of Systems Safety
Dep Dir Div of Systems Safety
Engineering
A/D for Engineering
Reactor Safety
A/D for Reactor Safety
Plant Systems
A/D for Plant Systems
Site Safety and Environ Analysis
Director Site Sfty & Environmental Anal
Dep Dir Site Sfty & Environmental Anal
Environmental Tech
A/D for Environmental Tech
Environmental Projects
A/D for Environmental Projects
Site Analysis
Asst Dir for Site Analysis
Site Technology
A/D for Site Tech
Offc of Nuc Materiel Safety and Safeguards
Dep Dir NMSS
Dir NMSS
Safeguards
Dir Div of Safeguards
Dep Dir Safeguards Div
A/D for Safeguards
Fuel Cycle and Materiel Safety
Dep Dir Div of Fuel Cycle & Mtl Sfty
Director Div of Fuel Cycle & Mtl Sfty
Fuel Cycle Safety and Licensing
A/D Fuel Cycle, Safety and Licensing
Materiel Safety and Licensing
A/D for Materiel Safety and Licensing
Operations and Technology
A/D for Opers and Tech
Waste Management
Chief Low-Level Waste License Br
Dep Dir Waste Mgmt Div
Dir Div of Waste Mgmt
Ofc of Nuc Regulatory Research
Dep Dir Res
Ofc of Nuc Regulatory Research
Director Nuclear Regulatory Research
Probablistic Analysis Staff
Dep Dir Prob Analysis Staff
Admin and Resource Control Staff
Dir Admin & Resource Control Staff
Reactor Safety Research
Director Div of Reactor Safety Research
Dep Dir Reactor Safety Res
Water Reactor Safety Research
A/D for Water React Sfty Res and Cr Scient
Advance Reactor Safety Research
A/D for Adv Reactor Sfty Res
General Reactor Safety Research
A/D for Gen Reactor Safety Research
Safeguards Fuel Cycle and Environ Res
Dep Dir Div of Sfgd Fuel Cyle and Env Res
Dir Div of Sfgd Fuel Cyle and Envir Res
Safeguards Research
A/D for Safeguards Res
Fuel Cycle and Environ Res
Asst Dir for Fuel Cycle and Env Res
Office of Inspection and Enforcement
Dep Dir IE
Dir IE
Region I
Dir Region I
Region III
Dir Reg III
Region IV
Dir Reg IV
Region V
Dir Reg V
Unallocated Position

OSHRC

Off of Commissioners
Chief Counsel
Chief Counsel
Chief Counsel
Off of the General Counsel
General Counsel
Off of Executive Director
Executive Director

OFFI

Dir of Administration
Dep Dir of Administration
Executive Officer
Genral Counsel
Dir Contracts Mgmt Div

OMB

Office of the Director
Asst to the Director for Public Affairs
Asst Dir for Legislative Affairs
Associate General Counsel
Deputy General Counsel
General Counsel
Asst Dir for Economic Policy
Asst Dir for Economic Policy
Office of Budget
Exec Assoc Dir for Budget
Ofc of the Assoc Dir for Natl Secur & Intl Affs
Assoc Dir for Natl Sec & Internl
Ofc of the Assoc Dir for Natl Res Engy & Sci
Assoc Dir for Natural Resources & Energy & Sci
Ofc of the Assoc Dir for Human Res Vet & Labor
Assoc Dir for Hum Res Veterans and Labor
Ofc of Assoc Dir for Economics & Goverment
Assoc Dir for Econ & Govt
Ofc of Reorganization & Management
Congressional Relations Officer Reorg
Dir Proj Mgmt Staff
Exec Assoc Dir for Reorganization & Management
Ofc of Assoc Dir for Mgmt and Reg Policy
Domestic Reorganization Coordinator
Assoc Dir for Mgmt & Reg Policy
Ofc of Assoc Dir for Organization Studies
Dep Assoc Dir for Gen Govt Organ
Dep Assoc Dir for Human Resources Organizatio
Dad for Natural Resources Energy and Environm
Dir Civil Rights Project
Dep Assoc Dir for Economic Dev Org
Project Dir Local Dev Reorganization Project
Ofc of Assoc Dir for Organization Studies
Asst Dir for Org Studies

Ofc of Federal Procurement Policy
Assoc Admin for Systems & Technology
Asst Admr for Regulations and Procedures
Assoc Admir for Acquisition Law

OPM

Office of the Director
Chairman Prevailing Rate Advisory Committee
Exec Dir Presidents Mgmt Imp Council
Director Presidents Commission on WH Fellow
Exec Dir Pres Comm on Personnel Interchange
Office of the General Counsel
Asst Gen Counsel for Management
Asst Gen Counsel Legal Advisory Division
Asst Gen Counsel Litigation & Political Activ
General Counsel
Office of Congressional Relations
Director Congressional Relations
Ofc of Public Affairs
Director, Office of Public Affairs
Office of Management
Dir Ofc of Mgmt
Dep Director, Ofc of Management
Office of Personnel
Director Office of Personnel
Asst Dir Labor Management Relations
Asst Dir Labor Management Relations
Dep Asst Dir Labor Management Relations
Asst Dir Policy Analysis
Dad for Policy Analysis
Spec Asst for Adp Policy & Long Range Planng
Director, Policy Analysis Division
Assistant Dir for Policy Analysis
Asst Dir Affirmative Employment Programs
Dir Affirmative Action Programs
Asst Director Intergovernmental Personnel Progs
Asst Dir Ofc of IPP
Dad, Personnel Management Assistance
Agency Relations
Assoc Dir Opm Agency Relations
Spec Asst for Regional Operations
Asst Dir Agency Compliance & Evaluation
Asst Dir for Agency Compliance & Evalution
Dep Asst Dir for Workforce Information
Asst Dir Natural Resources Energy and Science
Asst Dir for Agency Relations
Asst Dir National Security and International Affs
Asst Dir for Ag Rel (Natl Sec & Intrnl Affs)
Asst Dir Human Resources, Veterans and Labor
Asst Dir for Agency Relations
Asst Dir Economics and Government
Asst Dir for Agency Relations (Econ & Govt)
Regional Offices
Regional Director Atlanta Region
Deputy Regional Director Atlanta Region
Director Boston Region
Dep Regl Dir Boston Region
Regional Director Chicago Region
Dep Regl Dir Chicago Reg
Regional Director Dallas
Deputy Regl Dir Dallas Region
Director Denver Region
Dep Regl Dir Denver Region
Regional Director New York Region
Dep Regional Dir New York Region
Regional Director Philadelphia Region
Deputy Regl Dir Philadelphia Region
Reg Dir St Louis Reg
Dep Regl Dir St Louis Reg
Regional Director San Francisco Region
Dep Dir San Francisco Region
Director Seattle Region
Deputy Regl Dir Seattle Region
Staffing Services
Assoc Dir Staffing Services
Dep Assoc Dir Staffing
Dep Assoc Dir for Staffing
Asst Dir for Staffing
Chf Examining Mgmt Br
Chief Recruitment & Agency Svcs Br
Dad Standards and Selection Methods
Dad for Standards and Selection Methods
Workforce Effectiveness and Development
Assoc Dir Workforce Effectiveness & Dev
Asst Dir Wed, Consulting Services
Asst Dir for Training Leadership
Asst Director for Training Operations
Asst Dir for Productivity Programs
Executive Personnel and Management Development
Assoc Dir Epmd
Dir Ofc of Administrative Law Judges
Asst Dir Senior Exec Serv
Asst Dir for Sr Exec Serv Div
Federal Executive Institute
Dir Federal Executive Inst
Assoc Dir Off Campus Academic Progs & Inst Op
Assoc Dir for Academic Programs
Compensation
Assoc Dir Compensation
Dep Assoc Dir Benefits Policy
Dad Benefits Policy
Dep Assoc Dir Compensation Operations
Dad, Compensation Operations
Dir Compensation Div
Dir Retirement and Insurance Division

PCTMI

General Counsel

PCPP

Presidents Commission on Pension Policy
Executive Director

PCWH

Presidential Commission on World Hunger
Exec Dir
Dir of Analysis & Research

PCEH

Presidents Committee on Employment of Handicapped
Exec Dir
Deputy Executive Director

SEC

Office of the Chairman
Exec Asst to the Chairman
Director of Legislative affrs
Office of the General Counsel
Gen Counsel of the Commission
Prin Assoc Gen Coun for Law Enforcement-Mgmt
Assoc Gen Coun for Litigation Disclosure Adm
Assoc Gen Coun for Admin Proc & Mgt Ethics
Soliciter to the Commission
Directorate of Economic Policy & Research
Dir of Economic Policy & Research
Office of Opinions & Review
Director, Office of Opinions & Review
Ofc of the Executive Dir
Executive Director
Dir of Regional Office Operations
Div of Market Regulation
Dir Div of Market Regulation
Dep Dir Div of Market Regulation
Assoc Director Market Structured Trading Pra
Assoc Dir-Self Regulatory Oversight
Assoc Dir for Compliance and Securities Proce
Div of Corporate Regulation
Director Div of Corporate Regulation
Dir-Div of Investment Mgmt
Assoc Dir (Disclosure Policy & Review)
Assoc Dir (Regulation)
Div of Corporation Finance
Director
Deputy Dir-Division of Corporation Finance
Assoc Dir Small Business & Int'l Finance
Div of Enforcement
Dir Div of Enforcement
Dep Dir Division of Enforcement
Assoc Dir-Divisional Area #1
Assoc Dir Legal & Trial Unit Div of Enforce
Associate Director
Assoc Director (Market Surveillance)
Office of the Chief Accountant
Chief Accountant
Regional Administrators
Regional Adm:R New York
Assoc Reg Adm:R NY Reg Ofc
Assoc Reg Adm:R (Regulation) NY Reg Ofc
Reg Admr Chicago
Assoc Regl Admr Chicago
Reg:L Adm:R La
Assoc Regl Admr LA
Reg Admr Atlanta
Reg Admr Boston
Regional Administrator—Denver
Regional Adm:R Ft Worth
Reg:L Adm:R Seattle
Reg Adm:R—Wash DC

SSS

Selective Service System
Deputy Director

SBA

Office of the Administrator
Dir, WH Conf on SM Bus
Office of the Administrator
Exec Dir-White House Conference on Small Busi
Deputy Administrator
Office of the General Counsel
Assoc Gen Counsel for Legislation
Asst Gen Counsel for General Law
Assoc Gen Counsel Litigation
Dep Gen Coun
General Counsel
Ofc of Assoc Dep Admr for Programs
Assoc Dep Admin for Programs
Ofc of Assoc Admr for Finance & Investment
Dir Ofc of Financing
Dir Ofc of Special Guarantees
Director Office of Portfolio Management
Deputy Assoc Admin for Fin & Inv
Assoc Admr for Finance and Inv
Ofc of Assoc Admr for Procurement Assistance
Assoc Admin for Procurement Assistance
Dep Assoc Admin for Procurement Assistance
Ofc of Assoc Admr for Management Assistance
Dep Assoc Admr for Management Assistance
Assoc Admr for Mgmt Assistance
Ofc of Assoc Admr for MSB & Cod
Dep Assoc Admr for MSB-Cod
Assoc Admr for MSB-Cod
Ofc of Assoc Admr for Policy, Plng, Budget
Director, Office of Program Development
Controller
Spec Counselor for Policy
Assoc Admin for Pol, Pl & Bud

Ofc of Assoc Dep Admr for Support Services
Asst Admin for Public Comm
Asst Admr for Data & Mgmt Svcs
Asst Admr for Congressional and Legislative A
Assoc Dep Admir for Supp Svcs
Regional Administrators
Regional Admin Region I Boston
Regional Admin Reg II, NY
Regional Admin Reg III (Bala Cymwyd)
Regional Admin Reg IV Atlanta
Regional Admin Region V Chicago
Regl Admin Reg VI Dallas
Reg Admin Reg III-Kansas City
Regional Admin Denver
Regl Admin Region IX San Francisco
Regl Admin Reg X Seattle

STATE

Office of the Secretary
Chf of Protocol
Spec Adv to the Sec for Soviet Affairs
Dep Reprf for Law of the Sea
Spec Asst Panama Treaty Affs
Exec Asst to the Dep Sec
Policy Planning Staff
Member Policy Planning Staff
Member Policy Planning Staff
Dep Dir for Policy Planning
Dep Dir for Policy Planning
Dir Policy Planning Staff
Office of Assistant Secretary for Administration
Dep Asst Sec Budget and Finance
Dir Foregin Affs Document Ref Center
Office of Assistant Secretary for Congressional Relations
Dep Asst Secy for Congressional Relations
Dep Asst Secy for Congressional Relations
Congressional Liaison Officer, House
Office of Asst Sec for East Asian & Pacific Affairs
Dep Asst Secy for East Asian Affairs
Office of Asst Sec for Human Rights & Humanitarian Affs
Dep Asst Secy for Human Rights & Human Affs
Dep Asst Secy for Human Rights & Human Affrs
Office of the Legal Adviser
Dep Legal Adviser
Dep Legal Adviser
Dep Legal Adviser
Deputy Legal Adviser
Asst Adviser for Nuclear Affairs
Asst Legal Adviser for Inter-American Affs
Asst Legal Adviser for Security & Consular Af
Asst Legal Adviser for International Affairs
Asst Legal Advisor for Eductl, Cultural & Pub
Assisant Legal Adviser for Human Rights
Asst Legal Adv Nr East & S Asian Affs
Asst Legal Adv East Asian & Pac Affs
Asst Legal Adviser for Management
Asst Legal Adviser for Treaty Affairs
Asst Legal Adviser
Asst Legal Adviser
Asst Legal Adviser
Asst Legal Adviser
Asst Legal Adviser
Asst Legal Adviser
Office of Under Sec for Economic Affairs
Dep. Asst. Secy. for Commercial Telecommuncat
Office of Assistant Secretary for Public Affairs
Dep Asst Secy for Public Affairs
Dir Plans and Opinion Analysis
Bureau of Oceans Environment and Scientific Affs
Director Office of Fisheries Affairs
Science and Technological Affairs Officer
Office of Deputy Under Secretary for Political Affairs
Dep. Director for Pol/Mil Affairs
Director, Office Systems Analysis, Pol/Mil Aff
Dire, OFC of Security Assistance, Pol/Mil Affs
Dep Dir, Arms Cont & Disar Politico Mil Affs
Bureau of Intgelligence and Research
Dir, Bur of Intelligence & Res
Office of Asst Secy for Inter-American Affs
Dep Asst Secy for Inter-American Affairs
Dir Pol Planning Pub and Congress Affs, ARA
Office of Under Secy for Management
Curator
Foreign Service Institute
Dir Foreign Service Institute
Dean, School of Language Studies
Office of Asst Sec for Internl Organizational Affs
Asst Spec Trade Rep for Commerical Policy
Dep Asst Secy for Human Rights and Soc Affs
International Boundary & Water Commission
Commission IBWC
Bureau of International Narcotics Matters
Dep. Asst. Secy. for International Narcotics
Controller, International Narcotics Matters

SRBC

US Commissioner (Alternate Fed Member)

DOT

Office of the Secretary
Engineer and Science Advisor-(DEP Under Sec)
Spec Asst to the Deputy Secy
Executive Secretary
Regional Reps of the Secy
Regional Representative of the Secy (Boston)
Regl Rep of the Secy, New York
Regl Rep of the Secy, Philadelphia
Regl Rep of the Secy, Atlanta
Regl Rep of the Secy-Chicago
Regl Rep of the Secy (Dallas/Fort Worth)
Regional Reps of the Secy
Reg: L Repres of the Sec of Trans/Chman Fed R
Regl Rep of the Secy, Denver
Regional Rep of the Sec, San Francisco
Regl Rep of the Secy, Seattle
Ofc of Public & Consumer Affairs
Director-Ofc of Public & Consumer Affairs
Director of Administration
Asst Dir for Public Information
Asst Director for Consumer Affairs
Off of Civil Rights
Dir of Civil Rights
Office of the General Counsel
Deputy General Counsel
Asst Gen Coun-Environmental Civil Rts & Gen L
Asst General Counsel Litigation
Asst Gen Counsel-Legislation
Asst Gen Coun for Regulation and Enforcement
Asst Gen Coun for Internl Law
Asst Secretary for Governmental Affairs
Dep. Asst. Sec. for Governmental & Public Aff
Dir-Ofc of Congressional Relations
Director Intergovernmental Affairs
Chief, Community Planning Assistance Division
Chf, Research & Development Policy Analysis D
Asst Secretary for Budget & Programs
Dep. Asst. Sec. for Budget & Programs
Dir of Programs and Evaluation
Chf, Multi-Modal Systems Project Div
Dir, Off of Budget
Deputy Director of Budget
Asst Sec for Policy and International Affairs
Dep Asst Sec for Policy and Internat: L Affair
Dep Asst Secy for Policy and International Affs
Ofc of Intermodal Transportation
Dir Ofc of Inter Modal Transportation
Dep. Dir. Ofc. International Transportation
Asst. Dir. of Ofc Intermodal Transp.
Ofc of Transportation Regulation
Dir Ofc of Transp Regulation
Dep. Dir., Ofc. of Transp. Regulation
Off of International Transportation Programs
Dir Ofc of Interna: L Transportation Programs
Dep Dir, Ofc of Intern: L Transportation Progr
Office of Transportation Economic Analysis
Dir Ofc of Transportation Economic Analysis
Dep Dir Ofc of Transp Economic Analysis
Ofc of Air Transportation
Director Air Transportation Policy Staff
Dep. Dir., Ofc of Air Transp.
Ofc of Environment and Safety
Director, Ofc of Environmental Quality
Dep. Dir., Ofc. of Environment and Safety
Chf, Environmental Coord Div
Chf, Environmental Analysis Div
Asst Sec for Administration
Dep Asst Sec Admin
Deputy Asst Secretary for Administration
Special Projects Officer
Office of Personnel and Training
Director, Personnel & Training
Dep. Dir Off of Personnel & Trng
Assoc Director for Labor Relations
Ofc of Management Planning
Dir Management Planning Div
Dep. Dir., Ofc. of Management Planning
Office of Administrative Operations
Dir, Ofc of Administrative Operations
Ofc of Installations and Logistics
Chief, Facilities Management Division
Office of Financial Systems
Chf, Financial Systems Div
Office of Automated Systems Policy
Director, Automated Systems Policy
Federal Railroad Adm
Dep Admstr, Federal Railroad Administration
Dir Office of Planning & Budget Dev
Chief Counsel
Assoc Adm'r for Federal Assistance
Assoc Admr for Federal Assistance
Dir-Ofc of Natil Freight Assistance Programs
Assoc Adm'r for Policy & Program Dev
Assoc Adm'r for Policy & Program Development
Dir of Rail Systems Information & Analysis
Assoc Adm'r for Research & Dev
Dir, Ofc of Passenger Systems
Dir, Ofc of Freight Systems
Dir, Ofc of Rail Safety Research
Assoc Adm:R Research, Development & Demonstr
Assoc Adm'r for Administration
Assoc Adm:R for Administration
Transportation Test Center
Dir, Transportation Test Center

Northeast Corridor Project Office
Dir, Northeast Corridor Project Ofc
Dep Dir Northeast Corridor Project
Chief Operations Staff
Office of Planning and Control
Assoc Dir Ofc of Planning and Control
The Alaska Railroad
Gen. Mgr., Alaska R.R.
Asst. Gen. Mgr., Alaska R.R.
CHF, Administrative Division
Chief Counsel, Alaska R.R.
Chief Operations Officer, Alaska R.R.
Chief Engineer, Alaska R.R.
Chief Mechnical, Alaska R.R.
Research and Special Programs
Administration
Deputy Administrator-Res & Special Progs. Adm
Admr
Office of the Chief Counsel
Chf Counsel
Ofc of Policy Plans and Administration
Assoc Admr, Policy, Plans, & Prog Mgt.
Chf, R&D Resources Mgmt Div
Transportation Programs Bureau
Dir-Transportation Progs Bureau
Office of Systems Engineering
Dir-Ofc of Sys Engineering
Chf, Navigation & Communiucations Div
Chf, Sys Branch Ofc of Systems Engineering
Office of University Research
Dir-Ofc of University Research
Materials Transportation Bureau
Dir-Materials Transportation Bureau
Ofc of Hazardous Materials Regulation
Assoc. Dir. for Hazardous Materials Reg.
Transportation Systems Center
Dir, Transportation Systems Center
Dep Dir, Tsc
Ofc of Energy & Environment
Dir-Ofc of Energy and Environment
Chief Energy Programs Div
Chief Environmental and Test Programs Division
Ofc of Sys Research & Analysis
Dir, Ofc of Syst Res & Analysis
Ofc of Air Marine Sys
Director
Chief Systems Development Division
Ofc of Ground Systems
Dir-Ofc of Ground Systems
Dep Dir Ofc of Ground Sys
Chief Urban Sys Div
Chief Intercity Systems Division
Chf Vehicles and Engineering Division
Ofc of Adm
Dir Ofc of Administration
Saint Lawrence Seaway Development Corporation
Assoc Admr & Res Mgr, St Law Seway Dev Corpora
Off of the Admin-Umta
Dep Admr Urban Mass Transportation Administra
Chf Counsel, Urban Mass Transportation Adm
Director, Office of Civil Rights
Assoc Admr for Admin
Assoc Admr for Appraisal & Administration
Assoc Admr for Transit Assistance
Assoc Admr for Transit Assistance
Assoc Admin for Planning Management and Demonstrations
Assoc Admr for Planning Management and Demons
Dir-Ofc of Planning Assistance
Assoc Admr for Policy & Program Development
Assoc Admr for Policy and Program Development
Assoc Admr for Tech Dev & Deployment
Assoc Admr for Technology Dev & Deployment
Dir New Systems & Automation Division
Dir Bus & Paratransit Technology Division
Office of Civil Rights
Dir of Civil Rts
Office of Public Affairs
Asst Adm for Public Affrs
Office of the Chief Counsel
Chief Counsel FAA
Dep Chf Counsel (Managerial)
Assistant Chief Counsel Litigation
Ofc of Airport Programs
Asst Admr for Airports Progs
Dep Asst Adm for Airport Progs
Chief Airports Eng Div
Office of Aviation Policy
Director-Ofc of Aviation Policy
Dep Dir Ofc of Aviation Policy
Office of Aviation Systems Plans
Dir Ofc of Aviation System Plans
Ofc of Environment and Energy
Dir Ofc of Environment & Energy
Office of Assoc Admin for Administration
Assoc Admr for Administration
Dep Assoc Administrator for Administration
Off of Management Systems
Director Ofc of Mgtm Systems
Dep Dir Ofc of Mgmt Systs
Office of Personnel and Training
Director Ofc of Personnel & Training
Dep Director Office of Personnel & Training
Director Office of Personnel
Office of Personnel and Training
Director Office of Training
Off of Budget
Director Office of Budget
Dep Dir Off of Budget
Ofc of Assoc Admr for Air Traffic and Airway Facilities
Assoc Admr for Air Traffic & Airway Facility
Airway Facilities Service
Director Airway Facilities Service
Dep Dir Airway Facilities Service
Chf Automation Engineering Div
Radar Engineering Division-Chf
Chf Navaids/Communications Engineering Division
Flight Standards Service
Chf Air Carrier Division
Off of Assoc Admr for Enging Development
Assoc Admr for Engineering & Development
Dep Assoc Admr for Engrg & Development
Dep Dir Quiet Short-Haul Air Trans System of
Off of Systems Engineering Management
Director Office of Systems Engineering Management
Dep Dir Ofc of Systems Engineering Management
Chf Systems Engr Div
Chief Technical Program Division
Systems Research and Development Service
Director Systs Res & Develop Service
Dep Dir
Analysis Division
Chief Analysis Division
Air Traffic Control Systems Division
Chief ATC System Division
Asst Chief ATC Systems Div
Communications Division
Chf Communications Div
Chf Aerosat Coordination Staff
Airport Division
Chief Airport Division
Assistant Chief Airport Division
Navigation Division
Assistant Chief Navigation Division
Aircraft and Noise Abatement Division
Chf Aircraft & Noise Abatement Div
Chf Airworthiness & Crashworthiness Branch
Microwave Landing Sys Division
Chief Microwave Landing Systems Division
Natl Aviation Facilities Experimental Ctr
Atlantic City
Director NAFEC
Deputy Director NAFEC
Chf Engineering Management Staff
Chf Simulation & Analysis Div
Chf Aircraft & Airports Safety Div
Chf Communications & Guidance Division
Chf Air Traffic Systems Division
Metropolitan Washington Airports
Director Metropolitan Washington Airports
Dep Dir Metropolitan Airports
Aeronautical Center Oklahoma City
Dir Aeronautical Ctr Oklahoma City
Deputy Director Aeronautical Center
Superintendent FAA Academy Oklahoma City
Chief FAA Depot
Great Lakes Region—FAA
Regl Dir Great Lakes Chicago
Dep Regl Dir
Chf Airway Facilities Div Chicago
Alaskan Region Anchorage
Regl Dir Alaskan Reg
Dep Dir Alaskan Region
New England Region—FAA
Regional Director—New England
Dep Dir—New England
Northwest Region—FAA
Regl Dir Northwest
Deputy Director—Northwest
Central Region—Kansas City
FAA Regl Dir Central
Dep Regl Dir
Rocky Mountain Region—FAA
Regl Dir Rocky Mountain
Dep Reg Dir
Eastern Region—New York
FAA Regional Director Eastern Region
Deputy Regional Director
Chief Airway Facilities Div FAA Reg Off NY
Regional Counsel FAA Reg Off New York
Pacific Region—Honolulu
Regional Dir-Pacific Asia Region
Dep Dir Pacific-Asia Region Honolulu
Southern Region—Atlanta
Director Southern Region (FAA)
Dep Regl Dir (Southern)
Chf Airway Facilities Div Atlanta
Southwest Region—Ft Worth
FAA Reg Director Ft Worth
Dep Regional Director
Chf Airways Facilities Ft Worth
Western Region—Los Angeles
FAA Regional Dir Los Angeles
Dep Regl Dir (Western)
Regional Counsel Los Angeles
Chf Airway Facilities Div
Europe-Africa—Mid East Region
Assistant Administrator EA&MER
Asst Admin Europe Africa & Middle East
Ofc of the Federal Highway Admr
Deputy Administrator FHA
Office of Civil Rights
Dir Office of Civil Rights
Office of the Chief Counsel
Chief Counsel
Dep Chief Counsel

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Director Program Review & Investigation
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Associate Administrator for Admin FHWA
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Off of Highway Safety
Chief Prog Mgmt Div
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Dir Off of Highway Operations
Chief Construction & Maintenance Division
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Region 5 Kansas City
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Region 9 San Francisco
Reg 10 Portland
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Deputy Chief Counsel
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Assoc Administrator for Administration
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Assoc Administrator for Plans & Programs
Assoc Administrator for Traffic Safety Programs
Assoc Admr for Traffic Safety Programs
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Director Ofc of Driver & Pedestrian Programs
Chf Driver & Pedestrian Education Division
Ofc of State Vehicle Programs
Dir Ofc of State Vehicle Programs
Chf Engineering & Demonstration Division
Ofc of State Prog Assistance
Dir Ofc of State Prog Assistance
Assoc Admr for Research Development
Assoc Admr for Research & Dev Nhtsa
Ofc of Passenger Vehicle Research
Dir Ofc of Passenger Vehicle Research
Chf Integrated Vehicle Sys Research Division
Chf Vehicle Engineering Research Division
Chf Technology Assessment Division
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Dir Heavy Duty Vehicle Research
Ofc of Driver and Pedestrian Research
Dir Ofc of Driver and Pedestrian Research
Chf Driver/Vehicle Systems Div
Chf Problem Behavior Research Div
Natl Center for Statistics and Analysis
Dir Natl Center for Statistics & Analysis
Chf Mathematical Analysis Div
Vehicle Research and Test Ctr
Dir Vehicle Research & Test Ctr
Chf Engineering Test Facility
Chf Safety Research Lab
Assoc Admr for Enforcement
Assoc Administrator for Enforcement
Ofc of Defects Investigation
Dir Ofc of Defects Investigation Managerial
Ofc of Vehicle Safety Comp
Dir Ofc of Vehicle Safety Compliance
Assoc Admr for Rulemaking
Assoc Admr for Rulemaking
Dep Assoc Admr for Rulemaking
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Dir Ofc of Vehicle Safety Standards
Ofc of Automotive Fuel Economy Standards
Director Automotive Fuel Economy Standards
Chf Non Passenger Automobile Standards Divisi
Ofc of Automotive Ratings
Dir Ofc of Automotive Ratings
Us Coast Guard
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Technical Director

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Spec Asst to the Asst Secy (Natl Security)
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Exec Sec
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Asst General Counsel (Domestic Finance)
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Sr Dep Compt
Asst to the Comptroller/Sr Adv to the Comp
Spec Asst to the Comptroller
Special Assistant for Congressional Affairs
Chief Counsel
Dir Legal Advisory Services Div
Dep Chief Counsel
Special Counsel (Anti-Trust)
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Dep Asst Secy (Public Affairs)
Ofc of the Asst Secy (Public Affairs)
Dir Ofc of Operations (Public Affairs)
Ofc of the Asst Sec Tax Policy
Dep Asst Secy Tax Policy
Asst Dir Econometrics Tax Model Staff
Asst Dir Excise Taxation Staff
Ofc of Tax Analysis
Dep Asst Secy Tax Policy Dir Ofc of Tax Analy
Asst Dir (Business Taxation Staff)
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Tax Leg Counsel
Deputy Tax Legis Counsel
Assoc Tax Legislative Counsel
Assoc Tax Legislative Counsel Nte 91281
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Director Office of Industrial Economics
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Capital Markets Policy
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State and Local Finance
Dep Asst Sec (State and Local Finance)
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Director, Office of Debt Analysis
Dir Ofc of Sec Martkets Pol
Dep Asst Sec (Debt Mgmt)
Revenue Sharing
Chf Counsel Office of Revenue Sharing
Dep Dir Ofc of Revenue Sharing
Dir Ofc of Revenue Sharing
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Dir Off of Financial Analysis
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Ofc of Asst Secy (Economic Policy)
Spec Asst to Asst Secy (Econ Policy) on Energ
Das for International Economic Policy
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Senior Technical Adviser
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Inspector General to the As (Ia)
Das for International Monetary Affairs
Das for Dev Nations Finance
Dep to as for Intern Mon Affs & Sec of Img
Das (Trade and Investment Pol)
Das (Comm and Natural Resources)
Dep to the As for Saudi Opers and Pol
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Minister Counselor Oecd Paris
Dir Ofc of Int Banking and Portfolio Invest
Dir Multilateral Trade Negotiations
Dir International Dev Bank
Financial Attache Paris
Dir Ofc of Dev Policy
Dir Ofc of International Investment
Dir Ofc of International Trade
International Economist
International Economist
Dir of of International Energy Policy
Dir of Ofc of Trade Finance
Ofc of Asst Sec International Affairs
Financial Attache Bonn
Financial Attache London
Financial Attache Rome

Financial Attache Tokyo
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Sr Adviser to the Dir-International Dev Banks
Sec National Adv Council Secretariat
Spec Asst to Asst Sec (International Affairs)
Foreign Affs Officer
Dir Ofc East-West Econ Policy
Sr Adv to the Das (Commodities and Nat Res)
Sr Adv to Das (Trade and Raw Materials Pol)
International Economist
Dir Ofc of Saudi Arabian Affs
Dir Ofc of Raw Materials and Oceans Policy
Dep Dir Ofc of Joint Economic Comm
International Economist
International Economist
International Economist
Ofc of the Under Sec'y
Spec Asst to the Under Sec
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Dep Natl Dir US Savings Bonds Div
Dir of Sales
Ofc of Asst Sec Legis Affairs
Dep Asst Sec (Legislative Affairs)
Dep Asst Secy (Legislative Affairs)
Ofc of Asst Sec Admin
Dep Asst Sec-(Adm)
Ofc of Admin Progs
Dir Ofc of Aministrative Programs
Dep Dir Ofc of Amn Progs
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Director of Personnel
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Dep Dir Ofc of Budget and Prog Analysis
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Dep Dir. Ofc of Management & Organization
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Ofc of EEO
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Office of Computer Science
Dir Office of Computer Science
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Asst Secy (Enforcement & Operations)
Deputy (Regulatory Pol and Trade Affairs)
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Deputy Assistant Secy-Operations
Dir, Foreign Assets Control
Dir Ofc of Operations
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Dir, Bureau of Alcohol, Tobacco & Firearms
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Asst Director (Administration)
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Deputy Chief Counsel
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Dep Comm'r of Customs
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Asst Commissioner of Customs (Administration)
Assistant to the Commissioner
Asst Commr (Ofc of Enforcement Support)
Spec Asst to the Commr (Econ Analysis)
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Spec Asst to the Comm (Cong Affs)
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US Secret Service
Legal Counsel
Federal Law Enforcement & Training Ctr
Dir Fed Law Enforcement Training Ctr-Ga
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Asst Dir For Technology
Asst Dir For Production
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Assistant to the Commissioner
Asst to the Commissioner
Asst Commr Tax Payer Serv & Returns Processing
Asst Director, Taxpayer Service Division
Ofc of Chf Counsel
Spec Asst to the Chief Counsel

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US Commr on Standing Consultative Comm
Executive Secretary
Counselor of the Agency
Office of the General Counsel
General Counsel
Deputy General Counsel
Off of the Public Affairs Adviser
Public Affairs Adviser
International Security Programs Bureau
Deputy Assistant Director
Non-Proliferation Bureau
Deputy Asst Director
Weapons Evaluation Control Bureau
Dep Asst Dir

USITC

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Sr Advisor to the Commission
Ofc of the Gen Counsel
General Counsel
Ofc of the Dir of Operations
Director of Operations
Ofc of Economic Research
Dir Ofc of Economic Research

USMB

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Dep Executive Dir/Dir of Research Coord & Pla
Director Public Information

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Asst Dep Admr for Admin and Logistics
Asst Dep Admr for Manpower
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Special Asst for Mgmt Sys
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Office of the Controller
Controller
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Director Finance Service
Office of Planning & Program Evaluation
Asst Admr For Planning and Program Evaluation
Deputy Asst Admin For Planning and Prog Eval
Office of Data Management & Telecommunications
Asst Admr For Data & Mgmt & Telecommunicat
Dep Asst Admr For Data Mgmt & Telecommunicat
Office of Construction
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Dep Asst Administrator for Contruction
Director of Planning & Development
Dir Architecture and Engineering
Department of Memorial Affairs
Chf Memorial Affrs Dir
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Department of Veterans Benefits
Chief Benefits Director
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Director, Compensation & Pension Service
Director, Loan Guaranty Service
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Area Field Directors
Field Dir Eastern Region
Area Field Directors
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Dir Regional Office—Seattle
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Department of Medicine & Surgery
Exec Asst to Chf Med Dir
Exec Asst to Dep Chf Medical Director
Dir Mgmt Support Staff
Exec Asst to Assoc Dep Chf Medical Director
Exec Asst to Asst Chf Medical Dir for Proffes
Director, Social Work Service
Dir, Medical Administration Service
Deputy Director, Medical Research Service
Dir
Regional Directors
Regional Director—#5—Midwest
Regional Dir #6—West
Dep Regional Dir #5 Midwest
Dep Regional Dir #6 West
Regional Dir #1 Northeast
Regional Dir #2 Mid Atlantic

Regional Dir #3 Southeast
Regl Dir #4 Great Lakes
Dep Regional Dir #1 Northeast
Dep Regional Dir #2 Mid Atlantic
Dep Regional Dir #3 Southeast
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Dir Vamc Albany
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Dir Vamc Batavia
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Dir Vamc Beckley
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Dir Vamc Birmingham
Dir Vamc Boise
Dir Vamc Bonham
Dir Vamc Boston
Dir Opc Boston
Dir Vamc Brentwood
Dir Vamc Brockton
Dir Vamc Bronx
Vamc Brooklyn
Dir Opc Brooklyn
Dir Vamc Buffalo
Dir Vamc Butler
Dir Vamc Canadaigua
Dir Vamc Charleston
Dir Romc Cheyenne
Dir Vamc Chicago LS
Dir Vamc Chicago WS
Dir Vamc Chillicothe
Dir Vamc Cinncinnati
Dir Medical Center, Clarksburg W. Va
Dir Vamc Cleveland
Dir Vamc Columbia MO
Dir Vamc Columbia SC
Dir Opc Columbus
Dir Vamc Dallas
Dir Vamc Dayton
Dir Vamc Denver
Dir Vamc Des Moines
Dir Vamc Dublin
Dir Vamc Durham
Dir Vamc East Orange
Dir Opc El Paso
Dir Vamc Erie
Dir Vamc Fargo
Dir Vamc Fayetteville AR
Dir Vamc Fayetteville NC
Dir Romc Ft Harrison
Dir Vamc Ft Howard
Dir Vamc Ft Lyon
Dir Vamc Ft Meade
Dir Vamc Ft Wayne
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Dir Vamc Gainesville
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Dir Vamc Hampton
Dir Vamc Hines
Dir Vamc Hot Springs
Dir Vamc Houston
Dir Vamc Huntington
Dir Vamc Indianapolis
Dir Vamc Iowa City
Dir Vamc Iron Mountain
Dir Romc Jackson
Dir Vamc Kansas City
Dir Vamc Kerrville
Dir Vamc Knoxville
Dir Vamc Lake City
Dir Opc Las Vegas
Dir Vamc Leavenworth
Dir Vamc Lebanon
Dir Vamc Lexington
Dir Vamc Lincoln
Dir Vamc Little Rock
Dir Vamc Livermore
Dir Vamc Loma Linda
Dir Vamc Long Beach
Dir Vamc Los Angeles W
Dir Opc Los Angeles
Dir Vamc Louisville
Dir Opc Lubbock
Dir Vamc Lyons
Medical Center Directors
Dir Vamc Manchester
Dir Vamc Marion Il
Dir Vamc Marion In
Dir Vamc Martinez
Dir Vamc Martinsburg
Dir Vamc Memphis
Dir Vamc Miami
Dir Vamc Miles City
Dir Vamc Minneapolis
Dir Vamc Montgomery
Dir Vamc Montrose
Dir Vamc Mountain Home
Dir Vamc Murfreesboro
Dir Vamc Muscogee
Dir Vamc Nashville
Dir Vamc Newington
Dir Vamc New Orleans
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Dir Vamc Coatsville
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Dir Vamc Oklahoma City
Dir Vamc Omaha
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Dir Vamc Philadelphia
Dir Vamc Pittsburgh (HD)
Dir Vamc Pittsburgh (UD)
Dir Vamc Poplar Bluff
Dir Vamc Portland
Dir Vamc Prescott
Dir Vamc Providence
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[FR Doc. 80-1325 Filed 1-17-80; 8:45 am]
BILLING CODE 6325-01-M

federal register

Friday
January 18, 1980

Part V

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage 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

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama—AL79–1152	Dec. 28, 1979
California:	
CA78–5106	July 7, 1978
CA78–5107	July 7, 1978
Florida—FL79–1030	Feb. 9, 1979
Kansas—KS79–4107	Dec. 14, 1979
Louisiana:	
LA79–4069	July 20, 1979
LA79–4070	Aug. 17, 1979
Maryland—MD79–3048	Nov. 2, 1979
Michigan—MI79–2020	June 1, 1979
Mississippi—MS80–1010	Jan. 4, 1980
New Hampshire—NH79–2040	May 11, 1979
New York—NY79–3040	Nov. 23, 1979
North Carolina—NC77–1095	July 29, 1977
South Dakota—SD79–5113	Mar. 16, 1979
Texas:	
TX79–4036	Aug. 17, 1979
TX79–4039	Mar. 16, 1979
TX79–4046	Aug. 17, 1979
TX79–4066	Oct. 5, 1979
TX80–4005	Jan. 4, 1980
Virginia—VA78–3073	Oct. 13, 1978

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Connecticut—NY78–3097 (NY80–3002)	Dec. 1, 1978
Delaware—NY78–3097 (NY80–3002)	Dec. 1, 1978
Florida:	
FL77–1136 (FL80–1034)	Dec. 2, 1977
AR–4065 (FL80–1038)	Dec. 13, 1974
FL78–1064 (FL80–1045)	Aug. 4, 1978
Maine—NY78–3097 (NY80–3002)	Dec. 1, 1978
Maryland—NY78–3097 (NY80–3002)	Dec. 1, 1978
Massachusetts—NY78–3097 (NY80–3002)	Dec. 1, 1978
Mississippi:	
MS79–1002 (MS80–1001)	Jan. 19, 1979
MS79–1002 (MS80–1002)	Jan. 19, 1979
MS79–1002 (MS80–1003)	Jan. 19, 1979
MS79–1002 (MS80–1004)	Jan. 19, 1979
MS79–1002 (MS80–1005)	Jan. 19, 1979
MS79–1002 (MS80–1006)	Jan. 19, 1979
MS79–1028 (MS80–1007)	Jan. 19, 1979

New Hampshire—NY78-3097 (NY80-3002)	Dec. 1, 1978
New Jersey—NY78-3097 (NY80-3002)	Dec. 1, 1978
New York—NY78-3097 (NY80-3002	Dec. 1, 1978
North Carolina—NC77-1081 (NC80-1033)	July 29, 1977
Pennsylvania—NY78-3097 (NY80-3002)	Dec. 1, 1978
Rhode Island—NY78-3097 (NY80-3002)	Dec. 1, 1978
Texas—TX78-4086 (TX80-4007)	Aug. 25, 1978

Cancellation of General Wage Determination Decision

The general wage decision listed below is cancelled. A new decision for the County that has been covered by the cancelled decision is published in this edition of the **Federal Register.** Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.7(b)(2), the incorporation of the cancelled decision in contract specifications, the opening of bids for which is within ten (10) days of this notice, need not be affected.

MS77-1057—Noxubee County, Mississippi—Heavy Construction.

Signed at Washington, D.C. this 11th day of January 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. AL79-1152-Mod. #1 (44 FR 77107 - December 28, 1979) Calhoun, Etowah, St. Clair, Shelby, Talladega, Tuscaloosa and Walker Counties, Alabama					
CHANGE: Concrete saw	$ 3.10				

MODIFICATION PAGE 2

DECISION NO. CA78-5106 - Mod. #6 (43 FR 38273-July 7, 1978)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alameda, Amador, Calaveras, Del Norte, Elforado, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Plumbers: Contra Costa County	$17.87	$1.40	$2.39		.26
Plumbers; Steamfitters: Amador (Northern half of County), Eldorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	16.32	1.62	2.07		.14
San Benito and Santa Clara Counties	17.49	1.30	2.39		.22
Amador (Southern half of County), Calaveras, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Sutter, Tehama, Tuolumne and Yuba Counties	15.00	1.40	2.42		.10

DECISION NO. CA78-5107 - Mod. #10
(43 FR 29444 - July 7, 1978)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Plumbers:					
Contra Costa County	$17.87	$1.40	$2.39		.26
Plumbers; Steamfitters:					
Amador (Northern half of County), Sacramento, Yolo, Eldorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	16.32	1.62	2.07		.14
Alpine, Amador (Southern half of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tuolumne and Yuba Cos.	15.00	1.62	2.42		.10
San Benito and Santa Clara Counties	17.49	1.30	2.39		.22
San Mateo County	16.51	1.34	2.75		.25

DECISION NO. FL79-1030 - MOD. #6
(44 FR 8394 - February 9, 1979)
Broward County, Florida

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons	$11.20	.73	.65		.03
Cement Masons	11.20	.73	.65		.03
Lathers	10.65	.80	.45		.06
Marble Setters	11.20	.73	.65		.03
Plasterers	11.20	.73	.65		.03
Tile & Terrazzo Workers	11.20	.73	.65		.03
Sprinkler Fitters	11.06	.75	1.05		.10

MODIFICATION PAGE 5

DECISION #KS79-4107 - Mod. #1
(44 FR 72816 December 14, 1979)
Douglas, Jefferson, Leavenworth, Miami and Shawnee Counties
Kansas

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1					
Zone 1	6.45	.40	.50	.25	.05
Zone 2	7.25	.40	.50	.25	.05
Zone 3	7.15	.50	.50	.25	.05
Zone 4	6.45	.40	.50	.25	.05
Group 2					
Zone 1	6.60	.40	.50	.25	.05
Zone 2	7.40	.40	.50	.25	.05
Zone 3	7.30	.50	.50	.25	.05
Zone 4	6.60	.40	.50	.25	.05
Group 3					
Zone 1	6.70	.40	.50	.25	.05
Zone 2	7.50	.40	.50	.25	.05
Zone 3	7.40	.50	.50	.25	.05
Zone 4	6.70	.40	.50	.25	.05
Group 4					
Zone 1	6.85	.40	.50	.25	.05
Zone 2	7.65	.40	.50	.25	.05
Zone 3	7.55	.50	.50	.25	.05
Zone 4	6.85	.40	.50	.25	.05
Group 5					
Zone 1	6.95	.40	.50	.25	.05
Zone 2	7.75	.40	.50	.25	.05
Zone 3	7.65	.50	.50	.25	.05
Zone 4	6.95	.40	.50	.25	.05

MODIFICATION PAGE 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. LA79-4069 - MOD. #6 (44 FR 42860 - July 20, 1979) Statewide Louisiana					
CHANGE:					
Bricklayers & stonemasons Zone 4	$11.50	.60	.35		.035
Marble, tile & terrazzo workers & finishers: Zone 1: Marble setters	11.50	.60	.35		.035
DECISION NO. LA79-4070 - MOD. #4 (44 FR 48564 - August 17, 1979) Bossier, Caddo & Calcasieu Parishes, Louisiana					
Change Modification #2 in the FR of January 4, 1980 on page 1329 to read Modification #3					
DECISION #MD79-3048 - Mod. #1 (44 FR-63430 - November 2, 1979) Harford County, Maryland					
CHANGE:					
Bricklayers	$11.08	.80	.50		.07

DECISION #MI79-2020 - MOD. #6
(44 FR 31842 - June 1, 1979)
Statewide, Michigan

CHANGE:
Power Equipment Operators:
Highway, Airport, Bridge & Sewer Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Wayne, Monroe, Washtenaw, Oakland, Macomb & Genesee					
Class 1	$10.44	.95	1.50	11%	.05
Class 2	10.22	.95	1.50	11%	.05
Class 3	9.77	.95	1.50	11%	.05
Class 4	9.63	.95	1.50	11%	.05
ZONE 2					
Saginaw, Bay, Gratiot, Midland, Clare, Arenac, Gladwin, Isabella, Huron Tuscola & Sanilac					
Class 1	9.44	.95	1.50	11%	.05
Class 2	9.10	.95	1.50	11%	.05
Class 3	8.65	.95	1.50	11%	.05
Class 4	8.40	.95	1.50	11%	.05
ZONE 3					
Remainder of State					
Class 1	10.44	.95	1.50	11%	.05
Class 2	10.10	.95	1.50	11%	.05
Class 3	9.65	.95	1.50	11%	.05
Class 4	9.40	.95	1.50	11%	.05

LABORERS:
Highway, Airport, Bridge & Sewer Construction

	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 2A	Basic Hourly Rates ZONE 3	Basic Hourly Rates ZONE 3A
CLASS A	$10.33	9.71	9.40	9.27	9.09
CLASS B	10.07	9.42	9.14	8.91	8.73
CLASS B-1	9.91	9.54	9.23	9.24	9.06
CLASS B-2	9.69	9.32	9.01	9.03	8.85
CLASS C	9.83	9.23	8.93	8.85	8.67
CLASS D	9.69	9.04	8.74	8.61	8.43
CLASS E	9.60	8.98	8.67	8.49	8.31
CLASS F	9.57	8.87	8.57	8.43	8.24
CLASS G	9.57	8.87	8.57	8.43	8.24
CLASS H	6.57	5.87	5.57	5.43	5.24

$.65 Health & Welfare
.35 Pension
.65 Vacation and Holiday
.04 Apprentice Training

CLASS A - Line form setter for curb or pavement
CLASS B - Pipe Layers, oxygen gun
CLASS B-1 - Asphalt Raker
CLASS B-2 - Asphalt Tamper and Asphalt Raker Helper
CLASS C - Tunnel miner (highway work only), finishers tenders, guard rail builder, highway and median barrier installer, fence erector, bottom man, powderman, wagon drill and air track operators, curb and side rail setters' helpers, diamond and core drills.
CLASS D - Mixer operator (less than 4 sacks), air or electric tool operator (jack hammer, etc.) spreader, boxman (asphalt, stone, gravel, etc.), concrete paddler power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 h.p.) and dry pack machine
CLASS E - Cement handler or dockman, topman, asphalt dust handler
CLASS F - Asphalt shoveler, or loader, asphalt plant, axe man, batch bin (no power), burlap man, carpenters, helpers, subgrade labor (hand tools), yard man, guard rail builder's helper, highway and median barrier installer's helper, fence erector helper, dumper (wagon, truck, etc.), jetting labor, joint filling labor, misc. unskilled labor, powder monkey (helpers) sprinkler labor, form setting labor, pavement reinforcing, handling and placing (e.g. wire mesh, steel mats, dowell boards, etc.), masons or bricklayer tender on manholes, headwall, etc.
CLASS G - Pavement Markers
CLASS H - Cone Setters

ZONE DEFINITIONS
ZONE 1 - Genesee, Macomb, Monroe, Oakland, Washtenaw & Wayne Counties
ZONE 2 - Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, St. Clair, Clinton, Eaton, Gratiot, Hillsdale, Huron, Ingham, Jackson, Kalamazoo, Lapeer, Lenawee, Livingston, Midland, Muskegon, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, & Van Buren
ZONE 2A - Ionia, Kent Montcalm, & Ottawa Counties
ZONE 3 - Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Geogebic Grand Traverse, Houghton, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Menominee, Missauke, Montmorency, Newaygo, Oceana, Ogemaw, Ontonagon, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford Counties
ZONE 3A - Meconta and Osceola Counties

MICH-SWH-TD

TRUCK DRIVERS - HIGHWAY, AIRPORT, BRIDGE & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1					
Genesee, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw & Wayne					
CLASS 1	$10.41	a33.00	a37.00	.50	
CLASS 2	10.51	a33.00	a37.00	.50	
CLASS 3	10.66	a33.00	a37.00	.50	
ZONE 2					
Remainder of State					
CLASS 1	$10.31	a33.00	a37.00	.50	
CLASS 2	10.41	a33.00	a37.00	.50	
CLASS 3	10.56	a33.00	a37.00	.50	

TRUCK DRIVERS - ZONES 1 & 2

CLASS 1 - Truck driver (on all trucks except dump trucks of 8 cubic yds. capacity or over, tandem axle trucks, transit mix and semis, euclid type equipment, double bottoms and low boys)

CLASS 2 - Truck drivers on dump trucks of 8 cubic yards capacity or over (including tandem axle trucks, tandem axle water trucks, transit mix and semis.)

CLASS 3 - Euclid type equipment, double bottoms and low boys for hauling heavy equipment.

FOOTNOTE:
a. Per week, Per employee

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MS80-1010 - Mod. #1 (45 FR 1349 - January 4, 1980) Area VI Counties: George, Hancock, Harrison, Jackson, Pearl River and Stone Counties, Mississippi					
Correct line #3 of heading to read:					
Supersedes Decision No. MS79-1093 dated June 1, 1979 in 44 FR 31855.					
DECISION NO. NH79-2040 - MOD. #2 (44 FR 27878 - May 11, 1979) Hillsboro & Merrimack Counties, New Hampshire					
Change:					
Laborers:					
Building Construction Laborers	$7.67	.70	1.00		.10

DECISION #NY79-3040 - Mod. #1
(44 FR 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.
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, POINTERS, CAULKERS AND CLEANERS	11.30	.70	1.00		.05
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, POINTERS, CAULKERS AND CLEANERS: (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)	8.04	.70	1.00		.05
DIVERS	15.03	1.725	1.78	1.03	.05
DIVER TENDERS	11.64	1.725	1.78	1.03	.05
MARBLE TILE AND TERRAZZO WORKERS	10.85	.70	1.00		
SPRINKLER FITTERS	13.54	.75	1.05		.08
POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION					
GROUP I	11.58	1.05	1.15	a	.15
GROUP II	11.19	1.05	1.15	a	.15
GROUP III	10.11	1.05	1.15	a	.15
GROUP IV	9.15	1.05	1.15	a	.15
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION					
GROUP I	11.03	1.05	1.15	a	.15
GROUP II	11.10	1.05	1.15	a	.15
GROUP III	11.24	1.05	1.15	a	.15
GROUP IV	11.46	1.05	1.15	a	.15
GROUP V	11.84	1.05	1.15	a	.15
GROUP VI	12.02	1.05	1.15	a	.15
GROUP VII	12.15	1.05	1.15	a	.15
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: POWER EQUIPMENT OPERATORS					
GROUP I	7.69	1.05	1.15	a	.15
GROUP II	7.74	1.05	1.15	a	.15
GROUP III	7.84	1.05	1.15	a	.15
GROUP IV	8.01	1.05	1.15	a	.15
GROUP V	8.29	1.05	1.15	a	.15
GROUP VI	8.43	1.05	1.15	a	.15
GROUP VII	8.60	1.05	1.15	a	.15

DECISION #NC77-1095 - Mod. #1
(42 FR 38835 - July 29, 1977)
Cherokee, Clay, Graham, Macon, and Swain Counties, North Carolina

Omit:
Jackson County
(See Decision No. NC80-1033 in this publication)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

DECISION NO. SD79-5113 - Mod. #1
(44 FR 16322 - March 16, 1979)
Statewide, South Dakota

Change:
Line Construction:

Group 1	$12.31	.45	3%		1/2%
Group 2	12.28	.45	3%		1/2%
Group 3	9.85	.45	3%		1/2%
Group 4	8.21	.45	3%		1/2%
Group 5	7.54	.45	3%		1/2%

MODIFICATION PAGE 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX79-4036 - MOD. #6 (44 FR 48594 - August 17, 1979) Galveston & Harris Cos., Texas					
CHANGE:					
Bricklayers & stonemasons	$12.25	.69	.80		.06
DECISION NO. TX79-4039 - MOD. #6 (44 FR 16329 - March 16, 1979) Ector & Midland Cos., Texas					
CHANGE:					
Bricklayers & stonemasons:					
Ector County	10.52		.30		.03
Midland County	10.52		.30		.03
DECISION NO. TX79-4046 - MOD. #3 (44 FR 48593 - August 17, 1979) Brazos County, Texas					
CHANGE:					
Bricklayers & stonemasons	12.25	.69	.80		.06
DECISION NO. TX79-4086 - MOD #4 (44 FR 57632 - October 5, 1979) Bexar County, Texas					
CHANGE:					
Marble setters	9.82	.57	.30	.25	
Terrazzo workers	9.82	.57	.30	.25	
Tile setters	9.82	.57	.30	.25	

MODIFICATION PAGE 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. TX80-4005 - MOD. #1 (45 FR 1385 - January 4, 1980) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
CHANGE:					
Building Construction:					
Carpenters:					
Zone 1 - Carpenters	$10.10				
Millwrights	10.35				
Decision NO. VA78-3073-Mod. #4 (44 FR 474-45-October 13, 1978) Radford Army Ammunition Plant, Virginia					
CHANGE:					
SHEET METAL WORKERS	$10.41	.30	.72		.06

SUPERSEDEAS DECISION

STATE: Florida
DECISION NO. FL80-1034
COUNTIES: *SEE BELOW
DATE: Date of Publication
Supersedes Decision No. FL77-1136 dated December 2, 1977 in 42 FR 61434
DESCRIPTION OF WORK: Highway Construction Projects (does not include airport runways & taxiways; tunnels; bridges designed to accommodate navigation; rest areas which include building structures; and railroad construction).

*COUNTIES: Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highland, Lee, Monroe & Okeechobee.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$4.50				
Carpenters	5.94				
Cement Masons	5.16				
Electricians:					
Traffic Signal Installers	6.00				
All Other Electrical Work	8.00				
Ironworkers:					
Reinforcing	6.79				
Laborers:					
Asphalt Rakers	4.12				
Highway Formsetters	4.45				
Pipelayers	3.83				
Unskilled	3.51				
Piledrivermen	5.12				
Truck Drivers	3.56				
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	3.51				
Asphalt Paving Machine	4.35				
Asphalt Plant	5.40				
Aggregate Spreader	3.51				
Backhoe	4.40				
Bulldozer	4.38				
Crane, Dragline	5.26				
Front End Loader	4.53				
Mechanic	4.50				
Motor Grader	5.18				
Oiler	4.68				
Piledriver	6.69				
Roller	4.21				
Scraper	3.90				
Tractor	3.51				

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: Florida
DECISION NUMBER: FL80-1038
COUNTIES: See below*
DATE: Date of Publication
Supersedes Decision No. AR-4065 dated December 13, 1974 in 39 FR 43468
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

*DeSoto, Hardee, Highland, and Polk

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanics	$5.50				
Block Mason	7.50				
Carpenters	5.00				
Cement Masons	5.00				
Drywall Mechanic	6.50				
Electricians	6.25				
Laborers:					
Laborers, Unskilled	3.36				
Mason Tenders	3.50				
Mortar Mixers	4.00				
Plasterers' Tenders	3.85				
Painters, Brush	4.58				
Painters, Spray	4.65				
Plasterers	6.72				
Plumbers & Pipefitters	5.75				
Roofers	5.60				
Kettlemen	4.75				
Sheet Metal Workers	5.00				
Soft Floor Layers	4.50				
Tile Setters	5.00				
Truck Drivers	3.36				
Power Equipment Operators:					
Backhoes	4.95				
Cranes and Draglines	5.28				
Front End Loaders	4.00				
Graders	4.25				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: See Below*
DECISION NUMBER: FL80-1045 DATE: Date of Publication
Supersedes Decision No. FL78-1064 dated August 4, 1978 in 43 FR 34661.
DESCRIPTION OF WORK: Highway Construction Projects (does not include airport runways and taxiways; tunnels; bridges designed to accommodate navigation; rest areas which include building structures; and railroad construction).

*Brevard and Volusia (excluding Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center and Melabar Radar Site), Hillsborough, Indian River, Manatee, Martin, Orange, Osceola, Pinellas, Polk, St. Lucie, Sarasota, and Seminole Counties, Florida.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$4.00				
Carpenters	5.00				
Concrete Finishers	5.00				
Form Setters	3.79				
Ironworkers:					
Reinforcing	5.32				
Laborers:					
Unskilled	3.10				
Asphalt Rakers	4.27				
Grade Men	3.25				
Laborers, Concrete	3.25				
Lutemen	4.00				
Pipelayers	4.33				
Painters, Spray	9.75				
Piledrivers, Leadmen	5.25				
Truck Drivers	3.26				
Traffic Signal Mechanic	4.59				
POWER EQUIPMENT OPERATORS:					
Asphalt Distributors	3.99				
Asphalt Mixers	3.95				
Asphalt Paving Machines	4.36				
Asphalt Screed	3.25				
Backhoes	5.00				
Boom Augers	3.90				
Bulldozers	4.30				
Cranes	5.34				
Earth Moving Machines	4.10				
Gradalls	4.75				
Grader Machines	5.25				
Guard Rail Erectors	3.97				
Loaders	4.09				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Mechanics	$4.37				
Motor Graders	5.03				
Oilers	3.75				
Pans	4.00				
Rollers	3.84				
Scrapers	4.67				
Screwmen	4.00				
Tractors	3.50				

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: Mississippi COUNTY: *See Below
DECISION NUMBER: MS80-1001 DATE: Date of Publication
Supersedes Decision No.: MS79-1002 dated January 19, 1979, in 44-FR-4173
DESCRIPTION OF WORK: Heavy Construction Projects

*Zone 1 Counties: Alcorn, Benton, Calhoun, Chicksaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union and Webster.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters & form setters	4.53				
Cement masons	4.10				
Chain saw operators	3.10				
Ironworkers:					
Reinforcing	4.00				
Laborers:					
Laborers	3.10				
Mortar mixers	3.25				
Pipelayers	3.10				
Truck Drivers	3.10				
Welders - Rate for Craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	3.97				
Bulldozer	4.08				
Crane	5.00				
Drilling machine	4.00				
Front end loader	3.50				
Mechanic	4.09				
Motor patrol	3.50				
Oiler-greaser	4.00				
Roller	3.10				
Scraper	4.50				
Trenching machine	3.10				

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: Mississippi COUNTY: *See Below
DECISION NUMBER: MS80-1002 DATE: Date of Publication
Supersedes Decision No.: MS79-1002 dated January 19, 1979, in 44-FR- 4173
DESCRIPTION OF WORK: Heavy Construction Projects
*Zone II Counties: Bolivar, Carroll, Coahoma, DeSoto, Grenada, Leflore Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington, and Yalobusha

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	5.50				
Carpenters & form setters	5.50				
Cement masons	3.10				
Electricians	8.95	.37	.09		.06
Grade checkers	3.10				
Laborers:					
Laborers	3.10				
Pipelayers	3.00				
Painters	3.90				
Truck drivers	3.10				
Welders - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	4.09				
Bulldozer	4.25				
Concrete finishing machine	6.63				
Crane	4.75				
Drilling machine	3.76				
Elevating machine	4.25				
Front end loader	3.50				
Gradall	4.98				
Mechanic	4.50				
Motor patrol	4.00				
Oiler-greaser	3.10				
Piledriver	5.00				
Scraper	4.25				
Tractor	3.10				
Trenching machine	3.50				
Winch	4.25				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: *See Below
DECISION NUMBER: MS80-1003 DATE: Date of Publication
Supersedes Decision No.: MS79-1002 dated January 19, 1979 in 44-FR 4173
DESCRIPTION OF WORK: Heavy Construction Projects
*Counties:
Zone III: Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters & form setters	4.00				
Cement masons	4.00				
Electricians	8.95	.37	.09		.06
Ironworkers:					
Structural	8.10	.35	.35		.04
Reinforcing	3.10				
Laborers:					
Laborers	3.10				
Pipelayers	3.48				
Truck drivers	4.50				
Welders - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	4.41				
Bulldozer	5.00				
Crane	5.00				
Drilling machine	4.10				
Front end loader	5.00				
Mechanic	5.58				
Motor patrol	4.50				
Oiler-greaser	4.25				
Roller	3.50				
Scraper	4.50				
Trenching machine	4.01				
Winch	4.25				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: *See Below
DECISION NUMBER: MS80-1004 DATE: Date of Publication
Supersedes Decision No.: MS79-1002 dated January 19, 1979 in 44 FR-4173
DESCRIPTION OF WORK: Heavy Construction Projects
*Zone IV Counties: Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith, and Winston

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters & form setters	4.50				
Cement masons	3.75				
Electricians	7.16				
Laborers:					
Laborers	3.10				
Pipelayers	3.15				
Truck drivers	3.10				
Welders - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	4.00				
Bulldozers	3.75				
Crane	4.00				
Front end loader	4.00				
Mechanic	5.50				
Motor patrol	4.55				
Oiler-greaser	4.50				
Roller	3.60				
Scraper	4.55				
Trenching machine	5.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: *See Below
DECISION NUMBER: MS80-1005 DATE: Date of Publication
Supersedes Decision No.: MS79-1002 dated January 19, 1979 in 44 FR-4173
DESCRIPTION OF WORK: Heavy Construction Projects
*Zone V Counties; Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne, and Wilkinson.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters & form setters	7.00				
Cement masons	3.18				
Electricians	8.95	.37	.09		.06
Ironworkers:					
Structural	8.10	.35	.35		.04
Reinforcing	6.00				
Laborers:					
Laborers	3.10				
Pipelayers	4.00				
Painters	4.75				
Welders - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.29				
Bulldozer	4.86				
Crane	5.50				
Drilling machine	4.10				
Oiler-greaser	3.38				
Piledriver	5.00				
Scraper	4.00				
Tractor	5.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: *See Below
DECISION NUMBER: MS80-1006 DATE: Date of Publication
Supersedes Decision No.: MS79-1002 dated January 19, 1979 in 44 FR-4173
DESCRIPTION OF WORK: Heavy Construction Projects
*Zone VI Counties: George, Pearl River and Stone

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters & form setters	5.38				
Cement masons	4.50				
Laborers:					
Air tool operators	3.10				
Laborers	3.10				
Pipelayers	4.00				
Truck Drivers	3.50				
Welder - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.00				
Bulldozer	4.25				
Crane	7.00				
Drilling machine	5.27				
Mechanic	4.00				
Oiler-greaser	3.10				
Tractor	4.00				
Trenching machine	4.75				
Winch	3.35				

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: Mississippi COUNTY: *See Below
DECISION NUMBER: MS80-1028 DATE: Date of Publication
Supersedes Decision No.: MS79-1002 dated January 19, 1979 in 44-FR-4173
DESCRIPTION OF WORK: Heavy Construction
*Zone VII Counties: Hancock, Harrison, and Jackson

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters & formsetters	5.38				
Cement masons	4.50				
Laborers:					
Air tool operators	3.10				
Laborers	3.10				
Pipelayers	4.00				
Truck drivers	3.50				
Welders - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	8.78	.50	.30		.05
Bulldozer	8.78	.50	.30		.05
Cherry picker	8.78	.50	.30		.05
Crane	8.78	.50	.30		.05
Driller	8.78	.50	.30		.05
Front end loader	8.78	.50	.30		.05
Motor patrol	8.78	.50	.30		.05
Oiler	6.73	.50	.30		.05
Piledriver operator	8.78	.50	.30		.05
Scraper	8.78	.50	.30		.05
Well points	8.78	.50	.30		.05

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: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania & Rhode Island
DECISION NUMBER: NY80-3002 DATE: Date of Publication
Supersedes Decision No. NY78-3097 dated December 1, 1978, in 43 FR 56377.
DESCRIPTION OF WORK: All Dredging on the Atlantic Coast from the Canadian Border to the southerly border of the State of Maryland & tributary waters emptying into the Atlantic Ocean, the Cheaspeake & Delaware Canal, Baltimore City & Baltimore County, Md.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DIPPER & CLAMSHELL DREDGES:					
Operator	$11.25	.73	.70	7%+a	
Engineer	11.16	.73	.70	7%+a	
Craneman	10.93	.73	.70	7%+a	
Maintenance Engineer	10.76	.73	.70	7%+a	
Welder	10.60	.73	.70	7%+a	
Mate	10.05	.73	.70	7%+a	
Fireman and Oiler	9.22	.73	.70	7%+a	
Deckhand, Handyman and Tug Deckhand	8.98	.73	.70	7%+a	
Scowman	8.87	.73	.70	7%+a	
HYDRAULIC DREDGES:					
Leverman	11.05	.73	.70	7%+a	
Engineer and Derrick Operator	10.93	.73	.70	7%+a	
Maintenance Engineer	10.76	.73	.70	7%+a	
Boilerman; Dredge Carpenter; Dredge Blacksmith; Electricians and Welders	10.60	.73	.70	7%+a	
Spider Barge Operator	10.49	.73	.70	7%+a	
Mate	10.05	.73	.70	7%+a	
Fireman and Oiler	9.22	.73	.70	7%+a	
Tug Deckhand	8.98	.73	.70	7%+a	
Deckhand; Handyman and Shoreman	8.87	.73	.70	7%+a	
TUG Boats over 400 H.P. (with master or captain having license endorsed for 200 miles off shore):					
Tug Engineer	10.55	.73	.70	7%+a	
Tug Deckhand	9.03	.73	.70	7%+a	
TUG Boats over 400 H.P. (without master or captain having license endorsed for 200 miles off shore):					
Tug Engineer	10.12	.73	.70	7%+a	
Tug Deckhand	8.98	.73	.70	7%+a	
DRILL BOATS:					
Engineers	12.02	.73	.70	b	
Blasters	12.16	.73	.70	b	
Fireman	11.62	.73	.70	b	
Driller, Welders or Machinists	12.03	.73	.70	b	
Oilers	11.41	.73	.70	b	

FOOTNOTES:

a. Holidays: A through F, plus Washington's Birthday and Veterans' Day.

b. Holidays: A through F, plus Washington's Birthday and Veterans' Day; 6½ days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation as set forth above will receive one day's vacation with pay for each full 20 days of service in one calendar year.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

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: North Carolina COUNTY: See below*
DECISION NUMBER: NC80-1033 DATE: Date of Publication
Supersedes Decision No. NC77-1081 dated July 29, 1977 in 42 FR 38881
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

*Avery, Buncombe, Haywood, Henderson, Jackson, McDowell, Madison, Mitchell, Transylvania, and Yancey Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$5.00				
BRICKLAYERS	6.60				
CARPENTERS	5.50				
CARPET LAYERS	5.75				
CEMENT MASONS	5.00				
ELECTRICIANS	5.15				
INSULATION INSTALLERS	4.50				
LABORERS:					
Laborers, Unskilled	3.44				
Asphalt Rakers	4.00				
Mason Tenders	3.50				
Mortar Mixers	3.75				
PAINTERS, Brush	5.78				
PLUMBERS & FITTERS	5.20				
ROOFERS	4.90				
SHEET METAL WORKERS	6.00				
SOFT FLOOR LAYERS	5.68				
TRUCK DRIVERS	3.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.68				
Bulldozers	4.51				
Distributors, Asphalt	4.69				
Graders	5.14				
Loaders	4.59				
Paving Machines	5.49				
Rollers	4.51				
Screeds	4.40				
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: Texas COUNTY: Tom Green
DECISION NUMBER: TX80-4007 DATE: Date of Publication
Supersedes Decision No. TX78-4086, dated August 25, 1978, in 43 FR 38285.
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories). (Use current heavy and highway general wage determination for Paving and Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$11.05	.80	$1.00		.02
BRICKLAYERS	9.50				
CARPENTERS	9.90				.02
CEMENT MASONS	4.75				
ELECTRICIANS:					
Zone 1 - shall consist of the following Cities or Towns: Christoval and San Angelo	8.20		3%		1/4%
Zone 2 - shall consist of all areas outside the five (5) road miles of the City limits of the above named Cities and Towns	8.55		3%		1/4%
IRONWORKERS:					
Ironworkers	10.00	.55	1.40		.10
On jobs 30 miles or more from the City of San Angelo	10.125	.55	1.40		.10
LABORERS	3.10				
LATHERS	7.65				.01
PAINTERS:					
Brush	4.00				
PLASTERERS	7.25				.01
PLUMBERS and PIPEFITTERS	5.50				
ROOFERS	4.00				
SHEET METAL WORKERS	5.00				
SOFT FLOOR LAYERS	5.00				
TILE SETTERS	5.00				
TRUCK DRIVERS	3.10				
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).

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January 18, 1980

Part VI

Federal Trade Commission

Endorsements and Testimonials in Advertising; Industry Guidelines

FEDERAL TRADE COMMISSION

16 CFR Part 255

Endorsements and Testimonials in Advertising; Promulgation of Final Guides Concerning Use

AGENCY: Federal Trade Commission.

ACTION: Promulgation of Industry Guides; final rule.

SUMMARY: The Commission has adopted as final three proposed guidelines on the use of endorsements and testimonials in advertising. These guides were proposed May 21, 1975 (40 FR 22146). Ninety (90) days of public comment were solicited. These new final guides, 16 CFR 255.1, 255.2, and 255.5, complement the three other guides previously adopted by the Commission in May, 1975, 16 CFR 255.0, 255.3, and 255.4 (40 FR 22127).

In addition to promulgating these three new final Guides and their accompanying examples, the Commission modified one example to Final Guide 0, "Definitions," adopted in May, 1975.

DATES: The new Final Guides are effective January 18, 1980.

FOR FURTHER INFORMATION CONTACT: W. Benjamin Fisherow, Deputy Assistant Director for Food and Drug Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1511.

SUPPLEMENTARY INFORMATION: Section 255.1 [Final Guide 1] is titled "General Considerations," and it has three subparts. Subpart (a) requires endorsements to reflect only the honest views of the endorser and states that endorsements may not contain claims that could not be supported if made directly by the advertiser. Subpart (b) prohibits presenting an endorsement out of its context in a manner that distorts it. It also permits use of celebrity or expert endorsements only so long as the advertiser has good reason to believe the endorser continues to subscribe to the views presented. Subpart (c) requires an endorser actually to use the product advertised when the advertisement so represents, and it permits the advertiser to use such an endorsement only so long as it has good reason to believe the endorser continues to use the product. Two examples illustrating application of this Guide were also adopted.

Section 255.2 [Final Guide 2] is titled "Consumer Endorsements," and it also has three subparts. Subpart (a) states that because the endorsement of product performance by a consumer or group of consumers implies that the average person can expect to obtain comparable performance, advertisers should possess substantiation for this implicit claim or clearly and conspicuously disclose what the generally expectable performance of the product would be or clearly and conspicuously inform consumers of the limited applicability of the endorsed performance. Subpart (b) states that endorsements by what are represented to be "actual consumers" should use actual consumers or disclose the fact that actors are appearing. Subpart (c) states that advertisers must have adequate support for consumers' endorsements of drugs and that such endorsements must be consistent with any determinations about the drug made by the Food and Drug Administration. Three examples to illustrate applications of this Guide were also adopted.

Section 255.5 [Final Guide 5] is titled "Disclosure of Material Connections." It requires the advertiser to disclose a connection between that advertiser and the endorser that might materially affect the weight or credibility of the endorsement.

Two material connections are highlighted that would require disclosures: compensation received prior to and in exchange for the endorsement and that the endorser knew or had reason to know that if the "right things" were said, he or she would "appear on T.V." The payment of compensation need be disclosed only when the endorser is neither a celebrity nor an expert. Three examples to illustrate application of this Guide were also adopted.

The text of the new Final Guides and their examples follow this supplementary discussion in which the Commission details the modification it has made in one example to Final Guide O and in the new Final Guides based upon the public comments received and upon its own reevaluation. At the outset, the Commission directs attention to its use of examples to illustrate various provisions of the Guides, and it emphasizes that these examples are not to be viewed as providing definitive answers on compliance with the Guides. As the Commission and the courts have repeatedly made clear, the "net impression" of an advertisement must be assessed in determining the message conveyed.[1] Examples of the type included here as an aid to interpreting the basic principles of the Guides simply are not designed to and cannot present the totality of audio/visual effects that form an advertisement's "net impression". Thus, as should be obvious, any determination as to whether a particular advertisement meets or fails to meet the requirements of these Guidelines must rest upon a review of the actual advertisement. Indeed, it is possible that advertisements which resemble examples used herein may nonetheless, due to factors in their presentation, violate the Act.

Furthermore, the advertiser must insure that the disclosures required by these Guides are designed and presented in a manner that attracts consumers' attention *and* communicates the required information. To underscore this duty the Commission requires that disclosures made pursuant to these Guides be made in a clear and conspicuous manner. Based upon its experience from regulating advertising, the Commission believes that advertisers and their advertising agencies possess the communications expertise necessary to design clear and conspicuous disclosures and the Commission expects them to do so. Therefore, the Commission believes it unnecessary to specify the exact wording that must be used in the particular disclosure required by these guides, nor to set standards for the manner in which this information must be presented in broadcast or print.[2] In the past, the Commission provided guidelines on how affirmative disclosures might be presented in broadcast advertising,[3] and these continue in effect. However, notwithstanding those guidelines, the Commission expects advertisers to design and present disclosure of required information in a clear and conspicuous manner.

Modification to Example 4 of Final Guide O, "Definitions" (Part 255.0). The Commission has modified Example 4 to the Definitions Guide in order to clarify the distinction between use of an endorsement and use of "slice-of-life" dramatization or spokesperson, neither of which are subject to these guidelines. The example was published May 21, 1975 in 40 FR at 22127, *et seq.*

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[1] *Carter Products, Inc.* v. *FTC*, 323 F.2d 523, 528 (5th Cir. 1963); *FTC* v. *Sterling Drug, Inc.*, 317 F.2d 669, 674 (2d Cir. 1963); *Murray Space Shoe Corp.* v. *FTC*, 304 F.2d 270, 272 (2d Cir. 1962); *Charles of the Ritz Dist. Corp.* v. *FTC*, 143 F.2d 676, 679 (2d Cir. 1944); *Aronberg* v. FTC, 132 F.2d 165, 167 (7th Cir. 1942); *Porter & Dietsch*, 90 FTC 770, 873 (1977), *order modified*, 605 F.2d 294 (7th Cir. 1979).

[2] Of course, the Commission has specified in particular cease and desist orders and rules that certain disclosures must contain particular language and be presented in specific ways. Advertisers under those orders and rules must comply with those particular requirements.

[3] See Commission's Statement of Enforcement Policy of October 21, 1970 regarding the use of affirmative disclosures in broadcast advertising. Vol 2 CCH Trade Regulations Reports Section 7569.09.

Modifications to New Final Guides 1, 2, and 5 (Parts 255.1, 255.2, and 255.5). Guide 1(a): The Commission has determined to add a cross-reference to this Guide, directing attention to Example 2 to Guide 3, section 255.3, to make clear that an endorsement may constitute all or part of the substantiation for an advertising claim. The Commission does not believe, however, that even a valid endorsement may constitute substantiation for a performance claim for an OTC drug.

Guide 1(b). The Commission has determined that obligations imposed by the "good reason to believe" requirement need not apply to consumer endorsements. It has also added language to that proposed that will advise advertisers of the factors the Commission will consider in determining whether the advertiser has "good reason to believe" that an expert or celebrity endorser continues to subscribe to the views presented in the advertisement. The new language suggests that the advertiser check with the endorser at "reasonable intervals" where reasonableness depends upon a number of factors that will vary with the situation. In this regard, the Commission intends to take a pragmatic view of the relation between advertisers and endorsers that considers not only the performance of the product but also the status of the endorser. The Commission has also added Example 1 to Guide 1 to illustrate one application of the principle of this subpart.

Guide 1(c). The Commission has adopted this subpart without modification, and it has adopted new Examples 2 and 3 to illustrate this subpart's application. The Commission has added a cross-reference to the "good reason to believe" requirement of subpart (b) since it intends to treat that principle the same way in this subpart, applying it to all endorsements which represent "bona fide" use. New Example 1 to Guide 1, is applicable to this subpart as well.

Guide 1, Example 1. This new example illustrates one application of the advertiser's duty to determine whether the endorser continues to subscribe to the views presented in the advertisement. It purports to describe a situation where an advertiser reformulates a product previously endorsed by an expert. The advertiser should check with the endorser to determine if that product change affects his or her views of the product's performance. Contact with the endorser after reformulation may also be mandated by Guide 3 (Expert Endorsements, Section 255.3) which requires that the expert must have based his or her endorsement on an adequate "examination or testing" of the product.

Guide 1, Example 2. This example is designed to illustrate the "bona fide use" requirement of Guide 1(c). It is designed to make the point that an endorsement of a product does not necessarily require "bona fide use". In example 2, the endorser presents her views in a "blind comparison test" which is not designed to represent that the endorser is a "bona fide user" of the product. Frequently, of course, the net impression of advertisements that feature endorsements includes a representation of "bona fide use." Where that occurs, Guide 1(c) simply requires that such representation accord with the facts.

Guide 2(a). Advertisers should understand that the Commission strongly favors consumer endorsement that, in fact, depict a typical experience. However, the Commission recognizes that a consumer endorsement representing a non-typical experience with a clear disclaimer, or with a disclosure of what is typical may not be deceptive. Generally, a disclaimer alone probably will not be considered sufficient to dispel the representation that the experience is typical, but because the Commission is not prepared to hold that in every instance a bare disclaimer would be inadequate, reliance thereon will not be considered a *per se* violation of Section 5 of the Federal Trade Commission Act. In any instance where only a disclaimer is made, however, the advertiser should be certain that it is as prominent as, and integrated with, the endorsement itself and that the circumstances surrounding the endorsement minimize the message that it is a typical experience. Advertisers should also know that a simple statement that "not all consumers will get this result" or a similar disclaimer will not be considered as adequate. The advertiser should realize, further, that the net effect of the advertisement will be studied to determine if if has the capacity to deceive. If the Commission has reason to believe that such a deception is imparted by the consumer endorsement, the endorsement may be subject to a Commission challenge.

Final Guide 2(a) makes it clear that the Commission's concern is directed to endorsements that involve central attributes of the advertiser's product or service. Further, it is the Commission's experience from cases such as *Firestone*,[4] *National Dynamics*,[5] *Ford*,[6] and *Porter & Dietsch*[7] that the more central and specific the endorsed experience is, the more material its representation becomes. Commission attention to such endorsements will be focused accordingly.

Guide 2(b). The Commission has modified the disclosure required by the proposed guide to inform the public that, contrary to an advertisement's representation, actors are appearing instead of actual consumers. The proposed guide had been read to require a clear and conspicious disclosure that "professional actors" were "appearing for compensation." The purpose of the disclosure is to alert consumers that the presentation they are viewing involves professionals and should be viewed accordingly, and the Commission has determined that this purpose is satisfied by a less extensive message. The Commission agrees with comments that suggested that too extensive a disclosure may imply, contrary to fact, that the substance of the views presented is not genuine.

Guide 2(c). The proposed guide banned consumers' endorsements of drug products on the grounds that consumers' experience with drugs in not acceptable evidence of how such products perform. The Commission has determined that such a prohibition is unnecessary and that adequate protection for the viewing public is achieved by (a) requiring advertisers to possess adequate scientific substantiation for the claims made by the endorser; and (b) assuring that no claims contained in the endorsement are inconsistent with any determination made by the Food and Drug Administration with respect to the drug or device.

Guide 2, Example 1 and 2. The Commission has replaced the two proposed examples to Guide 2 with three new ones. The first two examples are designed to illustrate Guide 2(a). Example 1 purports to show one type of endorsement presentation that will be interpreted as a claim that a substantial proportion of consumers will experience results similar to the endorser's. The example also discusses the reasons why a particular disclaimer would be

[4] *Firestone Tire & Rubber Co.*, 81 FTC 398 (1972), *aff'd* 481 F. 2d 246 (6th Cir. 1973); *cert. denied*, 414 U.S. 1112 (1973).

[5] *National Dynamics Corporation*, 82 FTC 488 (1973), *mod. in part*, 492 F. 2d 1333 (2d Cir. 1974); *cert. denied* 419 U.S. 993 (1974); *order modified* 85 F.T.C. 391 (1975); *order further modified* 85 FTC 1052 (1975).

[6] *Ford Motor Company*, Docket 9001, *Opinion and Order Remanding*, 87 FTC 756 (1976).

[7] *Porter & Dietsch, Inc.*, 90 FTC 770, 873 (1977), *order modified*, 605 F.2d 294 (7th Cir. 1979).

insufficient. Example 2 is designed to illustrate that certain presentations of consumer endorsements of performance based on personal judgment may also represent a promise that the viewer should expect similar results.

Guide 2, Example 3. In response to the comments, the Commission has developed an example designed to illustrate an implicit representation that "actual consumers" are presenting their spontaneous, honest views about the advertised product. This example to Guide 2(b) purports to demonstrate that such a representation can be conveyed even though the real people appearing are not named or words such as "hidden camera" are not used.

Guide 5. The Commission has made modifications in the text of the guide. The first modification makes clear that, to be material, compensation must be paid or promised "in exchange for" the giving of the endorsement. Comments suggested that the proposed guide could be read to require the disclosure of compensation unrelated to the endorsement itself, such as payment to participate in a blind comparison test. The Commission has also determined that when consumer endorsers knew or had reason to know or believe that they would be featured in advertising if the "right things" were said about the product, this fact should be disclosed as well.

Examples to Guide 5. Comments on proposed Example 1 criticized it as inconsistent with the final guides on expert and organizational endorsements (§ 255.3 and § 255.4). The example had described the "findings" of a well-known research organization based on a study commissioned by a drug company/advertiser. The example stated that the advertisement in which the "findings" were represented should include a disclosure of the fact that the advertiser commissioned the test. The Commission agrees with comments that the Expert and Organizational endorsements guides' provisions for adequate exercise of expertise as a basis for endorsement would ordinarily provide sufficient protection for consumers in such situations, and it has modified this example accordingly. Because proposed Example 2 adds nothing substantive not already covered in modified Example 1, the Commission has deleted it.

Proposed Example 3 (which now appears as Example 2) has been retained in its original form. It is designed to illustrate that an advertisement featuring a celebrity endorsement that meets the other requirements of the Guides need not contain a disclosure of the fact that the celebrity was compensated for his/her appearance.

The Commission has modified proposed Example 4 which appears now as Example 3. This example is designed to better illustrate the application of Guide 5 to the endorsements of actual consumers. It illustrates the principle that even if a consumer's endorsement is truthful, an advertiser can, through his recruitment of the endorser, create a situation—an expectation on the endorser's part—that may materially affect the weight or credibility of the endorsement. The example also illustrates that compensation to a consumer endorser promised only after the securing of an endorsement need not be disclosed.

PART 255—GUIDES CONCERNING USE OF ENDORSEMENTS AND TESTIMONIALS IN ADVERTISING

Proposed Example 4 to Guide 5 has been deleted.

* * * * *

1. 16 CFR is amended by revising Example 4 of § 255.0 to read as follows:

§ 255.0 Definitions.

* * * * *

Example 4: A manufacturer of automobile tires hires a wellknown professional automobile racing driver to deliver its advertising message in television commercials. In these commercials, the driver speaks of the smooth ride, strength, and long life of the tires. Even though the message is not expressly declared to be the personal opinion of the driver, it may nevertheless constitute an endorsement of the tires. Many consumers will recognize this individual as being primarily a racing driver and not merely a spokesman or announcer for the advertiser. Accordingly, they may well believe the driver would not speak for an automotive product unless he/she actually believed in what he/she was saying and had personal knowledge sufficient to form that belief. Hence they would think that the advertising message reflects the driver's personal views as well as those of the sponsoring advertiser. This attribution of the underlying views to the driver brings the advertisement within the definition of an endorsement for purposes of this part.

* * * * *

2. 16 CFR is amended by adding §§ 255.1, 255.2. amd 255.5 to read as follows:

§ 255.1 General considerations.

(a) Endorsements must always reflect the honest opinions, findings, beliefs, or experience of the endorser. Furthermore, they may not contain any representations which would be deceptive, or could not be substantiated if made directly by the advertiser. [*See* Example 2 to Guide 3 (§ 255.3) illustrating that a valid endorsement may constitute all or part of an advertiser's substantiation.]

(b) The endorsement message need not be phrased in the exact words of the endorser, unless the advertisement affirmatively so represents. However, the endorsement may neither be presented out of context nor reworded so as to distort in any way the endorser's opinion or experience with the product. An advertiser may use an endorsement of an expert or celebrity only as long as it has good reason to believe that the endorser continues to subscribe to the views presented. An advertiser may satisfy this obligation by securing the endorser's views at reasonable intervals where reasonableness will be determined by such factors as new information on the performance or effectiveness of the product, a material alteration in the product, changes in the performance of competitors' products, and the advertiser's contract commitments.

(c) In particular, where the advertisement represents that the endorser uses the endorsed product, then the endorser must have been a bona fide user of it at the time the endorsement was given. Additionally, the advertiser may continue to run the advertisement only so long as he has good reason to believe that the endorser remains a bona fide user of the product. [*See* § 255.1(b) regarding the "good reason to believe" requirement.]

Guide 1, Example 1: A building contractor states in an advertisement that he specifies the advertiser's exterior house paint because of its remarkable quick drying properties and its durability. This endorsement must comply with the pertinent requirements of Guide 3. Subsequently, the advertiser reformulates its paint to enable it to cover exterior surfaces with only one coat. Prior to continued use of the contractor's endorsement, the advertiser must contact the contractor in order to determine whether the contractor would continue to specify the paint and to subscribe to the views presented previously.

Example 2: A television advertisment portrays a woman seated at a desk on which rest five unmarked electric typewriters. An announcer says "We asked Mrs. X, an executive secretary for over ten years, to try these five unmarked typewriters and tell us which one she liked best."

The advertisement portrays the secretary typing on each machine, and then picking the advertiser's brand. The announcer asks her why, and Mrs. X gives her reasons. Assuming that consumers would perceive this presentation as a "blind" test, this endorsement would probably not represent that Mrs. X actually uses the advertiser's machines in her work. In addition, the endorsement may also be required to meet the standards of Guide 3 on Expert Endorsements. [Guide 1]

§ 255.2 Consumer endorsements.

(a) An advertisement employing an endorsement reflecting the experience of an individual or a group of consumers on a central or key attribute of the

product or service will be interpreted as representing that the endorser's experience is representative of what consumers will generally achieve with the advertised product in actual, albeit variable, conditions of use. Therefore, unless the advertiser possesses and relies upon adequate substantiation for this representation, the advertisement should either clearly and conspicuously disclose what the generally expected performance would be in the depicted circumstances or clearly and conspicuously disclose the limited applicability of the endorser's experience to what consumers may generally expect to achieve. The Commission's position regarding the acceptance of disclaimers or disclosures is described in the preamble to these Guides published in the **Federal Register** on January 18, 1980.

(b) Advertisements presenting endorsements by what are represented, directly or by implication, to be "actual consumers" should utilize actual consumers, in both the audio and video or clearly and conspicuously disclose that the persons in such advertisements are not actual consumers of the advertised product.

(c) Claims concerning the efficacy of any drug or device as defined in the Federal Trade Commission Act, 15 U.S.C. 55, shall not be made in lay endorsements unless (a) the advertiser has adequate scientific substantiation for such claims and (b) the claims are not inconsistent with any determination that has been made by the Food and Drug Administration with respect to the drug or device that is the subject of the claim.

Guide 2, Example 1: An advertisement presents the endorsement of an owner of one of the advertiser's television sets. The consumer states that she has needed to take the set to the shop for repairs only one time during her 2-year period of ownership and the costs of servicing the set to date have been under $10.00. Unless the advertiser possesses and relied upon adequate substantiation for the implied claim that such performance reflects that which a significant proportion of consumers would be likely to experience, the advertiser should include a disclosure that either states clearly and conspicuously what the generally expectable performance would be or clearly and conspicuously informs consumers that the performance experienced by the endorser is not what they should expect to experience. The mere disclosure that "not all consumers will get this result" is insufficient because it can imply that while all consumers cannot expect the advertised results, a substantial number can expect them. [See the cross reference in Guide 2(a) regarding the acceptability of disclaimers or disclosures.]

Example 2: An advertiser presents the results of a poll of consumers who have used the advertiser's cake mixes as well as their own recipes. The results purport to show that the majority believed that their families could not tell the difference between the advertised mix and their own cakes baked from scratch. Many of the consumers are actually pictured in the advertisement along with relevant, quoted portions of their statements endorsing the product. This use of the results of a poll or survey of consumers probably represents a promise to consumers that this is the typical result that ordinary consumers can expect from the advertiser's cake mix.

Example 3: An advertisement purports to portray a "hidden camera" situation in a crowded cafeteria at breakfast time. A spokesperson for the advertiser asks a series of actual patrons of the cafeteria for their spontaneous, honest opinions of the advertiser's recently introduced breakfast cereal. Even though the words "hidden camera" are not displayed on the screen, and even though none of the actual patrons is specifically identified during the advertisement, the net impression conveyed to consumers may well be that these are actual customers, and not actors. If actors have been employed, this fact should be disclosed. [Guide 2]

* * * * *

§ 255.5 Disclosure of material connections.

When there exists a connection between the endorser and the seller of the advertised product which might materially affect the weight or credibility of the endorsement (*i.e.*, the connection is not reasonably expected by the audience) such connection must be fully disclosed. An example of a connection that is ordinarily expected by viewers and need not be disclosed is the payment or promise of payment to an endorser who is an expert or well known personality, as long as the advertiser does not represent that the endorsement was given without compensation. However, when the endorser is neither represented in the advertisement as an expert nor is known to a significant portion of the viewing public, then the advertiser should clearly and conspicuously disclose either the payment or promise of compensation prior to and in exchange for the endorsement or the fact that the endorser knew or had reasons to know or to believe that if the endorsement favors the advertised product some benefit, such as an appearance on TV, would be extended to the endorser.

Example 1. A drug company commissions research on its product by a well-known research organization. The drug company pays a substantial share of the expenses of the research project, but the test design is under the control of the research organization. A subsequent advertisement by the drug company mentions the research results as the "findings" of the well-known research organization. The advertiser's payment of expenses to the research organization need not be disclosed in this advertisement. Application of the standards set by Guides 3 and 4 provides sufficient assurance that the advertiser's payment will not affect the weight or credibility of the endorsement.

Example 2: A film star endorses a particular food product. The endorsement regards only points of taste and individual preference. This endorsement must of course comply with Section 255.1; but even though the compensation paid the endorser is substantial, neither the fact nor the amount of compensation need be revealed.

Example 3: An actual patron of a restaurant, who is neither known to the public nor presented as an expert, is shown seated at the counter. He is asked for his "spontaneous" opinion of a new food product served in the restaurant. Assume, first, that the advertiser had posted a sign on the door of the restaurant informing all who entered that day that patrons would be interviewed by the advertiser as part of its TV promotion of its new soy protein "steak". This notification would materially affect the weight or credibility of the patron's endorsement, and, therefore, viewers of the advertisement should be clearly and conspicuously informed of the circumstances under which the endorsement was obtained.

Assume, in the alternative, that the advertiser had not posted a sign on the door of the restaurant, but had informed all interviewed customers of the "hidden camera" only after interviews were completed and the customers had no reason to know or believe that their response was being recorded for use in an advertisement. Even if patrons were also told that they would be paid for allowing the use of their opinions in advertising, these facts need not be disclosed. [Guide 5]

[38 Stat. 717, as amended; 15 U.S.C. 41–58.]

Commissioner Clanton issued the following statement to accompany promulgation of the Guides:

Although I have doubts about the need for any guides dealing with consumer endorsements, I am particularly skeptical about the value of §§ 255.2(b) and 255.5 of the Final Guides. Each of these provisions would require advertisers to make affirmative disclosures in circumstances where there is little likelihood of material deception.

The failure to disclose the fact that professional actors are used to portray ordinary consumers would not appear to be a significant omission in the vast majority of cases. Likewise, nondisclosure of the fact that consumers are promised compensation to do a commercial seems unlikely to mislead most consumers. So long as the underlying product claims can be substantiated, there is no reason to impose additional disclosure requirements on advertisers for what, at worst, are technical deceptions.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-1622 Filed 1-17-80; 8:45 am]

BILLING CODE 6750-01-M

Reader Aids

Federal Register

Vol. 45, No. 13

Friday, January 18, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

COMMERCE DEPARTMENT

Maritime Administration—

69301 12–3–79 / U.S. Merchant Marine Academy; midshipmen pay increase

INTERIOR DEPARTMENT

Fish and Wildlife Service—

75074 12–18–74 / Endangered and threatened wildlife and plants; America Crocodile, and the Saltwater Crocodile exclusive of the Papua New Guinea population

SECURITIES AND EXCHANGE COMMISSION

75133 12–19–79 / Applications for extension of unlisted trading privileges

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

A complete listing for the first session of the 96th Congress was published in the Reader Aid section of the issue of January 17, 1980.