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Highlights

Briefings on How To Use the Federal Register—For details on the resumption of briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

63831 **Food Stamps** USDA/FNS publishes emergency final rule setting forth procedures for treatment of payments made to persons who reside in subsidized housing; effective 9–26–80

63845 **Grant Programs—Health** HHS/PHS is amending regulations governing the Health Education-Risk Reduction grants program to discourage children and adolescents from smoking and alcohol use; effective 9–26–80; comments by 11–25–80

64068 **School Lunch Program** USDA/FNS issues interim amendments known collectively as Assessment, Improvement and Monitoring System with objectives to assess and foster improvements, monitor use of Federal funds and protect nutritional integrity of meals; effective 1–1–81; comments by 6–30–81 (Part IV of this issue)

64016 **Minimum Wages** Labor/ESA releases minimum wages for Federal and Federally assisted construction workers (Part III of this issue)

63867 **Improving Government Regulations** FDIC publishes semiannual agenda of regulations

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Highlights

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There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

63841, 63842 **Mortgage Insurance** VA is increasing maximum interest rates on loans for homes, condominiums, mobile homes and for energy conservation and other home improvements; effective 9–22–80 (2 documents)

63906 **Grant Programs—Education** ED selects certain program priorities for grants awarded under the Women's Educational Equity Act Program in Fiscal Year 1981; comments by 10–27–80

63881 **Occupational Safety and Health** Labor/OSHA reopens rulemaking record for lead standard; comments by 10–27–80; hearings on 11–5, 11–6 and 11–7–80

63838, 63839 **Mortgage Insurance** HUD/FHC increases interest rates on mortgage insurance and home improvement loans; effective 9–22–80 (2 documents)

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64116 **Comprehensive Employment and Training Act** Labor/ETA issues notice which promulgates final wage adjustment index for Fiscal Year 1981; effective 10–1–80 (Part VIII of this issue)

64008 **Medicare** HHS/HCFA issues proposed rule which provides for reimbursing cost of outpatient maintenance renal dialysis and self-care dialysis training treatments furnished to Medicare patients; comments by 11–25–80 (Part II of this issue)

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 273

[Amendment No. 181]

Food Stamp Program

AGENCY: Food and Nutrition Service.

ACTION: Emergency final rule.

SUMMARY: This amendment sets forth procedures for the treatment of payments that will be made by the Department of Housing and Urban Development (HUD) to persons who resided in housing subsidized under section 236 of the National Housing Act pursuant to an approved settlement agreement reached in *Underwood* v. *Harris* (Civil No. 76–0469, D.D.C.). This amendment sets forth the Department's revised policy for treatment of these refund payments in determining eligibility and benefit levels for the Food Stamp Program.

EFFECTIVE DATE: This rulemaking is effective September 26, 1980.

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, Washington, D.C. 20250, 202–447–9075.

The Final Impact Statement describing the options considered in developing this emergency final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant." Robert Greenstein, Administrator of the Food and Nutrition Service, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action because delay in implementing this rule prior to the time that the HUD rental refunds will be disbursed could adversely affect the eligibility of certain Food Stamp Program participants. Likewise, a delay in promulgating this rule would cause an unnecessary burden on States to provide restoration of lost benefits to affected households. Pursuant to the administrative procedure provision in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest; and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Introduction

In 1974 Congress approved additional funds to the Department of Housing and Urban Development to grant greater subsidies to landlords of section 236 housing projects to offset increasing utility and property tax costs. HUD declined to implement this program and as a result, some landlords passed the increased costs on to their tenants through higher rental fees. Subsequently, a series of class action suits were filed against HUD (e.g. *Underwood* v. *Harris*), resulting in stipulated settlements under which households previously required to pay the rent increases are now entitled to retroactive payments.

The settlement agreement specified that it is the intent of the Secretary of HUD and the plaintiffs' attorneys that the retroactive payments made to the plaintiffs have no adverse effect on assistance they may receive from other governmental programs.

On May 6, 1980 the Department published a Notice in the **Federal Register** entitled "Treatment of HUD Rental Refund Payments" (Vol. 45, No. 89, page 29875). This notice stated that the Department considers the payments received as a result of *Underwood* v. *Harris* lump sum payments and therefore should be excluded as income for the Food Stamp Program; these payments however, would be considered a resource in the month received.

The Department is aware that the intent of the settlement in the class action suit is for the settlement/refund payments to have no detrimental effect on assistance that the plaintiffs may be receiving from other Government programs which distribute benefits based on need. At the time the Notice was written the Department understood that the maximum payment to qualified households would be $500, with the average amount being $150 per household. The majority of the tenants residing in section 236 housing projects are elderly, disabled and low income persons receiving Social Security, Supplemental Security Income (SSI), or Aid to Families with Dependent Children (AFDC) benefits. According to the 1978 Characteristics of Food Stamp Households Survey, only 1.3% of households with elderly members have liquid assets over $1,500, and 4% of non-elderly households have assets over $500. Although the survey excluded data for households with SSI income, one eligibility requirement for Supplemental Security Income is resources under the $1,500 limit. Therefore, since the maximum refund expected was $500 and the large majority of the households have very low, if any, assets, the Department felt confident that very few of the subject households would have their Food Stamp Program eligibility affected by this Notice. It was not the intention of the Department to cause ineligibility to food stamp participants receiving the HUD retroactive payment.

The Department has learned that Price Waterhouse recently released figures which were quite inconsistent with those previously used by the Department in determining what policy to issue. The new figures showed that 24,000 households would receive payments over $500 and 3,000 households would get payments over $1,000. In light of these new statistics the Department has withdrawn the May 6, 1980 Notice because many households may be affected adversely by receiving the lump sum payment from HUD which would be considered a resource in the month of receipt. Combining the subject household's current resources with the newly acquired HUD payment could cause many households to lose their eligibility for the Food Stamp Program.

To be eligible for the HUD payment households that resided in housing subsidized under section 236 of the

National Housing Act for any period of time from February 1, 1975 through September 30, 1977 had until February 22, 1980 to file a claim for a retroactive payment. HUD plans to distribute this payment in the fall of 1980.

According to revised HUD statistics, approximately 200,000 households will be receiving a retroactive payment. It has been projected that the maximum payment per entitled household is $1,800 and the minimum is $20 with an average payment of $260. Although there is no specific data on exactly how many of the 200,000 households are receiving food stamps, the Department has estimated that approximately 42,000 food stamp households will receive the retroactive benefit from HUD. Of these 42,000 households, it is estimated that only 10,700 have liquid assets and of these 10,700 households approximately 800 households have assets over $500. This is the main group that the HUD payment may adversely affect, depending, of course, on how large the household's HUD payment and assets are.

Special Resource Rule

Under the current Food Stamp Program regulations, these HUD refund payments would be treated as nonrecurring lump-sum payments and, as such, would be excluded from income, [7 CFR 273.9(c)(8)]. Current regulations do not, however, provide an exclusion for these payments from resources as the Notice reiterated.

This final rulemaking provides that these HUD payments will be excluded from resources, for Food Stamp Program purposes, for a two-month period. This program change is to provide consistency with the Department of Health, and Human Services' (HHS) policy on the treatment of these payments for the AFDC Program. By treating the payments uniformly, there will be less chance for error and confusion for the client as well as on the part of the eligibility staff that works with both programs.

HHS has categorized the payments as reimbursements for out-of-pocket expenses. Under HHS regulations, reimbursements would be excluded from income for the AFDC program. The Social Security Act however, requires such payments to be included in resources. In this circumstance, the refund payment does not substantially differ from a retroactive payment made to a recipient to correct an underpayment and HHS has determined that the household should have a reasonable period of time to dispose of the refund payment before it is treated as a resource. Under current HHS regulations, 45 CFR 233.20(a)(12)(ii)(*b*), such payments "shall not be considered as * * * a resource in the month of receipt and in the next following month." After two months, any remaining portions of the payment will be treated as a resource. This same resource rule will now apply to the treatment of these payments for food stamp eligibility as well.

The Department expects that only a small percentage of households will have their Food Stamp eligibility status changed due to the refund payments. Only those households which receive a payment in an amount that causes the household's total resources to reach or exceed the current resource limit are required to report the payment. Most food stamp households have less than $500 in total resources and so the average refund payment of $260 would not affect their eligibility status.

This rulemaking guarantees that no household will be immediately terminated from the Food Stamp Program as a result of the receipt of these HUD refund payments. Therefore, paragraph (e) of § 273.8 is amended by adding a new subparagraph (12), to read as follows:

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

§ 273.8 Resource eligibility standards.

* * * * *

(e) Exclusion from resources. * * *

* * * * *

(12) HUD retroactive tax and utility cost subsidy payments issued pursuant to settlement of *Underwood v. Harris* (Civil No. 76–0469, D.D.C.) against HUD, for the month in which payment was received and for the following month.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2027))

Catalog of Federal Domestic Assistance Programs No. 10551, Food Stamps)

Dated: September 23, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80–29843 Filed 9–25–80; 8:45 am]

BILLING CODE 3410–30–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 272]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period September 28-October 4, 1980. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: September 28, 1980.

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

SUPPLEMENTARY INFORMATION:

Findings

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

This action is consistent with the marketing policy for 1980–81 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on September 23, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is steady.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Section 910.572 is added as follows:

§ 910.572 Lemon Regulation 272.

(a) The quantity of lemons grown in California and Arizona which may be handled during the period September 28, 1980, through October 4, 1980, is established at 200,040 cartons.

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

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

D. S. Kuryloski,

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

[FR Doc. 80-30154 Filed 9-25-80; 12:57 pm]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

Loan and Purchase Program; Recourse Price Support Loan for 1980-Crop Corn Contaminated With Aflatoxin

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule sets forth the provisions under which producers may obtain a recourse price support loan on 1980-crop corn which is contaminated with aflatoxin. This rule is needed to provide producers an opportunity to hold the contaminated corn for possible utilization of the contaminated corn by methods currently being studied.

EFFECTIVE DATE: This regulation shall become effective September 25, 1980.

ADDRESS: Price Support and Loan Division, ASCS, U.S. Department of Agriculture, 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

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

SUPPLEMENTARY INFORMATION: This final action has been reviewed under procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified as "significant." The emergency nature of this action warrants publication of this final action without completion of a Draft Impact Analysis. A Final Impact Statement will be developed after public comments have been received.

It has been determined that an emergency situation exists which warrants publication without an opportunity for a public comment period of this final action since producers in several States are harvesting corn which is contaminated with aflatoxin. The implementation of the recourse loan program will provide interim financing so that producers can hold the contaminated corn and possibly take advantage of several methods under study which may permit utilization of the contaminated corn.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register.** Comments will be received for 60 days after publication of this document (November 25, 1980), and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

The title and number of the federal assistance programs to which this action applies are: Title: Commodity Loans and Purchases; Number 10.051; as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this notice.

The purpose of this final rule is to provide for recourse price support loans for corn contaminated with aflatoxin in designated States. Regular price support loans are not available on corn contaminated with aflatoxin.

Above-normal temperatures and limited rainfall during July and August have significantly reduced the 1980 corn crop and resulted in conditions favorable for development of *aspergillus flavus,* a mold which produces aflatoxin. Aflatoxin is a cancer-producing agent. Pursuant to FDA guidelines, infected corn containing an excess of 20 parts per billion may not be utilized for human food. Corn with up to 100 parts per billion can be safely fed to some livestock.

Recourse loans available under this program would provide interim financing so that producers could hold the aflatoxin-contaminated corn and possibly take advantage of several methods of utilization of contaminated corn currently being studied. On April 4, 1978, the Department of Health, Education, and Welfare published a rule (43 FR 14122) which provided a limited exemption from the prohibition against blending. The notice did permit the interstate shipment of corn blended to acceptable levels of less than 20 parts per billion contamination; however, the exemption expired on January 1, 1979. It is possible that another exemption might be authorized to permit interstate shipment of blended corn. Also, a method to neutralize the aflatoxin by treatment of the contaminated corn with ammonia is being studied at several universities and USDA laboratories. Furthermore, the contaminated corn may possibly be utilized in the production of gasohol. Any or all of these methods may provide farmers a future market or use for the contaminated corn.

A producer harvesting aflatoxin-contaminated corn and receiving a Commodity Credit Corporation loan on the corn will have the option at the end of the loan period (9 months) of: (1) paying back the loan principal plus interest, or (2) destroying the contaminated corn, applying for a low yield disaster payment, and paying to CCC the remaining liability of the original loan principal plus interest thereon.

The General Regulations Governing Price Support for 1978 and Subsequent Crops and any amendments thereto, herein after referred to as General Regulations, and the 1978 and Subsequent Crop Corn Loan and Purchase Program and any amendments thereto in this Part 1421 and further supplemented for the 1980 crop of corn, are further supplemented as stated herein for 1980-crop corn by adding a new "Subpart—Regulations Governing a Recourse Loan Program for 1980-Crop Aflatoxin Contaminated Corn" to read as follows:

Final Rule

Subpart—Regulations Governing a Recourse Loan Program for 1980-Crop Aflatoxin-Contaminated Corn

Sec.

1421.800 Purpose.
1421.801 Availability.
1421.802 Eligible corn.
1421.803 Loan rates.
1421.804 Maturity of loans.
1421.805 Warehouse charges.
1421.806 Settlement.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c).

§ 1421.800 Purpose.

This subpart contains the regulations which provide corn producers recourse loans on 1980-crop aflatoxin contaminated corn. Recourse price support loans shall be made available to producers in individual States when the Deputy Administrator, State and County Operations (DASCO) determines

according to § 1421.801 that the loans are needed in that State. The loans must be repaid at maturity. CCC will not accept delivery of the contaminated corn. The loans will be evidenced by notes and secured by security agreements as provided in the General Regulations.

§ 1421.801 Availability.

Recourse loans on 1980-crop aflatoxin-contaminated corn will be available in States designated by DASCO. DASCO shall so designate a State whenever it is determined by DASCO that the State in question has significant quantities of aflatoxin-contaminated corn and that this program is needed in order to: (1) provide producers an opportunity to maintain control of the corn for an extended period; (2) lessen the possibility of the contaminated corn entering normal market channels; and (3) provide producers the opportunity to take advantage of potential utilization methods for contaminated corn.

§ 1421.802 Eligible corn.

To be eligible for a loan under this program, corn must: (a) be contaminated with aflatoxin at levels in excess of 20 parts per billion, (b) contain moisture of 12 percent or less, and (c), if farm stored, be stored identity preserved.

§ 1421.803 Loan rates.

The loan rate is $1.70 per bushel.

§ 1421.804 Maturity of loans.

Loans mature on demand but not later than the last day of the ninth calendar month following the month the loan is disbursed.

§ 1421.805 Warehouse charge.

If the producer has not prepaid or provided for storage costs through loan maturity, the county office shall deduct storage charges from the loan proceeds at the daily storage rate for the storing warehouse times the number of days from the date the commodity was received by the warehouse, or date through which storage has been prepaid or provided for, to the maturity date.

§ 1421.806 Settlement.

Loans must be repaid at maturity. CCC will not accept delivery of the contaminated corn. Producers must repay principal plus interest. If the producer destroys the corn subsequent to disbursement of loan proceeds and is otherwise eligible for a disaster payment on 1980-crop corn, the disaster payment shall be applied to the amount due CCC and the producer must repay the balance.

Dated: September 19, 1980.

Jim Williams,

Acting Secretary.

[FR Doc. 80-29618 Filed 9-25-80; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 1464

[Amdt. 1]

Tobacco Loan Program; Price Support Regulations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Commodity Credit Corporation (CCC) is extending into the 1980 crop year price support availability on limited quantities of untied burley tobacco. This continuation of price support availability is being done in furtherance of a study which is being conducted to determine whether marketing burley tobacco untied in bales would reduce market preparation costs.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Price Support and Loan Division, ASCS, Room 3754, South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447-6733. The final impact statement concerning this action is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established to implement Executive Order 12044 and has been classified "not significant." In compliance with Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988), initiation of review of the regulations contained in 7 CFR 1464.2 and 1464.7 for need, currency, clarity and effectiveness, will be made within the next five years.

The title and number of the Federal Assistance Program that this final rule applies to is: (1) Title—Commodity Loans and Purchases; (2) Number—10.051.

This action will not have a significant impact on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local Government are informed of this action.

On August 4, 1980, a notice of proposed rulemaking was published in the **Federal Register** (45 FR 51579) announcing that CCC was preparing to amend the price support regulations for burley tobacco by extending into the 1980 crop the experimental marketing of baled burley tobacco. Under the proposed regulations, price support would be available to producers of burley tobacco in basically the same manner as for the 1979 crop. The quantity approved for any farm would be limited to the greater of 1,500 pounds or 25 percent of the effective farm quota.

Discussion of Comments

Comments were received from 151 persons and organizations by the close of the comment period, August 22, 1980. The proposal to extend the marketing of baled burley tobacco was favored by 132 persons and 17 farm organizations. The proposal was opposed by one trade association, and one farmer cooperative. Of those favoring the proposal, 26 persons and 6 farm organizations recommended that the proposal be adopted as proposed while 106 persons and 12 farm organizations recommended that the quantity of burley tobacco a producer may market in bales with price support be increased. The recommended increase ranged from 30 to 100 percent of the effective farm poundage quota. One commentor opposed the proposal on the basis that baled tobacco will not be accepted by the trade, and another opposed the proposal because it was claimed that the report on the 1979 baled burley experiment did not show that the experiment gained additional significant information. However, the commentor also suggested that if the experiment is continued, additional information on each bale should be required. This information would incude warehouse name, serial number of the lot, basket number, and the weight of each individual bale.

After considering all comments, it has been determined that the experiment will be continued for the 1980 crop. The maximum quantity of burley tobacco eligible for marketing in bales with price support will be increased from 20 to 25 percent. Each bale must bear a uniform identification tag 1⅝ inches by 3¼ inches attched with a wire tie to the end of the bale showing at least the following information: (1) Warehouse registration number; (2) basket ticket number; and (3) the number of bales in the lot.

Accordingly, 7 CFR, Part 1464 is amended by revising §1464.2(b)(5), and in § 1464.7 by deleting the designation "(a)"; redesignating paragraphs (1)-(4) as (a)-(d); in redesignated paragraph (b) amending (i) and (ii) to read (1) and (2) and revising paragraph (d) to read as set forth below.

Final Rule

§ 1464.2 Availability of price support.

* * * * *

(b) * * *

(5) *For 1980-crop burley tobacco.* Eligible producers may obtain price support on tied, and untied burley tobacco packed in bales and offered for auction sale, subject to the following conditions:

(i) Applications for price support on baled burley tobacco will be limited to the period September 2 through October 10, 1980. A producer who desires to market part of his/her burley tobacco in bales may request price support on such tobacco by filing an application with the local county Agricultural Stabilization and Conservation (ASC) Committee. At the time of filing the application for price support on baled tobacco, the producer shall certify that all bales delivered for price support will meet the following specifications and conditions:

(A) The quantity and condition of the tobacco contained in each bale offered for marketing as a single lot will be representative of the quality and condition of the tobacco contained in all other bales offered for marketing from the same lot.

(B) The tobacco in each bale will be stalk-cured.

(C) The bales will not contain foreign matter.

(D) The bales will not be nested.

(E) Any and all procedures and certifications which are normally required by law or regulation pertaining to burley production and marketing will be met.

(F) The applicable eligibility requirements for price support also will be met.

(ii) Limitation on quantity of tobacco which may be marketed in bales with price support: The maximum quantity of burley tobacco produced on a farm which a producer may market in bales with price support shall be 110 percent of the quantity approved for the farm by the county ASC committee. A producer may make application for price support on any quantity of tobacco not in excess of the effective farm poundage quota. Approval of the quantity for price support shall be determined as follows:

(A) If the effective farm poundage quota is 1,500 pounds or less, the entire amount of tobacco specified in the application shall be approved.

(B) If the effective farm poundage quota is more than 1,500 pounds, the amount approved shall be the larger of 1,500 pounds or 25 percent of the effective farm poundage quota but not to exceed the quantity requested.

(C) If the total quantity approved for a State is less than 25 percent of the State's effective farm poundage quota, the quantity approved for any farm may be increased by the quantity requested if the total of all requests do not exceed 25 percent of the State's effective farm poundage quota. If the total quantity requested exceeds 25 percent of the State's effective farm poundage quota, subtract the quantity initially approved for all farms in the State from the total quantity requested for all farms in the State and the result divided by the difference between 25 percent of the State's effective farm poundage quota and the total quantity originally requested to obtain a four-place proration factor. This factor shall be multiplied by the difference between the quantity requested for each farm and the quantity originally approved to determine the additional quantity to be approved for each farm.

(iii) Price support will be available on baled tobacco at auction sales during the same period that price support is offered on burley tobacco tied in hands in the traditional manner.

(iv) Identification cards for tobacco approved for marketing in bales with price support: A Baled Burley Tobacco Identification Card showing 110 percent of the pounds of baled tobacco approved for marketing with price support shall be issued for each farm for which approval is given. The identification card together with the 1980 burley tobacco marketing card shall be used to identify any baled tobacco for which price support is desired. Each bale in the lot shall be properly identified by a uniform identification tag 1⅝ inches wide by 3¼ inches long attached with a wire tie to the end of the bale showing at least the following information: (1) Warehouse registration number, (2) basket ticket number, and (3) number of bales in the lot. Separate sale bills marked "Baled Burley" shall be prepared by the warehouse to identify sales of baled burley tobacco. In addition, the warehouse shall mark "No Price Support" on the basket ticket and on a sale bill for any baled tobacco not identified by an identification card. A separate basket ticket and sale bill marked "No Price Support" shall be prepared for that quantity of baled tobacco weighed in that is in excess of the balance of the pounds shown on the identification card.

(v) Specification of bales:

(A) Bales accepted for price support must be approximately 1 x 2 x 3 feet in size.

(B) The leaves in bales accepted for price support must be untied and oriented.

(vi) Grade loan rates for tobacco delivered for price support: The grade loan rates for baled burley tobacco will be the same as the grade loan rates to be established for 1980-crop burley tobacco tied in hands.

§ 1464.7 Eligible producers.

* * * * *

(d) The producer has complied with any certification he/she may have executed with respect to any baled 1980-crop burley tobacco delivered for price support.

Signed at Washington, D.C. on September 22, 1980.

John W. Goodwin,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-29907 Filed 9-25-80; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends Appendix A—REA Bulletins to provide for the issuance of a Supplement to REA Bulletin 40–6, "Construction Methods and Purchase of Materials and Equipment." The supplement announces reduced approval requirements for plans and specifications, contracts, contract amendments and subcontracts for power plant construction. This change results from REA's recognition of increasing borrower maturity which permits less detailed control.

EFFECTIVE DATE: September 19, 1980.

FOR FURTHER INFORMATION CONTACT: E. N. Limberger, telephone (202) 447–7040. A Final Impact Statement has been prepared and is available from the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270–S, U.S. Department of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: REA regulations are issued pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.). A Notice of Proposed Rulemaking was published in the **Federal Register** on May 6, 1980, Vol. 45, No. 89, Page 29847. The public comments

received were carefully considered in developing the final rule.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270–S, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: September 19, 1980.

Susan T. Shepherd,

Acting Administrator.

[FR Doc. 80–29723 Filed 9–25–80; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Documentary Requirements: Derivative Third and Sixth Preference and Nonpreference Immigrants; Reference To Form I–551

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule limits the exclusion provision contained in section 212(a)(32) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(32)) to aliens who are coming to the United States principally to perform services as members of the medical profession and not to their derivative beneficiaries.

EFFECTIVE DATE: September 25, 1980.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536. Telephone: (202) 633–3048.

For specific information: Thomas W. Simmons, Immigration Examiner, Immigration and Naturalization Service, 425 I Street N.W., Washington, D.C. 20536. Telephone: (202) 633–3946.

SUPPLEMENTARY INFORMATION: The Health Professions Educational Assistance Act of 1976 (Pub. L. 94–484) amended the Immigration and Nationality Act by providing that certain alien physicians are excluded from admission to the United States as immigrants under the third and sixth preference and nonpreference categories unless that alien physician passed Parts I and II of the National Board of Medical Examiners Examination or an equivalent examination as determined by the Department of Health and Human Services (formerly Health, Education and Welfare). The exclusion provision applies to graduates of medical schools as defined in section 101(a)(41) of the Immigration and Nationality Act who are coming principally to perform services in the medical profession. This provision of law as now provided in section 212(a)(32) of the Immigration and Nationality Act does not specifically distinguish between principal aliens who have acquired a preference or nonpreference eligibility and derivative beneficiaries who acquired such eligibility as the spouse or child of a principal immigrant as provided in section 203(a)(8) of the same Act. A number of Service district directors have applied this exclusion ground to both principal immigrants and to derivative beneficiaries while other districts have found the provision inapplicable to derivative immigrants who may also be graduates of a medical school.

A careful reading of sections 212(a)(32) and 203(a)(8) establishes that this exclusionary provision should apply only to principal aliens. Therefore, a derivative third or sixth preference or nonpreference beneficiary who is also a graduate of a medical school as defined would be eligible to receive an immigrant visa or be granted adjustment of status under section 245 whether or not such derivative beneficiary had passed Parts I and II of the National Board of Medical Examiners Examination or the Visa Qualifying Examination, an equivalent examination.

It is noted if such a construction were not placed on 212(a)(32), the nonphysician or qualified physician principal alien could independently immigrante to the United States and then through petition accord second preference status to the physician spouse who would then no longer be subject to exclusion as a graduate of a medical school. Section 203(a)(8) was provided by Congress specifically to promote the maintenance of family units. It is for this reason that the Congress also made 212(a)(32) applicable only to those graduates of a medical school who are coming to the United States *principally* to perform services as members of the medical profession. A derivative preference or nonpreference alien is not deemed to be coming *principally* to perform services in the medical profession.

Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment in this order is interpretive and relieves a restrictive Services practice.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Accordingly, Chapter I to Title 8 of the Code of Federal Regulations is amended by adding a new § 212.9 as follows:

* * * * * *

§ 212.9 Applicability of section 212(a)(32) to certain derivative third and sixth preference and nonpreference immigrants.

A derivative beneficiary who is the spouse or child of a qualified third or sixth preference or nonpreference immigrant and who is also a graduate of a medical school as defined by section 101(a)(41) of the Act is not considered to be an alien who is coming to the United States principally to perform services as a member of the medical profession. Therefore, a derivative third or sixth preference or nonpreference immigrant under section 203(a)(8) of the Act, who is also a graduate of a medical school, is eligible for an immigrant visa or for adjustment of status under section 245 of the Act, whether or not such derivative immigrant has passed Parts I and II of the National Board of Medical Examiners Examination or equivalent examination.

Effective Date: This amendment is effective September 25, 1980.

(Secs. 103, 203(a)(8), and 212(a)(32), 8 U.S.C 1103, 1153(a)(8), and 1182(a)(32))

Dated: September 19, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80–30004 Filed 9–25–80; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 377

Additional Amendments to the Export Administration Regulations to Reflect the Implementation of the Export Administration Act of 1979

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

ACTION: Final rule.

SUMMARY: The Export Administration Act of 1979 took effect on October 1, 1979, upon the expiration of the Export Administration Act of 1969 on September 30, 1979. An earlier notice which amended the Export Administration Regulations to reflect this legislative change did not include all the necessary amendments concerning the Act of 1979. Therefore, this notice is issued to insert further references to the Export Administration Act of 1979 in Part 377 of the Export Administration Regulations.

EFFECTIVE DATE OF ACTION: September 26, 1980

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

SUPPLEMENTARY INFORMATION: Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose controls on exports. It has been determined that these regulations are not "significant" within the meaning of Department of Commerce Administrative Order 218–7 (44 FR 2082, January 9, 1979) and International Trade Administration Administrative Instruction 1–6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations." Therefore these regulations are issued in final form. Although there is no formal comment period, public comments on these regulations are welcome on a continuing basis.

Accordingly, Part 377 of the Export Administration Regulations is amended as follows:

§ 377.4 [Amended]

1. Section 377.4(a) is amended by deleting the words "Section 3(2)(A) of the Export Administration Act for reasons of short supply" and inserting, in their place, the words "Section 3(2)(C) of the Export Administration Act for reasons of short supply."

§ 377.15 [Amended]

2. Section 377.15(a) is amended by deleting the words "Section 4(c)(1) of the Export Administration Act of 1969, as amended" and inserting, in their place, the words "Section 7(b) of the Export Administration Act of 1979."

3. Section 377.15 is amended by deleting the Note between paragraph (c) and (d).

(Secs. 7, 13, 15, Pub. L. 96–72, to be codified at 50 U.S.C. App. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (effective August 26, 1980))

Dated: September 22, 1980.

Kent N. Knowles,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 80–29790 Filed 9–25–80; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 135

[Docket No. 79N–0116]

Ice Cream and Frozen Custard; Standard of Identity; Frozen Desserts

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standard of identity for ice cream and frozen custard to require label declaration of FD&C Yellow No. 5, a color additive. This action is necessary because allergic-type reactions have been reported in some humans consuming foods containing this color additive.

DATES: Effective July 1, 1981 for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date; voluntary compliance beginning November 25, 1980; objections by October 27, 1980.

ADDRESS: Written objections to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1155.

SUPPLEMENTARY INFORMATION: FDA issued a proposal in the **Federal Register** of January 29, 1980 (45 FR 6631) to revise § 135.110(f) (21 CFR 135.110(f)) to reiterate specifically a general label requirement for all foods as it would apply to the declaration of FD&C Yellow No. 5, or other colors meeting the same criteria for mandatory label declaration, when used to color ice cream or frozen custard. The proposal was issued to implement the requirements of a recent revision of § 101.22(c) (21 CFR 101.22(c)), which requires that an artificial color be declared on the label of a food when required by regulation in Part 74, and § 74.705(d) (21 CFR 74.705(d)), which requires that labels of all foods, including butter, cheese, and ice cream, declare the presence of FD&C Yellow No. 5 when used. Both of these revisions were proposed in the **Federal Register** of February 4, 1977 (42 FR 6835) and were finalized in the **Federal Register** of June 26, 1979 (44 FR 37212) with an effective date of July 1, 1981. Interested persons had until February 28, 1980 to comment on the proposed revision of the standard of identity for ice cream and frozen custard (§ 135.110).

Forty-four comments responded to the proposal. Forty-three, all from consumers, favored the proposed action. One comment, from an ice cream trade association, opposed the proposed effective date for the labeling change. The association requested that there be no specific effective date but, rather, that the labeling change become effective with each individual company's next necessary purchase of labels. The reasons given for this requested change were that the ice cream industry recently underwent a massive label revision to adopt full ingredient declaration and these new supplies of labels would not be exhausted by the July 1, 1981 date.

The ice cream industry has been aware of FDA's intention to require label declaration of FD&C Yellow No. 5 for ice cream since the revisions of §§ 101.22(c) and 74.705(d) were proposed in the **Federal Register** of February 4, 1977 (42 FR 6835). These revisions were finalized in the **Federal Register** of June 26, 1979 (44 FR 37212). The effective date for those regulations is July 1, 1981. This regulation simply incorporates the requirements of those regulations to the standard of identity for ice cream or frozen custard. Even without this regulation, the requirements of §§ 101.22(c) and 74.705(d) would become effective for ice cream and frozen custard on July 1, 1981.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 135 is amended in § 135.110 by revising paragraph (f), to read as follows:

§ 135.110 Ice cream and frozen custard.

* * * * *

(f) *Label declaration.* Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter, except that sources of milkfat or milk solids not fat may be declared in descending order of predominance either by the use of all the terms "milkfat and nonfat milk" when one or any combination of two or more of the ingredients listed in § 101.4(b) (3), (4), (8), and (9) of this chapter are used or alternatively as permitted in § 101.4 of this chapter. Under section 403(k) of the Federal Food, Drug, and Cosmetic Act, artificial color need not be declared in ice cream, except as required by § 101.22(c) of this chapter. Voluntary declaration of all colors used in ice cream and frozen custard is recommended.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 27, 1980 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 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 regulations. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin November 25, 1980, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1981 shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register.**

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: September 19, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-29836 Filed 9-26-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 558

Lincomycin; New Animal Drugs for Use in Animal Feeds

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co., providing for use of a 50-gram-per-pound lincomycin premix to manufacture complete swine feeds and to manufacture medicated supplements subsequently used to manufacture complete swine feeds.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed a supplemental NADA (97–505) providing for use of a 50-gram-per-pound lincomycin premix for making complete swine feeds containing 40 or 100 grams (g) of lincomycin per ton and for making medicated supplements containing 100 to 2600 g of lincomycin per ton. The supplements are used to make complete swine feeds. The complete feeds are used to treat and control swine dysentery. Premixes containing 20 g of lincomycin per pound are currently approved for manufacturing complete feeds for these uses (see 21 CFR 558.325).

Approval of this supplement does not change the approved conditions of use of the drug. Therefore, it poses no increased human risk of exposure to residues of the new animal drug. In accordance with the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this action does not require reevaluation of the safety and effectiveness data in the parent application.

Approval of this supplement is an administrative action that did not require the generation of new effectiveness or safety data. Therefore, a freedom of information summary is not required for this action.

The Bureau of Veterinary Medicine has determined, pursuant to 21 CFR 25.24(d)(1)(iii) (December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.325 is amended by adding new paragraph (b)(3) to read as follows:

§ 558.325 Lincomycin.

* * * * *

(b) *Approvals.* * * *

(3) Premix level of 50 grams per pound has been granted to No. 000009 in § 510.600(c) for use in paragraph (f)(2) of this section.

* * * * *

Effective date. September 26, 1980.

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

Dated: September 16, 1980.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 80-29483 Filed 9-25-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-80-878]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: The change in the regulations increases the FHA maximum allowable finance charge on Title I property improvement, mobile home loans, and combination and mobile home lot loans. The change is necessitated by the current realities of high discounts and declining availability of FHA financing. This action by HUD is designed to bring

the maximum interest rate and financing charges on HUD/FHA-insured loans into line with other competitive market rates and help assure an adequate supply of FHA financing.

EFFECTIVE DATE: September 22, 1980.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202–426–4667).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum finance charge on mobile home loans has been raised from 15.00 percent to 15.50, and the finance charges on combination loans for the purchase of a mobile home and a developed or undeveloped lot has been raised from 14.50 percent to 15.00 percent. The maximum charge on property improvement loans has been raised from 15.00 percent to 15.50 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market, and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709–1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

1. Section 201.4(a) is amended to read as follows:

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 15.50 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

2. Section 201.540(a) is amended to read as follows:

§ 201.540 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 15.50 percent simple interest per annum. No points or discounts of any kind may be assessed or collected in connection with the loan transaction, except that a one percent origination fee may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

3. Section 201.1511(a), subparagraph (1) is amended to read as follows:

§ 201.1511 Financing charges.

(a) *Maximum financing charges.* (1) 15.00 percent per annum.

* * * * *

(Sec. 3(a), 82 Stat. 113; 12 U.S.C. 1709–1; Section 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., September 18, 1980.

Clyde McHenry,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80–29641 Filed 9–25–80; 8:45 am]

BILLING CODE 4210–01–M

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24 CFR Parts 203, 205, 207, 213, 220, 221, 232, 234, 235, 236, 241, 242 and 244

[Docket No. R–80–877]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the HUD/FHA maximum interest rates on insured mortgage loans. This action by HUD is designed to bring the maximum interest rate and financing charges on HUD/FHA-insured loans into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: September 22, 1980.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202–426–4667).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA mortgage insurance programs has been raised from 12.00 percent to 13.00 percent for level payment insured home mortgage programs (including operative builder home loan programs), and from 12.50 percent to 13.50 percent for graduated payment home loan programs (GPM). For insured multifamily project mortgage loan programs, the maximum interest rate has been raised from 12.00 percent to 13.00 percent for permanent financing loans. The maximum interest rate for multifamily construction and for Title X land development loans is raised from 13.50 percent to 14.00 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709–1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

1. Section 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.00 percent per annum with respect to mortgages insured on or after September 22, 1980.

* * * * *

2. Section 203.45 paragraph (b) is amended to read as follows:

§ 203.45 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.50 percent per annum with respect to mortgages insured on or after September 22, 1980.

* * * * *

3. Section 203.46 paragraph (c) is amended to read as follows:

§ 203.46 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.50 percent per annum with respect to mortgages insured on or after September 22, 1980.

* * * * *

PART 205—MORTGATE INSURANCE FOR LAND DEVELOPMENT

4. Section 205.50 is revised to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 22, 1980.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

5. Section 207.7 paragraph (a) is amended to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 22, 1980, which rate shall not exceed:

(1) 13.00 percent per annum with respect to permanent financing;

(2) 14.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

6. Section 213.10 paragraph (a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 22, 1980, which rate shall not exceed:

(1) 13.00 percent per annum with respect to permanent financing;

(2) 14.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

7. Section 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.00 percent per annum with respect to mortgages insured on or after September 22, 1980.

* * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

8. Section 220.576 paragraph (a) is amended to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 22, 1980, which rate shall not exceed:

(1) 13.00 percent per annum with respect to permanent financing;

(2) 14.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

9. Section 221.518 paragraph (a) is amended to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in mortgages involving insurance upon completion) on or after September 22, 1980, which rate shall not exceed:

(1) 13.00 percent per annum with respect to permanent financing;

(2) 14.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

10. Section 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 22, 1980, which rate shall not exceed:

(1) 13.00 percent per annum with respect to permanent financing;

(2) 14.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

11. Section 232.560 paragraph (a) is amended to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 13.00 percent per annum with respect to loans insured on or after September 22, 1980.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

12. Section 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.00 percent per annum with

respect to mortgages insured on or after September 22, 1980.

* * * * *

13. Section 234.75 paragraph (b) is amended to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate will not exceed 13.50 percent per annum with respect to mortgages insured on or after September 22, 1980.

* * * * *

14. Section 234.76 paragraph (c) is amended to read as follows:

§ 234.76 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.50 percent per annum with respect to mortgages insured on or after September 22, 1980.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

15. Section 235.540(a) is amended to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.00 percent per annum with respect to mortgages insured on or after September 22, 1980.

* * * * *

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

16. Section 236.15(a) is amended to read as follows:

§ 236.15 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 22, 1980, which rate shall not exceed:

(1) 13.00 percent per annum with respect to permanent financing;

(2) 14.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

17. Section 241.75 is amended to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, with respect to loans insured on or after September 22, 1980, which rate shall not exceed:

(a) 13.00 percent per annum with respect to permanent financing;

(b) 14.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

18. Section 242.33(a) is amended to read as follows:

§ 242.33 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 22, 1980, which rate shall not exceed:

(1) 13.00 percent per annum with respect to permanent financing;

(2) 14.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

19. Section 244.45(a) is amended to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving endorsement (or endorsement in cases involving insurance upon completion) on or after September 22, 1980, which rate shall not exceed:

(1) 13.00 percent per annum with respect to permanent financing;

(2) 14.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

(Sec. 3(a), 82 Stat. 113; 12 USC 1709–1; Section 7 of the Department of Housing and Urban Development Act, 42 USC 3535(d))

Issued at Washington, D.C., September 18, 1980.

Clyde McHenry,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-29842 Filed 9-25-80; 8:45 am]

BILLING CODE 4210-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rate on New Guaranteed, Insured and Direct Loans for Homes and Condominiums, and for Home Improvement Purposes

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rates on guaranteed, insured and direct loans for homes and condominiums and for energy conservation and other home improvement loans. The maximum interest rates are increased because the former interest rate was not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rates will assure a continuing supply of funds for home mortgages and improvement purposes.

EFFECTIVE DATE: September 22, 1980.

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

SUPPLEMENTARY INFORMATION: The Administrator is required to establish a maximum interest rate for home and condominium loans and energy conservation and home improvement loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The

maximum rates in effect for VA guaranteed home and condominium loans and those for energy conservation and home improvement purposes have not been sufficiently competitive to induce private sector lenders to make these types of VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rate applicable to home and improvement loans is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

The increase in the maximum interest rate is accomplished by amending §§ 36.4311 and 36.4503(a) of Title 38, Code of Federal Regulations. Compliance with the procedure for publication of proposed regulations prior to final adoption is waived because compliance would create an acute shortage of mortgage funds pending the final date which would necessarily be more than 30 days after publication in proposed form.

Approved: September 19, 1980.

Max Cleland,

Administrator.

1. In § 36.4311, paragraphs (a) and (b) are revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 13 per centum per annum, effective September 22, 1980, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 13 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Effective September 22, 1980, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs, which is guaranteed or insured wholly or in part on or after such date may not exceed 15½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

* * * * *

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

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $25,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 13 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 15½ percent per annum. (38 U.S.C. 1811(d) (1) and (2)(A))

* * * * *

(38 U.S.C. 210(c), 1803(c))

[FR Doc. 80-29906 Filed 9-25-80; 8:45 am]

BILLING CODE 8320-01-M

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38 CFR Part 36

Increase in Maximum Permissible; Interest Rate on Mobile Home Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum permissible interest rate on guaranteed mobile home loans. The maximum interest rates are increased because the former rates were not sufficiently competitive to induce private sector lenders to make VA guaranteed mobile home loans. The increases will attract funds for GI mobile home loans; thereby, allowing veterans to purchase mobile homes with the assistance of no down payment VA loans.

EFFECTIVE DATE: September 22, 1980.

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

SUPPLEMENTARY INFORMATION: The Administrator is required to establish a maximum interest rate for mobile home loans guaranteed by the Veterans Administration as he finds the capital markets demand. Recent market indicators, including the general increase in interest rates charged on conventional mobile home loans and the increase in the prime interest rate, have shown that the capital markets have become more restrictive. The maximum rates formerly in effect for VA guaranteed mobile home loans were not sufficiently competitive to induce private sector lenders to make VA guaranteed mobile home loans. To assure a continuing supply of funds for mobile home loans through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rates is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed mobile home loans.

The increase in the interest rate applies to mobile home unit loans, mobile home lot and site preparation loans, and combination loans involving the purchase of a mobile home unit and lot.

The increases in the maximum interest rates are accomplished by amending §§ 36.4212(a) (1), (2), and (3), Title 38, Code of Federal Regulations. Compliance with the procedure for publication of proposed regulations prior to final adoption is waived because compliance would create an acute shortage of loan funds pending the final date which would necessarily be more than 30 days after publication in proposed form.

Approved: September 19, 1980.

Max Cleland,

Administrator.

In § 36.4212, paragraph (a) is revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date: (38 U.S.C. 1819(f))

(1) Effective September 22, 1980, 15 percent simple interest per annum for a loan which finances the purchase of a mobile home unit only.

(2) Effective September 22, 1980, 14½ percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective September 22, 1980, 14½ percent simple interest per annum for a loan which will finance the simultaneous acquisition of a mobile home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the mobile home.

* * * * *

(38 U.S.C. 210(c), 1819(g))

[FR Doc. 80-29905 Filed 9-25-80; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1607-8]

California State Implementation Plan Revision: Chapter 4—California Air Quality Control Strategies

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve Chapter 4, *California Air Quality Control Strategies*, for incorporation into the California State Implementation Plan (SIP).

Chapter 4 provides an outline of the control strategies currently being implemented in California as well as the direction in which the State and local agencies are moving to develop and implement future control measures. The intended effect of this action is to update the SIP.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105. Attn: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION:

On October 22, 1979 (44 FR 60758) EPA published a Notice of Proposed Rulemaking for Chapter 4, *California Air Quality Control Strategies*, submitted on May 23, 1979 by the California Air Resources Board (ARB) for inclusion in the California SIP. As stated in that notice EPA proposed to approve the Chapter since it is consistent with EPA requirements.

The October 22, 1979 notice invited public comments on the proposed rulemaking. Comments were received from the South Coast Air Quality Management District (SCAQMD), San Diego Gas & Electric (SDG&E), and Southern California Edison Company (SCEC).

Comment: All three commenters argued that the ARB does not have the authority to determine reasonably available control technology (RACT) since this authority was vested primarily with the District as a result of Senate Bill (SB) 815. Thus, they recommend that EPA not incorporate the model rule portion of Chapter 4 into the SIP.

Response: SB 815 places the primary responsibility for determining RACT in the public agency which has the primary responsibility for implementation of that control measure. However, SB 815 does not appear to preclude the ARB from documenting those rules considered by the State agency to be "reasonably available" and placing these model rules as an informational part of the SIP.

Comment: SCEC stated that the Clean Air Act (CAA) does not require model rules and the model rules contained in Chapter 4 do not represent RACT. For these reasons SCEC requested that EPA not incorporate the model rules into the SIP.

Response: The CAA and 40 CFR 51.10 and 51.12 require the SIP to identify a control strategy and alternative control strategies for attainment and maintenance of the national ambient air quality standards. Chapter 4, including the model rules, is consistent with these requirements. Approval of Chapter 4, which includes the model rules, does not constitute agreement by EPA that these rules represent RACT. The basis for an EPA decision to approve a regulation as satisfying the requirements of the Act for RACT consists of a Control Techniques Guideline document if available, any material submitted by the State justifying that the regulation satisfies the requirements of the Act for RACT (based on the economic and technical circumstances of the particular sources being regulated), and public comment on the submitted regulation and supporting material.

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP. As discussed in the proposal notice and for the reasons described above, Chapter 4 has been determined to be consistent with the CAA. Therefore, EPA takes final action to approve and incorporate Chapter 4 into the California SIP.

EPA has determined that this action is "specialized" and therefore, not subject to the procedural requirements of Executive Order 12044.

The Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410, 7601(a))

Dated: September 22, 1980.

Douglas M. Costle,

Administrator.

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

Subpart F—California

1. Section 52.220 is amended by adding paragraph (c)(60) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(55)–(59) [Reserved]

(60) Chapter 4, *California Air Quality Control Strategies*, of the California SIP, submitted on May 23, 1979, by the Governor's designee.

* * * * *

[FR Doc. 80-29828 Filed 9-25-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 81

[FRL 1607-7a]

Designation of Areas for Air Quality Planning Purposes; Ozone Attainment Status Designation of Chatham County, Ga.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On April 28, 1980 (45 FR 28171), EPA proposed to redesignate the Savannah-Chatham County, Georgia area as attainment for the ozone standard. The proposal was based on measured air quality data showing attainment, collected over a period of four (4) months (June–September 1979). One comment was received and is answered in the Supplementary Information section below. EPA today designates the Savannah-Chatham County area attainment for the ozone standard. In 40 CFR 81.311, the area will continue to be shown as being unclassified or better than the national standard for ozone.

EFFECTIVE DATE: This action is effective October 27, 1980.

FOR FURTHER INFORMATION CONTACT: Melvin Russell, Air Programs Branch, EPA Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30365, telephone 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: In the April 28, 1980 **Federal Register**, 45 FR 28171, EPA proposed to redesignate the Savannah-Chatham County, Georgia area as attainment for the ozone standard. The proposal was based upon monitoring data collected by an air pollution source in Chatham County (Savannah). The attainment data was collected for the period June–September 1979 (see comment below). The Georgia Environmental Protection Division submitted the data and requested that the area designation be changed from unclassified to attainment. EPA is today redesignating the Savannah-Chatham County, Georgia area to attainment for the ozone standard. This designation excludes the area from the State's

accommodative implementation plan for ozone and may make it unnecessary for a prospective source of volatile organic compounds subject to 40 CFR 52.21 (PSD) to perform preconstruction monitoring. In view of these facts, the continued effectiveness of the redesignation is contingent upon the continuation of ozone monitoring in the area, and the collection of data showing attainment.

The following comment was received regarding the April 28, 1980 **Federal Register** proposal.

Comment: The Union Camp Corporation, the source that gathered the monitoring data, commented that the monitoring period given in the April 28, 1980 **Federal Register**, proposal should be June–September 1979, instead of July–September 1979.

EPA Response: EPA confirms that the monitoring period was June–September 1979. This monitoring period is indicated above in the Summary section of this notice and again in the Supplementary Information section. This correction of the dates for the monitoring period does not alter the acceptability of the data, since the April 28, 1980 proposal was based upon the June–September 1980 data submitted by the Georgia Environmental Protection Division.

Action: EPA today designates the Savannah-Chatham County, Georgia area attainment in regards to the ozone National Ambient Air Quality Standard. Section 107(d)(1) of the Clean Air Act does not provide for EPA to make a formal distinction between unclassificable and attainment in the case of an area's attainment status for ozone, therefore; the designation of the area as shown in the Code of Federal Regulations (40 CFR 81.311) will remain unchanged. In 40 CFR 81.311 the area will continue to be included in the Georgia areas shown as being unclassified or better than the national standard for ozone.

(Sec. 107, Clean Air Act, 42 U.S.C. 7407)

Dated: September 22, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-29827 Filed 9-25-80; 8:45 am]

BILLING CODE 6560-01-M

VETERANS ADMINISTRATION

41 CFR Part 8-3

Procurement by Negotiation; Circumstances Permitting Negotiation

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This revision to the Veterans Administration Procurement Regulations increases from one to two the number of contracting officers from each Marketing Center Division who are authorized to negotiate contracts exceeding $10,000 when so designated by the Chief of the respective Marketing Center Division.

EFFECTIVE DATE: This rule is effective September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Chris A. Figg, Office of Supply Services, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202–389–2334).

SUPPLEMENTARY INFORMATION: As a central purchasing activity which purchases primarily medicines or medical supplies, the Veterans Administration Marketing Center negotiates many contracts pursuant to the provisions of § 8–3.207 of the Veterans Administration Procurement Regulations. In order to reflect the effects of inflation and to ensure an uninterrupted work flow, it is necessary to allow Marketing Division Chiefs to designate two contracting officers of their respective divisions the authority to negotiate contracts in excess of $10,000. The change to § 8–3.207 makes the necessary revision.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the regulatory process (§ 1.12, Title 38 CFR). The amendment herein, however, is primarily a matter of agency practice and procedures, and the public regulatory process is deemed unnecessary in this instance.

Approved: September 22, 1980.

Max Cleland,

Administrator.

PART 8-3—PROCUREMENT BY NEGOTIATION

1. In § 8–3.207 paragraph (a)(1) and paragraph (b) are revised to read as follows:

§ 8-3.207 Medicines or medical supplies.

(a)(1) Except as provided in this § 8–3.207 or when specific prior approval has been granted by the Assistant Administrator for Supply Services to a field station contracting officer, no Veterans Administration contracting officer shall enter into a contract by negotiation under authority of FPR 1–3.207, when the estimated cost of the item(s) required, singly or collectively, is in excess of $10,000 for a single transaction.

* * * * *

(b) The following contracting officers are authorized to award negotiated contracts in excess of $10,000 for medicines or medical items:

(1) Assistant Administrator for Supply Services.

(2) Director, Procurement Service.

(3) Director, Veterans Administration Marketing Center.

(4) Chief of each of the following Marketing Divisions:

(i) Medical-Dental-Scientific Supplies;

(ii) Medical Equipment;

(iii) Administrative Medical Supplies and Equipment (limited to prosthetic appliances defined as wheelchairs, hearing aids and batteries, artificial limbs, canes and stump socks);

(iv) Drugs and Chemicals;

(v) Radiological and Nuclear Equipment and Supplies.

(5) Two contracting officers for each Marketing Division when so designated by the Marketing Division Chief.

* * * * *

2. In § 8–3.209 subparagraph (a)(1) and paragraph (b) are revised to read as follows:

§ 8-3.209 Subsistence supplies.

(a)(1) Except as provided in this § 8–3.209 or when specific prior approval has been granted by the Assistant Administrator for Supply Services to a field station contracting officer, no Veterans Administration contracting officer shall enter into a contract by negotiation under authority of FPR 1–3.209 when the estimated cost of the item(s) required, singly or collectively, is in excess of $10,000 for a single transaction.

* * * * *

(b) The following contracting officers are authorized to negotiate contracts in excess of $10,000 for the purchase of subsistence supplies:

(1) Assistant Administrator for Supply Services.

(2) Director, Procurement Service.

(3) Director, Veterans Administration Marketing Center.

(4) Chief, Marketing Division for Subsistence.

(5) One senior contracting officer, Marketing Division for Subsistence when so designated by the marketing division chief.

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 80-29904 Filed 9-25-80; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Disease Control

42 CFR Part 51g

Grants for Health Education-Risk Reduction

AGENCY: Center for Disease Control, Public Health Service, HHS.

ACTION: Final rule (with subsequent comment period).

SUMMARY: The Public Health Service is amending regulations governing the Health Education-Risk Reduction grants program to establish and administer grant programs to discourage children and adolescents from smoking and alcohol use as authorized under Section 402(a)(2) of the Health Services and Centers Amendments of 1978. These new grant programs will be carried out in conjunction with the Health Education-Risk Reduction grants authorized under Section 1703(a) of the Public Health Service Act and initiated in 1979.

The rule also revises these regulations to conform to the language in 45 CFR Part 74, "Administration of Grants," and to remove duplicative administrative requirements in keeping with "Operation Common Sense."

DATES: These regulations are effective September 26, 1980. Comments are due November 25, 1980.

ADDRESS: Comments should be sent to: Director, Bureau of Health Education, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Comments will be available for public inspection between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) in Building 14 at the same address.

FOR FURTHER INFORMATION CONTACT: Billy G. Griggs, Deputy Director, Bureau of Health Education, Center for Disease Control, Atlanta, Georgia 30333; Telephone (404) 329–3111 or FTS: 236–3111.

SUPPLEMENTARY INFORMATION: On September 28, 1979, the Department published in the **Federal Register** (44 FR 55873) a Final Rule (with subsequent comment period) to implement the Health Education-Risk Reduction grant program authorized under Section 1703(a) of the Public Health Service Act. The Department is now amending those regulations in their entirety to include the new demonstration and evaluation grant programs to deter smoking and the use of alcoholic beverages among children and adolescents as authorized under Section 402(a)(2) of Pub. L. 95–626.

The Department's purpose in implementing the Health Education-Risk Reduction grant program is to assist State and local health agencies in initiating, strengthening, and becoming the focal point for the delivery of health education programs. The grants encourage participation and coordination of efforts by public, private, and voluntary agencies and organizations involved in health education programs to reduce the risk of premature death and disability associated with smoking, alcohol abuse, obesity, hypertension, stress, and other preventable health conditions and chronic diseases affecting the American people. Surveillance systems for risk factors related to preventable health conditions and chronic diseases are being established for continuous monitoring for grant program evaluation purposes.

Both Section 1703(a) of the Public Health Service Act and Section 402(a)(2) of Pub. L. 95–626 authorize the award of grants to a wide variety of organizations in addition to State and local health agencies. Options considered for Section 402(a)(2) included:

(a) Amending the existing Health Education-Risk Reduction grant regulations to also designate the State health agency as the primary grantee for the Section 402(a)(2) activities;

(b) Opening the program for applications from any State or political subdivision of States; or

(c) Designating another State agency, such as the State education or alcohol agency, as the primary grantee and coordinator of the program.

Option (a) was chosen, with the primary grantee being the State health agency, or a local health agency in the event its State agency chooses not to apply. These agencies have the legal responsibility for the public health of their citizens and the maximum opportunity for coordinating these services. The State health agency was selected as the primary grantee because, in our judgment, the establishment of a Health Education-Risk Reduction program at the State government level provides a unique potential for coordinating the diverse activities in health education conducted under a variety of auspices; for stimulating new or expanded programs; for encouraging replication of successful projects; and for continuity of effort and accountability of outcomes.

The publication in September 1979 of regulations designating the State health agency as the primary grantee and coordinator of the Health Education-Risk Reduction grants program did not generate any substantive negative comments. The ability to capitalize on this existing coordination system enables a much more efficient management of the new program authorized under Section 402(a)(2). This procedure permits more funds to go into demonstration projects without the requirement for establishing another coordinating office duplicative of that existing under the Health Education-Risk Reduction programs. Furthermore, this procedure avoids the potential loss of capability for dissemination and replication that would have occurred with options (b) or (c).

Over 1,000 telephone and written inquiries were received by the Center for Disease Control (CDC) in response to the Notice of Decision to Develop Regulations, published in the **Federal Register** on February 13, 1980 (45 FR 9755), to amend the Health Education-Risk Reduction grant regulations to incorporate the Youth Smoking and Alcohol programs. The intent to have demonstration project proposals submitted through the State agency as part of the existing Health Education-Risk Reduction programs was discussed. Individuals and organizations were advised who to contact in the State health agency regarding their interest in submitting a proposal. There were no protests during telephone conversations or negative responses to letters outlining the proposed procedure. A series of workshops were held with the Health Education-Risk Reduction grant coordinators in which the importance of widespread and diverse participation was stressed. The proposed program was discussed at length at a meeting involving over 150 representatives of minority groups which was held by the Office on Smoking and Health, Office of the Assistant Secretary for Health, Public Health Service. Public education and health agencies, private and voluntary organizations, and native American tribal councils or federation of natives were encouraged to apply to the State health agency grantee for funding of intervention activities within their communities.

As a result of these efforts, more than 600 intervention proposals from a wide diversity of State and local public and private organizations have been received at CDC for competitive review. Approximately 50 percent of these proposals are from organizations other than health agencies. It is evident in the review process that many more high quality proposals have been received than it will be possible to fund in fiscal year 1980, and that the projects selected

for funding will, in fact, represent a wide range of provider organizations and target populations.

Grant funds will be available for State-level programs to carry out basic program elements and for intervention activities to reduce the prevalence of risk factors. Under the State-level programs, States must (a) maintain an inventory of existing Health Education-Risk Reduction activities, (b) develop working liaisons with agencies and organizations interested in risk factor reduction, (c) establish methods to determine the prevalence of risk factors within community and related target groups, (d) assist in the improvement of chronic disease surveillance, and (e) assist communities to develop, maintain, and improve an organized approach to risk reduction.

Grant funds may also be used for intervention activities which may include the activities authorized under Section 402(a)(2) of Pub. L. 95–626 providing for preventive health education services related to smoking and alcohol use in children and adolescents in selected community and school settings. Funding priority will be given to those Section 402(a)(2) applications that are specifically targeted for minority populations to the extent necessary to insure that minorities are not underrepresented in populations receiving services under this program. The purpose of this is to insure compliance by the Department and by recipients of the grants with Title VI of the Civil Rights Act of 1964. Funding priority also will be given to intervention proposals from communities which provide a description of an organized approach to risk reduction characterized by a geographical definition of the community and the identification of a lead agency to coordinate risk factor assessment and commitments from other community organizations in mounting a Health Education-Risk Reduction program.

With regard to reporting and recordkeeping requirements, the Department will seek Office of Management and Budget clearance to require each project to periodically report the prevalence of risk factors in target populations consistent with specified common data items. If the Office of Management and Budget does not approve, without change, these reporting and recordkeeping requirements, the regulations will be revised to comply with Office of Management and Budget recommendations.

This rule also revises the regulations to conform with the requirements in 45 CFR Part 74, "Administration of Grants," and to delete duplicative provisions.

The issuance of a Final Rule (with subsequent comment period) without a Notice of Proposed Rulemaking is necessary because only a brief period remains during this fiscal year for carrying out the Congressional mandate for grant programs to deter smoking and the use of alcoholic beverages among children and adolescents. If grants are not awarded by September 30, 1980, funds for this fiscal year cannot be used.

For this reason, the Secretary has determined that it would be impracticable and contrary to the public interest to follow proposed rulemaking procedures or to delay the effective date of these regulations, and that good cause exists, under 5 U.S.C. 553, for their omission. Nevertheless, comments are invited on this rule. All comments will be considered, and the regulations will be republished and revised as necessary.

Therefore, Part 51g of Title 42, Code of Federal Regulations, is revised as set forth below.

Dated: August 7, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: September 24, 1980.

Patricia Roberts Harris,

Secretary.

PART 51g—GRANTS FOR HEALTH EDUCATION-RISK REDUCTION

Sec.

51g.1 To which programs does this regulation apply?
51g.2 Definitions.
51g.3 Who is eligible to apply for a health education-risk reduction grant?
51g.4 What information must be included in the application for a grant?
51g.5 How will grant applications be evaluated and the grants awarded?
51g.6 For what period of time will grants be awarded?
51g.7 How may a grantee use grant funds?
51g.8 Which other HHS regulations apply to these grants?
51g.9 Which other conditions apply to these grants?

Authority: Sec. 215, 58 Stat. 690 (42 U.S.C. 216); Sec. 1703(a), 90 Stat. 697 (42 U.S.C. 300u–2(a)); Sec. 402(a)(2), 92 Stat. 3591 (42 U.S.C. 247b–2(a)).

§ 51g.1 To which programs does this regulation apply?

This regulation applies to Health Education-Risk Reduction grants authorized under Section 1703(a) of the Public Health Service Act (42 U.S.C. 300u–2(a)) and grants to deter smoking and alcoholic beverage use among children and adolescents authorized under Section 402(a)(2) of the Health Services and Centers Amendments of 1978, Pub. L. 95–626 (42 U.S.C. 247b–2).

§ 51g.2 Definitions.

As used in this regulation:

"Act" means the Public Health Service Act, as amended.

"Community-based activities" refers to Health Education-Risk Reduction methods and services, applied in settings other than schools, and directed toward a specific target group.

"Health Education-Risk Reduction" refers to program activities intended to encourage changes in personal choice behavior which may result in improving health and in lowering risks of developing or aggravating a preventable health condition (for example, trauma, unwanted pregnancy) or a chronic disease. Examples of personal choice behaviors include smoking, food selection, alcohol abuse, exercise, stress management, and safety practices.

"Intervention activity" means a specific health education program or combination of programs, provided to a defined target population, which is designed to reduce at least one specific health risk factor (for example, smoking cessation clinic, weekly employee group exercise program, and patient education class series on hypertension).

"Local health agency" refers to a health agency which is a part of, and under the direction of, a city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.

"Minority" refers to Asians, Blacks, Hispanics, Native Americans (including American Indians, Eskimos, and Aleuts), and Pacific Americans.

"Organized approach to risk reduction" is a community undertaking characterized as follows:

(a) The community is a definable geographical area (for example, a county or counties, town, city, health district, Indian reservation, federation of natives).

(b) A lead agency or organization within the community is identified and liaisons are established among multiple agencies to:

(1) Determine the prevalence of risk factors for the population in the community.

(2) Establish objectives to reduce the prevalence of risk factors in the community.

(3) Describe each current activity or commitment to reduce the prevelance of risks in the community.

(4) Perform a periodic reassessment of the status of priority risk factors within the community.

"School-based activities" refers to methods and services applied in a school setting or directed toward a target group defined by enrollment in an individual school or school system but which may be offered outside regular school hours.

"Secretary" means the Secretary of Health and Human Services (HHS) and any other officer or employee of the Department to whom the authority involved has been delegated.

"State" means one of the 50 States, the District of Columbia, Guam, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"State-level program" refers to the State health agencies overall coordination, operational management, and provision of technical assistance required to achieve the Health Education-Risk Reduction program's *Basic Program Elements* as specified in § 51g.4(b).

"Target population" means a defined group of persons toward which Health Education-Risk Reduction services and programs will be directed as part of an intervention activity.

§ 51g.3 Who is eligible to apply for a health education-risk reduction grant?

(a) Any State health agency is eligible to apply for a grant for a State-level program and for intervention activities.

(b) A local health agency, as authorized by the political subdivision of the State, may submit an application for funding for an intervention activity directly to the Secretary when:

(1) The State health agency does not submit an application to the Secretary for funding of a State-level program, and

(2) The local health agency's intervention activity application is submitted through, and receives the approval of, the State health agency.

(c) Other public health and education agencies, private and voluntary organizations, and native American tribal councils or federation of natives are encouraged to apply to their respective State-level grantee for funding through the State for intervention activities as defined in § 51g.2.

§ 51g.4 What information must be included in the application for a grant?

(a) A grant application must include a project plan which describes clearly and concisely information on the points below:

(1) Budget information:

(i) Items detailing the State level program.

(ii) Itemized budgets for each individual intervention proposal.

(iii) Allocation of shared personnel costs.

(iv) Narrative description and justification of all budget items.

(2) Background and need:

(i) Political subdivision included in the project.

(ii) Structure of health department.

(iii) Current population (age groups).

(iv) Ethnic and geographic characteristics.

(v) Morbidity and mortality data or a plan for establishing a system to collect morbidity data if not already established.

(vi) Facilities and resources which are or will be available to implement the program.

(vii) Interrelationship with other Federally assisted programs.

(viii) Additional State and/or community resources which can be mobilized.

(3) Project objectives:

(i) The objectives must be specific, measurable, and realistic.

(ii) The objectives must relate to outcomes which can be described on a community-level or specific target group level, using the common data items provided.

(iii) Both short-term (1-year budget period) and long-term (project period) objectives must be stated.

(4) Intervention proposals.

(5) A list of intervention proposals (received from other agencies) which were not included in the application and the criteria and rationale for not including them.

(b) In addition to the requirements in § 51g.4(a), the State level proposals must include the following *Basic Program Elements* which establish the State-level program as the principal organization to coordinate grant program activities:

(1) Updating and maintenance of an inventory of existing Health Education-Risk Reduction activities ongoing in the State.

(2) Maintenance of working liaisons directed toward developing cooperative strategies with voluntary health agencies, professional organizations, and education groups (examples, State and local boards of education, other State and local agencies, school system, Parent-Teacher Associations, Cooperative Extension Services) which have potential for positively affecting risk reduction activities.

(3) If the State-level grant application contains smoking and alcohol intervention proposals, a detailed plan must be submitted which describes the formal relationship and linkage with the State educational and State alcohol agencies, and a plan to work with these agencies to monitor and provide technical assistance to funded intervention activities.

(4) Development and/or improvement of surveillance systems to identify and record the morbidity and mortality of chronic diseases and their related risk factors. This process should be coordinated with existing data collection systems, where appropriate and available.

(5) Provision of technical and management consultation to communities to establish, maintain, and improve "an organized approach to risk reduction" as defined in § 51g.2. Specifically, the State-level program must be capable of:

(i) Assisting community organizations to recognize mutual interests and complementary efforts.

(ii) Identifying resources outside of communities which may assist local efforts.

(iii) Providing assistance to determine the prevalence of risks within the community or specific target populations, develop local objectives and work plans, and select health education/promotion methods.

(6) Stimulating intervention activity proposals to compete for Federal funding which address specific target groups and are supported by specific, measurable objectives.

(7) Documenting efforts to stimulate intervention activity proposals which address highly susceptible populations and minority target populations.

(8) Monitoring intervention activities which receive Federal grant support to assure that activities are adquately carried out.

(c) Intervention activity proposals may be submitted to the State health agency by a wide variety of organizations and agencies. (See § 51g.3, "Who Is Eligible To Apply * * *?") Apply * * *?")

(1) Intervention activity proposals must include the following:

(i) A description of the need and rationale for carrying out the proposed activities in the selected target population.

(ii) A review of the current or previous Health Education-Risk Reduction efforts within the selected target population.

(iii) A description of existing Health Education-Risk Reduction services, resources, or facilities within the community which may complement the activities proposed for the selected target population.

(iv) A plan to document the prevalence of risk factors using common data items.

(v) A work plan describing the delivery of proposed health education

programs and risk reduction services to the selected target population which will result in reducing the identified prevalence of risk factors.

(vi) A plan to periodically monitor and evaluate the implementation and effectiveness of applied methodology.

(2) Proposals for adolescent smoking and alcohol intervention activities authorized under Section 402(a)(2) of Pub. L. 95–626 must include the information in § 51g.4(c)(1) plus the following:

(i) Each application must address both smoking and alcohol, although greater emphasis may be given to one or the other problem.

(ii) Adults may be addressed as part of the target population but only as they relate to the children and adolescents toward which the program is directed. Specific objectives must clearly and logically show this relationship.

(iii) Each school-based or community intervention proposal must demonstrate formal linkage with the appropriate local agencies.

(iv) Each proposal must contain an evaluation plan which provides for objectives outcome evaluation, including baseline data and documentation of changes in knowledge, attitudes, and behavior patterns of the target groups of children and adolescents.

§ 51g.5 How will grant applications be evaluated and the grants awarded?

The Secretary may award grants for projects which will best promote the purposes of Section 1703(a) of the Act and Section 402(a)(2) of Pub. L. 95–626. In making this determination:

(a) Each State-level grant application will be reviewed and judged according to the following criteria:

(1) Is each of the Basic Program Elements likely to be achieved satisfactorily?

(2) Is there a logical method of operation specified for each proposed activity?

(3) Has the applicant developed adequate plans for involving public, private, and voluntary agencies in health education activities in the project area and have plans been made to effectively use existing community resources?

(4) Are the project objectives specific, measurable, realistic, and related to the national program goals?

(5) Have effective evaluation measures been specified?

(6) With respect to previous grants, have the prior year's accomplishments been satisfactory and on schedule?

(7) Have appropriate data been collected and used for planning purposes?

(8) Does the application provide a clear understanding of whom the program will serve and who is responsible for the various activities?

(9) Are budget requests and proposed uses of grant funds reasonable considering the anticipated results?

(10) Have project personnel been recruited and are they well qualified by training and/or experience for the support sought?

(11) Do the proposed activities follow a logical pattern to achieve the stated objectives?

(12) Are the program objectives based upon well-defined problems derived from baseline data and other assessments?

(13) Is the inventory of resources related to the intervention activities in such a way that a clear intent is evident to utilize the resources as much as possible?

(14) Will the evaluation plan adequately measure program accomplishments and identify successes and failures of specific health education methods to redirect future efforts?

(15) Does a viable complementary relationship exist between the State-level program and proposed intervention activities?

(b) Each intervention proposal will be judged on its own merits, in competition with all the other intervention proposals submitted to the Secretary. The application will have the best opportunity of success if the need for the activity has been carefully assessed and if the activity can be successfully completed in a reasonable period of time. Proposals will be judged according to the following criteria:

(1) Technical quality.

(2) The extent to which the proposal complements or enhances the efforts of a community which is undertaking "an organized approach to risk reduction," and the extent to which the proposal addresses highly susceptible populations and minority target populations.

(3) Potential for replication at other sites at reasonable costs.

(4) Conformity and linkage with State-level programs and other appropriate agencies.

(5) Contributions toward new knowledge, techniques, and services.

(6) National or regional application of results.

(7) Applicant participation and plans for other than Federal funding.

(8) Availability and adequacy of resources.

(9) Adequacy of the evaluation plan to measure program outcomes, impacts, and processes.

(c) Each adolescent smoking and alcohol intervention proposal will also be reviewed and judged in accordance with the following additional constraints:

(1) No individual smoking and alcohol intervention activity will be funded in excess of $200,000.

(2) At least 35 percent of the total funds available for these adolescent smoking and alcohol intervention proposals will be awarded for school-based activities.

(3) At least 35 percent of the total available funds will be awarded for community-based activities.

(4) Section 402(a)(2) intervention proposals specifically addressing minority target populations will be given preference to the extent necessary to insure that such minority populations are adequately represented to the extent of their representation in the population eligible for services and their need for services provided under the grants.

§51g.6 For what period of time will grants be awarded?

(a) The notice of grant award specifies how long the Secretary intends to support the project without requiring the project to recompete for funds. This period, called the project period, will not exceed 5 years.

(b) Generally, the grant will initially be funded for 1 year and subsequent continuation awards will also be for 1 year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding levels of these awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Secretary that continued funding is in the best interest of the Government.

(c) Neither the approval of any application nor the award of any grant commits or obligates the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

(d) The Secretary may permit unobligated grant funds remaining in the grant account at the close of a budget period to be carried forward for obligation during a subsequent budget period, provided a continuation award is made for that period and the Secretary's written approval is obtained. A budget period is an interval of time (usually 12 months) into which the project period is

divided for funding and reporting purposes.

§ 51g.7 How may a grantee use grant funds?

Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the applicable regulations in this part, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

§ 51g.8 Which other HHS regulations apply to these grants?

Several other HHS regulations apply to grants under this part. These include, but are not limited to:

42 CFR Part 50—Subpart D, Public Health Service Grant Appeals Procedure.

42 CFR Part 122—Subpart E, Health Systems Agency Reviews of Certain Proposed Uses of Federal Health Funds.

45 CFR Part 16—Department Grant Appeals Process.

45 CFR Part 74—Administration of Grants.

45 CFR Part 75—Informal Grant Appeals Procedures.

45 CFR Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964.

45 CFR Part 81—Practice and Procedure for Hearings Under Part 80.

45 CFR Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

45 CFR Part 86—Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

45 CFR Part 90—Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance.

§ 51g.9 Which other conditions apply to these grants?

The Secretary may, with respect to any grant award, impose additional conditions at the time of the grant award when the Secretary determines that they are necessary to advance the approved program, the interest of the public health, or the conservation of grant funds.

[FR Doc. 80-30006 Filed 9-25-80; 8:45 am]

BILLING CODE 4110-86-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5753

[A-9510]

Arizona; Withdrawal of National Forest Lands for Historic Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 55.469 acres of national forest land in the Coconino National Forest from operation of the mining laws only for protection of archeological and historical values of the Turkey Hills Pueblo Archeological Site. This withdrawal shall remain in effect for a period of 20 years.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described national forest lands, which are under the jurisdiction of the Secretary of Agriculture, are hereby withdrawn from location or entry under the mining laws, 30 U.S.C., Ch. 2, and reserved for preservation of significant archeological and historical values:

Gila and Salt River Meridian—Coconino National Forest

Turkey Hills Pueblo Archeological Site

T. 22 N., R. 8 E.,
Sec. 35, S½SW¼NE¼NW¼, SE¼NE¼NW¼, SE¼SE¼NW¼NW¼, E½NE¼SW¼NW¼, N½NE¼SE¼SW¼NW¼, N½S½NE¼SE¼SW¼NW¼, N½SE¼NW¼, N½N½SW¼SE¼NW¼, N½S½N½SW¼SE¼NW¼, SE¼SW¼NE¼SW¼SE¼NW¼, S½SE¼NE¼SW¼SE¼NW¼, E½SE¼SW¼SE¼NW¼, E½W½SE¼SW¼SE¼NW¼, and N½SE¼SE¼NW¼.

The areas described aggregate 55.469 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80-29852 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5754

[A-10215]

Arizona; Withdrawal of National Forest Land for Research Headquarters Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 20 acres of land in the Coconino National Forest, located in the City of Flagstaff near the campus of Northern Arizona University, from the operation of the mining laws only. Laboratory facilities for vegetative research and educational purposes will be built on and operated at the site.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from location and entry under the mining laws 30 U.S.C., Ch. 2, and reserved for the construction and operation of a research headquarters site consisting of administrative offices, laboratory facilities, greenhouses, and an arboretum.

Gila and Salt River Meridian—Coconino National Forest

Rocky Mountain Forest and Range Experiment Station

T. 21 N., R. 7 E.,
Sec. 27, S½NW¼NW¼.

The area described contains 20 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80-29853 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5755

[ES-17504]

Florida; Withdrawal of Land for the Gulf Islands National Seashore: Partial Revocation of Military Reservation

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 19.25 acres of unsurveyed land on Santa Rosa Island as an addition to the Gulf Islands National Seashore and partially revokes a military reservation as to the 19.25 acres of unsurveyed land.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Jeff O. Holdren, Eastern States Office 703-235-2844.

By virtue of the authority contained in Sec. 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, and in accordance with the Act of January 8, 1971, 84 Stat. 1967, 16 U.S.C. 459h. which established the Gulf Islands National Seashore, it is ordered as follows:

1. Subject to valid existing rights, the following described unsurveyed land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, and from leasing under the mineral leasing laws, 30 U.S.C. Ch 3A, and reserved as an addition to the Gulf Islands National Seashore to be administered by the National Park Service in accordance with the Act of January 8, 1971, 84 Stat. 1976 *supra.*

Tallahassee Meridian

All that tract or parcel of land lying and being on Santa Rosa Island, more particularly described as follows:

Beginning at a concrete monument which is 5,280 feet, more or less, East of the South end of Brooks Bridge, on the Eastern boundary of a tract of land conveyed to Okaloosa County, Florida, by deed dated May 22, 1950, and recorded in Deed Book 63, page 312, of the records in the Office of the Clerk of the Circuit Court of Okaloosa County, Florida, on the Northern right-of-way line of U.S. Highway No. 98, and at ordinate position East 1,343,313.95 feet based on Lambert Conformal Projection, Florida North Zone, and on the boundary of a tract of land owned by the United States of America at Eglin Air Force Base;

Thence due North along the boundary of said Okaloosa County tract, which is along the boundary of said United States tract, 725 feet, more or less, to the shoreline of Choctawhatchee Bay;

Thence Easterly along the meanders of Choctawhatchee Bay a distance of 1,525 feet, more or less, to a point which is 1,500 feet East of the Eastern boundary of said Okaloosa County tract, and at ordinate position East 1,344,813.95 feet;

Thence due South 395 feet, more or less, to a concrete monument on the Northern right-of-way line of said Highway No. 98;

Thence Westerly along the Northern right-of-way line of said Highway No. 98, a distance of 1,500 feet, more or less, to the point of beginning.

The unsurveyed area described contains 19.25 acres, more or less, in Okaloosa County.

2. Any water rights required by the National Park Service will be acquired in accordance with State law.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

4. The reservation of certain lands on Santa Rosa Island for use of the military as created by Proclamation No. 2659 of August 13, 1945, is revoked as to the lands described in paragraph 1.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80-29854 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5756

[A-9224]

Arizona; Withdrawal of Lands for Reclamation Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 1,468.18 acres of land for the Water and Power Resources Service, Department of the Interior, for the purpose of maintaining a buffer zone adjacent to the existing irrigation facilities of the Wellton-Mohawk Irrigation and Drainage District. The withdrawal will remain in effect for a period of 20 years. Administration of these lands will remain under Bureau of Land Management jurisdiction.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office 602-261-4774.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, and are reserved for the Water and Power Resources Service for the purpose of establishing and maintaining a buffer zone adjacent to the irrigation facilities operated by the Wellton-Mohawk Irrigation and Drainage District of the Gila Project:

Gila and Salt River Meridian

T. 8 S., R. 15 W.,
  Sec. 4, W½ of lot 2;
  Sec. 8, N½NW¼NW¼.
T. 7 S., R. 16 W.,
  Sec. 22, S½S½NW¼SE¼ and S½SE¼;
  Sec. 24, S½S½NE¼;
  Sec. 27, lot 3;
  Sec. 28, S½N½NE¼;
  Sec. 29, S½S½N½;
  Sec. 30, S½NW¼SE¼ and S½NE¼SW¼.
T. 7 S., R. 17 W.,
  Sec. 25, S½S½SE¼;
  Sec. 34, S½NE¼SW¼, S½NW¼SE¼, and NE¼SE¼;
  Sec. 35, S½NE¼NE¼ and S½SW¼NW¼.
T. 8 S., R. 18 W.,
  Sec. 12, N½NW¼;
  Sec. 17, S½NE¼SE¼ and SE¼SE¼;
  Sec. 19, lot 9.

Gila and Salt River Meridian, Arizona

T. 9 S., R. 18 W.,
  Sec. 11, N½NE¼SE¼, N½SE¼SW¼, and S½SW¼SW¼;
  Sec. 12, NW¼NE¼, NE¼NE¼NW¼, S½N½NW¼, and S½NW¼;
  Sec. 15, N½NW¼ and N½S½NW¼;
  Sec. 16, S½SE¼NW¼ andN½NW¼SW¼;
  Sec. 17, S½SW¼SW¼ and SE¼SW¼.
T. 9 S., R. 19 W.,
  Sec. 16, S½N½S½SW¼, and S½S½SW¼;
  Sec. 17, SE¼SE¼;
  Sec. 18, N½ of lot 1, N½NW¼NE¼, and N½NE¼NW¼;
  Sec. 21, N½N½NE¼;
  Sec. 24, lot 1 and NW¼NE¼.
T. 7 S., R. 21 W.,
  Sec. 35, SE¼SW¼.
T. 8 S., R. 21 W.,
  Sec. 3, S½S½ of lot 1 and S½S½ of lot 2;
  Sec. 10, NW¼NW¼ and N½NE¼ lying north of Southern Pacific Railroad tracks.

The areas described aggregate 1,468.18 acres in Yuma County.

2. Of the above, 1,468.18 acres, the following described lands, totalling 566.89 acres, are withdrawn as to the surface only; the mineral estate is patented:

Gila and Salt River Meridian

T. 9 S., R. 18 W.,
  Sec. 11, N½SW¼SW¼ andS½SW¼S W¼;

Sec. 12, NW¼NE¼, NE¼NE¼NW¼, S½N½NW¼, and S½NW¼;
Sec. 15, N½NW¼ and N½S½NW¼;
Sec. 16, S½SE¼NW¼ andN½NW¼SW¼;
Sec. 17, S½SW¼SW¼ and SE¼SW¼.
T. 9 S., R. 19 W.,
Sec. 16, S½N½S½SW¼ and S½S½SW¼;
Sec. 24, lot 1 and NW¼NE¼.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit. However, leases, licenses, or permits will be issued with the concurrence of Water and Power Resources Service, if it finds that the proposed use of the land will not interfere with the purposes of this withdrawal. Grazing will continue to be administered by the Bureau of Land Management.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80-29855 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5757

[N-051748]

Nevada; Revocation of Executive Order No. 1161 of February 17, 1903

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order which withdrew 80 acres of public land containing mineral hot springs. The lands remain withdrawn for the same purpose by Executive Order No. 5389 as amended by Public Land Order No. 399 of August 20, 1947.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office 702-784-5703.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751, 43 U.S.C. 1714), it is ordered as follows:

1. Executive Order No. 1161 of February 17, 1903, which withdrew the following described public lands containing mineral hot springs is hereby revoked:

Mount Diablo Meridian

T. 7 N., R. 27 E.,
Sec. 4, W½SW¼.
Comprising 80 acres in Lyon County.

2. The above described land continues to be protected under Executive Order No. 5389 of July 7, 1930, as amended by Public Land Order No. 399 of August 20, 1947. Executive Order No. 5389 ordered that every smallest legal subdivision of the public land surveys which is vacant unappropriated, unreserved public land and contains a hot spring, or a spring the waters of which possess curative properties, be withdrawn from settlement, location, sale, or entry and reserved for lease or permit under the provisions of the Act of March 3, 1925 (43 Stat. 1133), subject to valid existing rights.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80-29856 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5758

[A-8800]

Arizona; Transfer of Jurisdiction; Addition to Sitgreaves National Forest

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order reserves as a part of, and adds to, the Sitgreaves National Forest, 341.13 acres of public land.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office 602-261-4774.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described lands which were acquired in 1972 in an exchange made pursuant to Section 8 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315g, 1970 ed.), is hereby reserved as a part of, and added to, the Sitgreaves National Forest:

Sitgreaves National Forest

Gila and Salt River Meridian

T. 13 N., R. 13 E.,
Sec. 7, lots 2 through 8, inclusive; lots 11 and 12.
The areas described aggregate 341.13 acres in Coconino County.

2. Subject to valid existing rights, the above described land shall hereafter be administered by the Secretary of Agriculture subject to, and in accordance with, all laws and regulations applicable to the Sitgreaves National Forest.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80-29857 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5759

[CA-5771]

California; Partial Revocation of Public Land Order No. 281, as Amended, by Public Land Order No. 2312

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will restore approximately 1,334.64 acres in Riverside and Imperial Counties to the public land laws generally, including the mining and the mineral leasing laws.

EFFECTIVE DATE: October 28, 1980.

FOR FURTHER INFORMATION CONTACT: Marie Getsman, California State Office 916-484-4431.

By virtue of the authority contained in Section 204 of the Act of October 21, 1976, 90 Stat 2751 (43 U.S.C. 1714), it is ordered as follows:

1. Public Land Order No. 281 of May 29, 1945, as amended, by Public Land Order No. 2312 of March 24, 1961, withdrawing lands for the Chocolate Mountain Gunnery Range, is hereby revoked so far as it affects the following described lands:

San Bernardino Meridian

T. 8 S., R. 12 E.,
Sec. 6, all that portion of the E½E½ lying Southerly, Southwesterly and Westerly of the most Easterly line of the Coachella Branch of the All American Canal;
Sec. 8, all that portion lying Southwesterly of the most Easterly line of the Coachella Branch of the All American Canal;
Sec. 20, NE¼NE¼;
Sec. 22, all that portion lying Southwesterly of the most Easterly line of the Coachella Branch of the All American Canal;
Sec. 26, all that portion of the N½, N½SW¼, SE¼ lying Southwesterly of the most Easterly line of the Coachella Branch of the All American Canal.
T. 9 S., R. 12 E.,
Sec. 12, NE¼NE¼;
T. 9 S., R. 13 E.,
Sec. 18, all that portion of the NE¼, lying Southwesterly of the most Easterly line of the Coachella Branch of the All American Canal;
Sec. 20, all that portion of the N½NE¼, SE¼NE¼, NE¼NW¼, lying Southwesterly of the most Easterly line of the Coachella Branch of the All American Canal;
Sec. 22, all that portion of the N½ N½SW¼,SE¼ lying Southwesterly of

the most Easterly line of the Coachella Branch of the All American Canal;
Sec. 26, all that portion of the NE¼, N½NW¼, SE¼NW¼, N½SE¼ lying Southwesterly of the most Easterly line of the Coachella Branch of the All American Canal.
T. 10 S., R. 14 E.,
Sec. 6, all that portion of Lots 3, 4, 5, 8, 9, 10, 11, and 12, NE¼SE¼, lying Southwesterly of the most Easterly line of the Coachella Branch of the All American Canal;
Sec. 8, all that portion of N½NE¼, SE¼NE¼, lying Southwesterly of the most Easterly line of the Coachella Branch of the All American Canal.

2. The lands described contain approximately 1,334 acres in Imperial and Riverside Counties and are located adjacent to the Coachella Canal as depicted on drawing C–60–129 prepared by the U.S. Department of the Interior, Bureau of Reclamation, Boulder Canyon Project, entitled "Coachella Canal Right of Way Across Withdrawn Public Lands," dated September 1944, Yuma, Arizona, and filed with the Bureau of Land Management, Sacramento, California.

3. At 10 a.m. on October 28, 1980, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawal, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 28, 1980, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

4. At 10 a.m. on October 28, 1980, the lands will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Federal Office Building, Room E–2841, 2800 Cottage Way, Sacramento, California 95825.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80–29858 Filed 9–25–80; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5760

[M–31858–A]

Wyoming; Withdrawal for Pryor Mountain Wild Horse Range

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 1,960.10 acres of public land from location and entry under the mining laws within the Pryor Mountain Wild Horse Range. Although these lands are actually located in Wyoming, they are administered by the Montana State Office by virtue of an agreement with the Wyoming State Office.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Shirley Heffner, Montana State Office, 406–657–6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands within the Pryor Mountain Wild Horse Range are hereby withdrawn from location and entry under the mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws:

Sixth Principal Meridian, Wyoming

T. 58 N., R. 95 W.,
Sec. 19, lot 2 and SE¼NE¼;
Sec. 20, N½S½, SE¼SW¼, and S½SE¼;
Sec. 21, Southwest diagonal half SW¼;
Sec. 23, NE¼SW¼;
Sec. 26, SW¼NW¼ and W½SW¼;
Sec. 27, S½;
Sec. 28, NW¼NE¼, S½NE¼, and S½;
Sec. 29, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 33, NE¼ and NE¼NW¼; and
Sec. 34, NW¼.

The area described contains 1,960.10 acres of public lands in Bighorn County, Wyoming.

2. The withdrawal made by this order is to protect lands now being used by the Pryor Mountain wild horses and also to insure protection for a highly significant archeological site.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80–29859 Filed 9–25–80; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5762

[A–8755]

Arizona; Transfer of Jurisdiction; Addition to Prescott National Forest

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order reserves as a part of, and adds to, the Prescott National Forest, 54.766 acres of public land.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602–261–4774.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described tract of land which was acquired in 1972 in an exchange made pursuant to Section 8 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315g, 1970ed.), is hereby reserved as a part of, and added to, the Prescott National Forest:

Prescott National Forest

Gila and Salt River Meridian

T. 10 N., R. 1 W.,
Sec. 33, Mineral Survey 1933.
The area described contains 54.766 acres in Yavapai County.

2. Subject to valid existing rights, the above described land shall hereafter be administered by the Secretary of Agriculture subject to, and in accordance with, all laws and regulations applicable to the Prescott National Forest.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80–29861 Filed 9–25–80; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5763

[A–9708]

Arizona; Withdrawal of Forest Lands for Rattle Burn Research Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 320 acres of national forest land within the Coconino National Forest from operation of the mining laws only in support of U.S. Forest Service vegetative research and resource management programs for a period of 10 years.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602–261–4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved

for research areas in support of forest management programs.

Gila and Salt River Meridian

Coconino National Forest

Rattle Burn Research Areas

T. 19 N., R. 5 E.,
Sec. 15, SW¼SW¼NE¼, S½SE¼NW¼, NE¼SW¼, N½SE¼SW¼, W½NW¼SE¼, and NW¼SW¼SE¼;
Sec. 22, S½NW¼SW¼, SW¼SW¼, and W½SE¼SW¼;
Sec. 27, SW¼NW¼NE¼, W½SW¼NE¼, NE¼NW¼, NE¼NW¼NW¼, and SE¼NW¼.
The areas described contain 320 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 10 years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80-29862 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5764

[U-30574]

Utah; Modification of Public Land Order No. 2354

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: Modification of Public Land Order No. 2354 to consumate a Forest Service exchange.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801-524-4245.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 2354 of April 27, 1961, which withdrew public lands in the Fishlake National Forest from all forms of appropriation under the public land laws, including the mining laws, for use by the Forest Service, Department of Agriculture, for administrative and public service sites, recreation areas, and roadside zones, is hereby modified to delete the following words: "all forms of appropriation under the public land laws, including," so far as they relate to the following described lands:

Fishlake National Forest

Salt Lake Meridian

Rockwood Administrative Site

T. 24 S., R. 4½ W.,
Sec. 34, SE¼NE¼.
Containing 40 acres in Sevier County.

2. Effective immediately, the above described lands shall be open to applications for the disposal of the lands under the General Exchange Act of March 20, 1922, 43 Stat. 465, as amended, 16 U.S.C. 485, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80-29863 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5765

[C-028983]

Colorado; Modification of Public Land Order No. 2302 as Corrected by Public Land Order No. 2363

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: Modification of Public Land Order Nos. 2302 and 2363 to permit an exchange of certain public lands reserved for the use of the Forest Service. The lands remain withdrawn under the mining laws (30 U.S.C. Ch. 2).

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Alvah Q. Whitledge, Colorado State Office, 303-837-2825.

By virtue of the authority vested in the Secretary of the Interior by Section 204(a) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 2302 dated March 14, 1961, as corrected by Public Land Order No. 2363 dated May 9, 1961, which withdrew certain public lands within the Roosevelt National Forest from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, is hereby modified to delete the following words: "all forms of appropriation under the public land laws including," so far as they relate to the following described lands:

Roosevelt National Forest

Sixth Principal Meridian

Peak-to-Peak Campground

T. 2 N., R. 72 W.
Sec. 20, SE¼NW¼.
Containing 40 acres more or less in Boulder County, Colorado.

2. Effective immediately, the above described lands shall be open to applications for the disposal of the lands under the General Exchange Act of March 20, 1922, 42 Stat. 465, as amended, 16 U.S.C. 485, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. The lands remain withdrawn under the mining laws, 30 U.S.C., Ch. 2.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80-29864 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5766

[ES-15058]

Florida; Partial Revocation of Military Withdrawal: Restoration of Lands to the Choctawhatchee National Forest

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will partially revoke a military withdrawal involving 42.89 acres, more or less, at Eglin Air Force Base, Florida. The lands will be returned to the Department of Agriculture for administration by the Forest Service as part of the Choctawhatchee National Forest.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Jeff O. Holdren, Eastern States Office 703-235-2844.

In accordance with the Act of June 27, 1940, 54 Stat. 655, and by virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby restored to and made a part of the Choctawhatchee National Forest, and hereafter shall be subject to all laws and regulations, applicable thereto.

Tallahassee Meridian

T. 1 S., R. 24 W.
In Sec. 26 (Parcel No. 1), a tract described as follows:
Commencing at a concrete monument which is at the quarter section corner common to secs. 25 and 26, said township

and range, being also a corner of a tract of land conveyed to the Board of Public Instruction, Okaloosa County, Florida, on 30 December 1970, and a corner of a tract of land owned by the United States of America at Eglin Air Force Base;

Thence N. 88°40′ W., along the said boundary of said Board of Public Instruction tract which is along the boundary of said United States tract 1150.0 feet;

Thence S. 00°58′ W., along the boundary of said Board of Public Instruction tract which is along the boundary of said United States tract 1175.8 feet to the POINT OF BEGINNING;

Thence N. 89°02′ W., 740.0 feet;

Thence S. 00°58′ W., 913.1 feet, more or less to the Northern right-of-way line of Florida State Road No. S–85–A;

Thence S. 64°50′ W., along the Northern right-of-way line of said road a distance of 894.4 feet;

Thence N. 00°58′ E., 1580.0 feet;

Thence S. 89°02′ E., 1543.0 feet, more or less, to a point which is on the boundary of said Board of Public Instruction tract and on the boundary of said United States tract;

Thence S. 00°58′ W., along the boundary of said Board of Public Instruction tract which is along the boundary of said United States tract 273.0 feet, more or less, to the point of beginning containing 12.30 acres, more or less.

In Sec. 26 (Parcel No. 2), a tract described as follows:

Commencing at a concrete monument which is at the quarter section corner common to secs. 25 and 26, said township and range, being also a corner of a tract of land conveyed to the Board of Public Instruction, Okaloosa County, Florida, on 30 December 1970, and a corner of a tract of land owned by the United States of America at Eglin Air Force Base;

Thence N. 88°40′ W., along the boundary of said Board of Public Instruction tract which is along the boundary of said United States tract 1150.0 feet;

Thence S. 00°58′ W., along the boundary of said Board of Public Instruction tract which is along the boundary of said United States tract 1175.8 feet to the POINT OF BEGINNING;

Thence N. 89°02′ W., 740.0 feet;

Thence S. 00°58′ W., 913.1 feet, more or less to the Northern right-of-way line of Florida State Road No. S–85–A;

Thence N. 64°50′ E., along the Northern right-of-way line of said road a distance of 824.3 feet, more or less, to a point which is on the boundary of said Board of Public Instruction tract and on the boundary of said United States tract;

Thence N. 00°58′ E., along the boundary of said Board of Public Instruction tract, which is along the boundary of said United States tract 550.0 feet, more or less, to the point of beginning containing 30.00 acres, more or less.

In Sec. 26 (Parcel No. 3), a tract described as follows:

Beginning at a point which is on the East line and 1034.9 feet N. 01°41′ W., of the corner of secs. 25, 26, 35, and 36, above township and range on the Northeastern right-of-way line of Mooney Road and the boundary of a tract of land owned by the United States of America at Eglin Air Force Base;

Thence N. 56°06′ W., along the Northeastern right-of-way line of said Mooney Road a distance of 254.4 feet, more or less, to the Southeastern right-of-way line of Florida State Road No. S–85–A;

Thence N. 62°26′ E., along the Southeastern right-of-way line of said State Road No. S–85–A a distance of 229.7 feet, more or less, to a point which is on the East line of said section 26 on the boundary of said United States tract;

Thence S. 01°41′ E., along the East line of said section 26, which is along the boundary of said United States tract 248.5 feet, more or less, to the point of beginning containing 0.59 acres, more or less.

The above areas aggregate 42.89 acres, more or less, in Okaloosa County, Florida.

Guy R. Martin,

Assistant Secretary of the Interior.

September 22, 1980.

[FR Doc. 80–29865 Filed 9–25–80; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 11

[Docket No. FEMA–GEN–11]

Collection of Claims by the Government Under the Federal Claims Collection Act of 1966

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule and request for comment.

SUMMARY: This final rule establishes general procedures for the collection of claims by the Federal Emergency Management Agency (FEMA), and specific instructions with respect to collecting on claims owed FEMA under the Federal Claims Collection Act. In addition, even though this is a matter of procedure, FEMA requests public comment on the regulation. However, in order that FEMA have established procedures immediately, FEMA is issuing this as an operating rule effective immediately and affording at the same time an opportunity for public comment.

DATE: The rule is effective September 26, 1980. Written comments should be submitted on or before November 25, 1980.

ADDRESS: Send comments in duplicate to Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Thomas Ainora, Office of General Counsel, (202) 634–1990.

SUPPLEMENTARY INFORMATION: Reorganization Plan No. 3 of 1978 established the Federal Emergency Management Agency (FEMA). The plan was activated effective April 1, 1979, by Executive Order 12127, "The Federal Emergency Management Agency," 44 FR 19367. The plan and Executive Order 12148, 44 FR 43239, effective July 15, 1979, transferred to the new agency functions of the existing agencies in four departments or parent agencies. Under the plan, and pursuant to the orders, the regulations of the predecessor agencies remain in full force and effect in FEMA until those regulations are superseded.

Accordingly, to provide a single regulation on Claims it is appropriate to adopt regulations which are final operating rules but which also afford an opportunity for public comment.

Interested parties may participate by submitting their views, in writing on this final regulation of FEMA. Each comment should include the name and address of the person or organization submitting the comment and should make reference to the above-cited docket number. All comments timely received will be docketed and made available for public inspection at FEMA.

Accordingly, Chapter I of Title 44, Part 11, Code of Federal Regulations, is amended by adding a new Subpart C as follows:

PART 11—CLAIMS

* * * * *

Subpart C—Collection of Claims by the Government Under the Federal Claims Collection Act of 1966

Sec.

11.30 Scope of regulations.
11.31 Incorporation of joint standards by reference.
11.32 Subdivision and joining of claims.
11.33 Authority of offices to attempt collection of claims.
11.34 Referral of claims to the general counsel.
11.35 Authority of offices to compromise claims or suspend or terminate collection action.
11.36 Agency claims officer.
11.37 Claims files.
11.38 Quarterly report of collection action.
11.39 Accounting control.
11.40 Record retention.
11.41 Suspension or revocation of eligibility.
11.42 Standards for collection of claims.
11.43 Standards for compromise of claims.
11.44 Standards for suspension or termination of collection action.
11.45 Referral to GAO or Justice Department.
11.46 Analysis of costs.
11.47 Automation.
11.48 Prevention of overpayments, delinquencies and defaults.

Authority: Sec. 3, 80 Stat. 309; 31 U.S.C. 952; 4 CFR Parts 101–105.

Subpart C—Collection of Claims by the Government Under the Federal Claims Collection Act of 1966

§ 11.30 Scope of regulations.

(a) *Scope.* This subpart sets forth the regulations of the Director of the Federal Emergency Management Agency (the Agency) implementing the Federal Claims Collection Act of 1966 (the Act), in the conformity with the standards jointly promulgated by the Attorney General and the Comptroller General in 4 CFR Parts 101 through 105. The Act (1) requires the Director or his designee to attempt collection of all claims of the United States for money or property arising out of the activities of the Agency; and (2) authorizes the Director or his designee, for claims that do not exceed $20,000 exclusive of interest, to compromise such claims or to suspend or terminate collection action where it appears that no person liable on such claim has the present or prospective financial ability to pay any significant sum thereon or that the cost of collecting such claim is likely to exceed the amount of recovery.

(b) *Definitions.* For the purposes of this subpart, "office" means one of the following: (1) Office of Finance and Administration, (2) the Federal Insurance Administration, (3) U.S. Fire Administration, (4) Office of Plans and Preparedness, (5) Office of Disaster Response and Recovery, (6) Office of Mitigation and Research, and (7) the offices of the Regional Directors.

§ 11.31 Incorporation of joint standards by reference.

All administrative actions to collect claims arising out of the activities of the Agency shall be performed in accordance with the applicable standards prescribed in 4 CFR Parts 101 through 105, which are adopted as a part hereof and supplemented in this subpart. Additional guidance will be found in the GAO Policy and Procedures Manual for Guidance of Federal Agencies and in the Treasury Fiscal Requirements Manual.

§ 11.32 Subdivision and joining of claims.

(a) A debtor's liability arising from a particular transaction or contract shall be considered as a single claim in determining whether the claim is one not exceeding $20,000 exclusive of interest for the purpose of compromise or termination of collection action. Such a claim may not be subdivided to avoid the monetary ceiling established by the Act.

(b) Joining of two or more single claims in a demand upon a particular debtor for payment totaling more than $20,000 does not preclude compromise or termination of collection action with respect to any one of such claims that does not exceed $20,000 exclusive of interest.

§ 11.33 Authority of offices to attempt collection of claims.

The head of each office shall designate a claims collection officer, who shall attempt to collect in full all claims of the Agency for money or property arising out of the activities of such office. Each claims collection officer shall establish and currently maintain a file with regard to each claim for which collection activities are undertaken.

§ 11.34 Referral of claims to the general counsel.

(a) *Authority of the General Counsel.* (1) The General Counsel shall act as Agency Claims Officer and shall exercise the powers and perform the duties of the Director to compromise, or to suspend or terminate collection action on, all Agency claims not exceeding $20,000 exclusive of interest, except as provided in § 11.35 and paragraph (b) of this section.

(2) When initial attempts at collection by the office originating such claim have not been fully successful, the claim file shall be forwarded to the General Counsel for further administrative collection procedures. Claims shall be referred to the General Counsel well within the applicable statute of limitations (28 U.S.C. 2415 and 2416).

(b) *Exclusions.* There shall be no compromised or terminated collection action with respect to any claim: (1) as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim; (2) based in whole or in part on conduct in violation of the anti-trust laws; (3) based on tax statutes; or (4) arising from an exception made by the General Accounting Office in the account of an accountable officer. Such claims shall be promptly referred to the Justice Department, or GAO, as appropriate, after the Agency Claims Officer has consulted with the Inspector General.

§ 11.35 Authority of offices to compromise claims or suspend or terminate collection action.

Where it appears that the cost of collecting a claim of less than $600 will exceed the amount of recovery, the claims collection officer is authorized to compromise the claim or to terminate collection action.

§ 11.36 Agency claims officer.

The General Counsel shall be designated as the Agency Claims Officer, and shall be responsible for the establishment and maintenance of procedures within the Agency relating to the collection of claims and the coordination of all collection activities in all Agency offices.

§ 11.37 Claims files.

Each claims collection officer is responsible for obtaining current credit data about each person against whom a claim is pending in his office. The file shall be kept up-to-date by the Agency Claims Officer for claims referred to the General Counsel for collection. Such credit data may take the form of (a) a commercial credit report, (b) an agency investigative report showing the debtor's assets and liabilities and his income and expenses, (c) the individual debtor's own financial statement executed under penalty of perjury reflecting his assets and liabilities and his income and expenses, or (d) an audited balance sheet of a corporate debtor. The file should also contain a checklist or brief summary of actions taken to collect or comprise a claim.

§ 11.38 Quarterly report of collection action.

The Agency Claims Officer shall make a quarterly report to the Director and to all offices that have referred claims for collection. The report should contain the following information as a minimum:

(a) All outstanding claims referred to the General Counsel for administrative collection, including the name and address of the debtor, the amount of the claim, the date the claim accrued, the basis of the claim, the office referring the claim, and the current program of collection activities.

(b) All claims compromised or on which collection has been suspended or terminated or referred to GAO or Justice for further collection action during the month. The collection action taken and the basis for the action should be indicated.

(c) All claims referred to the Department of Justice under § 11.45.

(d) Claims returned to this Agency by the Justice Department for further collection action because Justice's handling was not warranted.

§ 11.39 Accounting control.

Each office shall process all claims collections through the Office of Finance and Administration and report the collection, compromise, suspension and termination of all claims to that office for recording.

§ 11.40 Record retention.

The file of each claim on which administrative collection action has been completed shall be retained by the appropriate officer not less than 1 year after the applicable statute of limitations has run.

§ 11.41 Suspension or revocation of eligibility.

(a) Where a contractor, grantee, or other participant in programs sponsored by the Agency fails to pay his debts to the Agency within a reasonable time after demand, the fact shall be reported by the General Counsel to the Inspector General, who shall place such defaulting participant's name on the Agency's list of debarred, suspended and ineligible contractors and grantees and the participant will be so advised.

(b) The failure of any surety to honor its obligations in accordance with 6 U.S.C. 11 is to be reported at once to the General Counsel who shall so advise the Treasury Department. The Treasury Department will notify this Agency when a surety's certificate of authority to do business with the Government has been revoked or forfeited.

§ 11.42 Standards for collection of claims.

(a) *Demand for payment.* Appropriate written demands shall be made upon the debtor which shall include information relating to the consequences of his failure to cooperate. The date due should be specified and, normally, should be not more than 30 days from the date of the initial notification. Three progressively stronger written demands at not more than 30-day intervals will normally be made unless a response to the first or second demand indicates that further demand would be futile and the debtor's response does not require rebuttal.

(b) *Collection by offset.* Collection by offset will be administratively undertaken on claims which are liquidated or certain in amount in every instance where this is feasible. All offices should consult with the Office of Finance and Administration to determine if an offset is feasible.

(c) *Liquidation of collateral.* Where the Agency holds security or collateral that may be liquidated and the proceeds applied on debts due it through the exercise of a power of sale in the security instrument or a nonjudicial foreclosure, such procedures should be followed if the debtor fails to pay his debt within a reasonable time after demand, unless the cost of disposing of the collateral will be disproportionate to its value or special circumstances require judicial foreclosure.

(d) *Collection in installments.* Claims with accrued interest should be collected in full in one lump sum whenever this is possible. However, if the debtor is financially unable to pay the indebtedness in one lump sum, payment may be accepted in regular installments.

(e) *Interest.* In the absence of a different rule prescribed by statute, contract, or regulation, interest should be charged on delinquent debts and debts being paid in installments in conformity with the Treasury Fiscal Requirements Manual. When a debt is paid in installments, the installment payments will first be applied to the payment of accrued interest and then to principal, in accordance with the so-called "U.S. Rule," unless a different rule is prescribed by statute, contract, or regulation. Prejudgment interest should not be demanded or collected on civil penalty and forfeiture claims unless the statute under which the claim arises authorizes the collection of such interest. See *Rodgers v. United States,* 332 U.S. 371.

(f) *Reporting delinquent debts to commercial credit bureaus.* The Agency shall report delinquent debts to commercial credit bureaus, giving due regard to compliance with the Privacy Act of 1974, as amended, 5 U.S.C. 552a. Prior to excercising this option, the Agency shall send a demand letter advising the debtor that such a reporting will take place within a specified period of time unless the debtor makes satisfactory payment arrangements or demonstrates some basis on which the debt is legitimately disputed.

(g) *Omission not a defense.* Failure to comply with any standard prescribed in 4 CFR Chapter II, or in this subpart shall not be available as a defense to any debtor.

(h) All administrative collection acts shall be adequately documented and retained in the appropriate claims file.

§ 11.43 Standards for compromise of claims.

(a) *Compromise.* A claim may be compromised: (1) if the debtor is not able to pay the full amount within a reasonable period of time; (2) if the debtor refuses to pay the claim in full and the Agency is unable to enforce collection within a reasonable time by enforced collection proceeding; (3) if there is real doubt concerning the Agency's ability to prove its case in court for the full amount claimed; (4) if the cost of collecting the claim does not justify the enforced collection of the full amount; (5) if in connection with statutory penalties or forfeitures established as an aid to enforcement and to compel compliance, the Agency's enforcement policy will be adequately served by acceptance of the sum to be agreed upon; or (6) for other reasons deemed valid by the General Counsel.

(b) *Documentary evidence of compromise.* No compromise of a claim shall be final or binding on the Agency unless it is in writing and signed by the appropriate officer who has authority to compromise the claim pursuant to this subpart.

§ 11.44 Standards for suspension or termination of collection action.

(a) *Suspension of collection action.* Collection action shall be suspended temporarily on a claim when the debtor cannot be located after diligent effort but there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim, having consideration for its size and the amount which may be realized. Collection action may be suspended temporarily on a claim when the debtor owns no substantial equity in realty and is presently unable to make payment on the Agency's claim or effect a compromise, but his future prospects justify retention of the claim for periodic review and action, and, (1) the applicable statute of limitations has been tolled or started anew, or (2) future collection can be effected by offset notwithstanding the statute of limitations. Suspension as to a particular debtor should not defer the early liquidation of security for the debt.

(b) *Termination of collection action.* Collection action may be terminated and the Agency file closed for the following reasons: (1) no substantial amount can be collected; (2) the debtor cannot be located; (3) the cost will exceed recovery; (4) the claim is legally without merit; or (5) the claim cannot be substantiated by evidence.

§ 11.45 Referral to GAO or Justice Department.

(a) *Claims referred.* Claims which cannot be collected, compromised, or terminated in accordance with 4 CFR Parts 101 to 105 will be referred to the General Counsel for referral to the General Accounting Office in accordance with 31 U.S.C. 71, or to the Department of Justice if this Agency has been granted an exception from referrals to the General Accounting Office. Also, if there is doubt as to whether collection action should be suspended or terminated on a claim, the claim may be referred to the General Accounting Office for advice. When recovery of a judgment is prerequisite to imposition of administrative sanctions,

the claim may be referred to the Justice Department for litigation even though termination of collection activity might otherwise be considered.

(b) *Prompt referral.* Such referrals shall be made as early as possible consistent with aggressive collection action, and, in any event, well within the statute of limitations for bringing suit against the debtor.

§ 11.46 Analysis of costs.

The Agency Claims Officer shall provide for periodic comparison of costs incurred and amounts collected. Data on costs and corresponding recovery rates for debts of different types and in various dollar ranges should be used to compare the cost effectiveness of alternative collection techniques, establish guidelines with respect to the points at which costs of further collection efforts are likely to exceeed recoveries, assist in evaluating offers in compromise, and establish minimum debt amounts below which collection efforts need not be taken. Cost and recovery data should also be useful in justifying adequate resources for an effective collection program.

§ 11.47 Automation.

The Agency Collection Officer shall work with the Director of Finance and Administration to automate the Agency's debt collection operations to the extent it is cost effective and feasible.

§ 11.48 Prevention of overpayments, delinquencies and defaults.

The Agency Collection Officer shall establish procedures to identify the causes of overpayments, delinquencies, and defaults and the corrective actions needed. All debts or loans, when first established, may be reported to commercial credit bureaus.

Dated: September 17, 1980.

John W. Macy, Jr.,

Director.

[FR Doc. 80-29705 Filed 9-25-80; 8:45 am]

BILLING CODE 4210-23-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-10; FCC 80-536]

Radio Broadcast Services; Operation of Visual and Aural Transmitters of TV Stations

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: The FCC is amending its radio broadcast rules to allow aural and visual transmitters of TV stations to be operated separately and to present different and unrelated program material. This rule change which is the result of requests for waivers from TV licensees seeking authority to broadcast informational programming on their visual transmitters only, would allow the stations to broadcast any material that the licensees choose on the AM and FM transmitters from 12 midnight to 6 a.m.

EFFECTIVE DATE: October 27, 1980.

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

FOR FURTHER INFORMATION CONTACT: Steve Crane, Philip Cross, John Reiser, (202) 653-7275.

SUPPLEMENTARY INFORMATION:

Adopted: September 10, 1980.

Released: September 22, 1980.

1. In its continuing effort concerning reregulation of the broadcasting services, the Commission adopted a Notice of Proposed Rule Making on January 16, 1980, to amend certain provisions of § 73.653 of our rules pertaining to the operation of TV aural and visual transmitters.[1]

2. The Notice looked toward amending the rule which forbids TV licensees to operate their TV aural and visual transmitters separately, or to present different or unrelated program material thereon.[2]

3. The Commission sought comments on the rule change which was proposed as a result of requests for waivers from TV licensees seeking authority to broadcast informational programming on their visual transmitters only. The transmissions would be made in the station's non-service hours, between sign-off and sign-on, thereby presenting news, weather, time and other informational reports heretofore unavailable at that hour from the station. It was proposed that this visual programming be presented with either no audio or with appropriate background music.

4. Thirty-three parties filed comments which closed March 31, 1980. No reply comments were filed.[3] All of the parties supported the Commission's proposed rule with additional recommendations or observations from several of the parties as follows:

—Pennsylvania State University licensee of WPSX-TV, observes that "in view of the fact that stations may sign on * * * and off at different times of the day, the proposed rule modification appears to leave the determination of such hours to individual licensees," which "may result in substantial variations * * *" in the time periods which various stations may present "the visual information matter." They suggest that "perhaps a uniform standard for defining the period when such matter [is] presented * * * may be in order."

5. We perceive that by and large these visual presentations will be after midnight to approximately 5 to 6 a.m., since those hours are the most common "dark" hours for stations not operating 24 hours per day. No doubt the noncommercial educational stations are likelier to be at variance from this perceived "graveyard" period. But since the basic idea here is service to the public at hours where no "normal" TV service is presented by the station, we are persuaded that a "uniform standard for defining the period * * * may be in order," and will therefore specify the hours to no earlier than midnight or later than 6 a.m. Recognizing many stations sign on later than 6 a.m., we will continue to allow a 15 minute prior-to-sign-on period as described in the new rule (Appendix B). But, we will modify that paragraph, as stated in the present rule, by discontinuing the total per day of one hour of such presentations. (Such presentations were largely used by stations in the early days of TV to present aural news over unrelated slides or pictures during various parts of the broadcast day.)

6. Several respondents recommended abolishing the prohibition of non-integrated, non-simultaneous aural/visual transmissions entirely in a TV station's normal off-the-air period, or suggested relaxation of music only or no audio transmissions. They stated, in pertinent part:

—That there should be "no restrictions on the type of visual or aural transmissions permitted in order to encourage experimental uses of television channels and more efficient use of the spectrum" (WTMJ, Inc.);

—That we should consider the advisability of "(1) removing substantially or entirely any requirement for integrated programming provided there is substantial meaningful visual programming and (2) removing substantially or entirely any prohibition against separate operation of the visual transmitter" [4] (Midwest Radio-Television, Inc. (WCCO-TV));

[1] Notice of Proposed Rule Making, released January 23, 1980, FCC 80-22; 45 FR 6419, January 28, 1980, 75 FCC 2d 661 (1980).

[2] Except in certain situations such as emergency fills during equipment failure, for equipment tests or experimentation, test pattern transmissions, etc.

[3] Commenters are listed in Appendix A.

[4] This commenter advocates removing such prohibitions at any hour of the day, not just during the sign-off to sign-on period.

—That, "Licensees should have the flexibility to air voiceovers unrelated to the visual material, if deemed appropriate" [5] (American Broadcasting Co.);

—That, "Permitting the telecasting of different or unrelated visual and aural material will serve the public interest" [6] (21 TV licensees, by their attorneys).

—That, "* * * there may be new possibilities for the development of innovative, competitive service to the public which may call for the use of visual data alone or the integration of aural and visual data in ways yet to be offered. That is why we ask the Commission to construe 'visual informational programming' with enough latitude to encourage innovation" (National Association of Broadcasters).

7. Most of these statements pertain to program presentations in what we term "normal off-air" periods between station sign-off and sign-on. But the comments also contain one appeal for authorization of non-integrated operation [7] at *any time* the licensee chooses. All the pleadings are intended to persuade the Commission to eliminate the aural restrictions (music only, or no audio) placed on this type presentation in the notice of rulemaking. The comments are reasonable pointing out that such a music-or-silence option precludes the importance of announcer use for "voice-over" presentations that could be unrelated to the visual, but under such exigencies as an emergency announcement needing quick release, would be an actual disservice to the public if restrained or an infraction of the rule if announced. We agree, but we are convinced also that to catalogue a long list of approved aural presentations might be far less desirable and productive than removing all restrictions to such aural adjuncts to the visual programming. Thus, the aural restrictions of music or no-audio only, as stated in our rulemaking notice, will be set aside in favor of allowing aural transmissions of whatever innovative nature the licensee devises.

8. Section 73.653, herein proposed to be modified, has remained virtually unchanged since its adoption in 1941.[8] Its focus and intent are to preclude such a large spectrum allocation required for TV to be used for aural programming.[9] Review and exposition of it have been made at intervals over the years, with the most elucidative statement on the subject being the *Report and Order* in Docket 9518.[10] From that proceeding and still extant today is the definition of what is TV * * *. "simultaneous visual and aural transmissions [which] must have a substantial relationship to each other." Every commenter supports the desirability of our proposal herein for allowing visual transmissions (the principal and dominant half of the TV visual/aural pair) to be complemented by aural transmissions of the licensee's choice during after-hours programming:

"To enhance the state of the art, and promote operational flexibility and thus * * * be in the public interest."

"This separate operation of the visual transmitter provides an opportunity to present, quite economically, a service not present in the area." And, "Opportunities to more fully utilize the * * * spectrum are rarely available this painlessly."

"Visual presentation of [informational programs] * * * can definitely fulfill a public need * * *"

"There should be no restrictions on the type of visual or aural transmissions in order to encourage experimental uses of television channels * * *"

"* * * the Joint Parties believe the proposed change would bve beneficial to overall broadcast service and should be implemented promptly."

"* * * it should be open to * * * station licensees to decide whether there is a demand and need for integrated or non-integrated aural/visual programming or for any aural transmissions at all."

"We believe that such an operation can benefit both the public and the television broadcaster * * *"

"Licensees should have the flexibility to air [aural-other-than music, or no aural] unrelated to the visual material * * *"

"* * * the proposed rule changes will permit important, expanded informational services to the public.

"Permitting the telecasting of different or unrelated visual and aural material will serve the public interest."

"That is why we ask the Commission to construe 'visual informational programming' described in * * * its proposed rule with enough latitude to encourage innovation." The * * * supports the basic concept of the Commission's proposed rule as one means to encourage innovation, diversity and competition in the communications marketplace."

9. The Commission is persuaded that the public interest would be served by eliminating the aural restrictions of music only or no audio placed on this type presentation in the rulemaking notice and thereby enhance and encourage experimentation and innovation by licensees. We believe that the opportunity to experiment and at the same time serve the previously unserved period of the "graveyard" hours from sign-off to the next morning's sign-on is a rare opportunity to secure double benefits of potential new programming discoveries and newly available service to the public.

10. All respondents, except one, considered the rulemaking, and responded to it, within the parameters of our stated time period, *i.e.*, from a station's regular sign-off to its next sign-on. One commenter argued for non-integrated aural/visual programming and allowance of such programming at any time, but suggested "that new rulemaking proceedings be instituted to consider the advisibility of the [suggestion]."

11. We believe there is merit in examining the potential for this type of programming in any day-part, and in a future proceeding will seek comments in this matter. In addition to exploring the matter of separate programming in any day-part, not just the "graveyard hours," the future proceeding will also investigate the potential for the development of new uses of the medium in the areas of science and technology if present aural/visual transmission requirements are relaxed entirely.

12. Our proposed rule change included the following subparagraph:

(1) All rules in this Chapter and all policies of the FCC pertinent to TV apply to the operation of stations presenting programs described in this paragraph; however, this type presentation shall not be counted in any TV station's report or application requiring a tally of informational programming.

13. Two of the commenters argued against our proposal not to "count" those "after-hours" presentations toward reportable totals for

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[5] ABC proposes this "flexibility" only "during off hours."

[6] During "off-hours."

[7] The Commission's definition of "integrated" is simultaneous aural and visual transmissions of programming which are completely related. "Non-integrated" would, of course, terminate this requirement of the simultaneity and relatedness of aural/visual transmissions.

[8] Presently designated as § 73.653, Operation of TV aural and visual transmitters. When initially adopted in 1941, it provided:

The aural transmitter of a television station shall not be operated separately from the visual transmitter except for experimental or test purposes, and for purposes incidental to or connected with the operation of the visual transmitter.

[9] The Commission's allocation of 6 megahertz of spectrum space (approximately 5½ mHz for visual and ½ mHz for aural) per TV channel far exceds that for AM or FM. One TV channel is the equivalent of 600 AM or 30 FM radio channels.

[10] *Report and Order*, Docket No. 9518, "In the Matter of * * * separate operation of aural and visual transmitters of television stations, adopted May 3, 1957 (43 FCC 372).

informational programming on any station-to-FCC reports or applications requiring such tallies. They stated that while (and here we paraphrase) "off-hours" informational programming may not qualify as satisfactory programming proposals or performance as traditionally reported for full-bodied telecasts of news, public affairs or other non-entertainment programs, *some* credit should be given for such programming and no flat ban should be adopted on reporting.

14. We are persuaded to allow such informational programming to be included in tallies for the "Midnight to 6 A.M." portion of the Annual Programming Report, (FCC Form 303–A) and on such application reporting as may pertain. In Form 303–A, such programming, where informational, would also be described in the required "brief description" of programs that must be submitted with the 303–A filing. Therefore, the rule, as shown in Appendix B herein, will allow such news, public affairs and other non-entertainment presentations to be tallied in program reports.

15. Lastly, several proposals were made to remove commercial limitation restrictions during these "off-hours" programs with the argument that special commercial deals and production techniques should be allowed to support such programs. Since the Notice of Proposed Rulemaking did not contemplate a departure from our established precedents pertaining to commercial content on TV stations, we will expect licensees to conform to all applicable FCC policies and requirements pertaining thereto. However, we recognize that there are commercially related factors that could bear additional scrutiny. In the future proceeding, described in paragraph 11 above, we will ask for comments regarding the need for special commercial plans that might encourage more licensees to create and to experiment in these new presentation techniques if there existed the possibility of recapturing the additional operational expenses via expanded commercial programming. In addition, there are possibly new, undocumented programming ideas that could develop into programming fare (and a resultant programming service to the public), in which the programming *is* commercial in nature (such as a presentation of classified advertising). These matters are beyond the scope of this proceeding, but will be part of the future notice seeking comments on a broad range of future possibilities.

16. Thus, we shall adopt the rule amendments shown in Appendix B for the reasons and conclusions discussed above and terminate this proceeding by Report and Order.

17. Authority for adoption of the amendments contained in Appendix B hereto is set forth in Sections 4(i), and 303 (j) and (r) of the Communications Act of 1934, as amended.

18. Accordingly, it is ordered, That effective October 27, 1980, Part 73 of the Commission's Rules IS AMENDED as set forth in Appendix B.

19. It is further ordered, That this proceeding IS TERMINATED.

20. For further information concerning this proceeding, contact Steve Crane, Philip Cross, or John Reiser, Broadcast Bureau, Policy and Rules Division, (202) 653–7275.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission,

William J. Tricarico,

Secretary.

Attachment: Appendices A and B.

Appendix A

1. American Broadcasting Companies, Inc.
2. KUTV, Inc.
3. Midwest Radio-Television, Inc.
4. National Association of Broadcasters
5. Pennsylvania State University
6. Scripps-Howard Broadcasting Co.
7. Washington State University
8. WTMJ, Inc.
9. Joint Comments:
   Buford Television, Inc. of Lufkin (Texas)
   Buford Television of Ohio, Inc.
   Buford Television of Tyler (Texas)
   Continental Urban Television Corp.
   Forward Communications Corp.
   Forward Communications of Texas, Inc.
   Forward of Illinois, Inc.
   Forward Tele-Production, Inc.
   Guaranty Broadcasting Corp.
   John H. Phipps Broadcasting Stations, Inc.
   May Broadcasting Co.
   Plains Television Corp.
   Shamrock Broadcasting Company, Inc.
   Southern Television Corporation
   Spanish International Communications Corp.
   Studio Broadcasting System, Division of Highwood Service, Inc.
   Summit Radio Corp.
   Weigel Broadcasting Co.
   Wilson Communications, Inc.
   Winnebago Television Corp.
   WKRG–TV, Inc.
10. Joint Comments:
   Channel Five Television
   Cosmos Broadcasting Corp.
   Cox Broadcasting Corp.
11. Associated Press

Appendix B

1. In § 73.653, paragraphs (a) and (b) are amended and (b)(1), (b)(2), (b)(3) and (c) are added to read as follows:

§ 73.653 Operation of TV aural and visual transmitters.

(a) During the operating hours of a TV station, between its regularly scheduled sign-on and sign-off times, the aural and visual transmitters shall not be operated separately, or to present different or unrelated program material, except in the following cases:

(1) Emergency fills due to either visual or aural equipment failures leaving the licensee with only the audio or video programming to announce the equipment failures to the audience;

(2) For equipment tests or experimentation pursuant to § 73.1510 (Experimental authorizations) and § 73.1520 (Operation for tests and maintenance).

(b) During the normal non-operating hours of a TV station between sign-off of one broadcast day and sign-on of the next but, in any event, no earlier than 12 Midnight nor later than 6 A.M., the aural and visual transmitters shall, if the licensee chooses to broadcast, be operated as follows:

(1) As described in paragraphs (a) (1) and (2) of this section, or

(2) Separately, with either (i) no aural transmissions, or (ii) aural transmissions of non-related, different program material.

(3) All rules and all policies of the FCC apply to the operation of stations presenting programs described in this paragraph (b) of this section.

(c) Stations signing on after 6 A.M. may present visual transmissions of a test pattern, still pictures or slides, with aural transmission consisting of a single tone, or series of variable tones, a presentation of the upcoming program schedule, aural news broadcasts, or music. This type program material shall not exceed 15 minutes immediately prior to the start of the station's scheduled sign-on.

[FR Doc. 80–29778 Filed 9–25–80; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 90

[RM–3505; FCC 80–512]

Private Land Mobile Radio Service; Amending Rules Concerning the Special Industrial Radio Service and Application Filing and Licensing Processes

AGENCY: Federal Communications Commission.

ACTION: Final rule (Order).

SUMMARY: This order grants in part and denys in part a petition for rulemaking filed by the Special Industrial Radio Service Association which requested

amendment of Part 90—Private Land Mobile Radio Service of the Commissions rules to clarify existing operating policy and rules.

EFFECTIVE DATE: October 10, 1980.

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

FOR FURTHER INFORMATION CONTACT: Gay Ludington, Private Radio Bureau (202) 632-6497.

Adopted: September 10, 1980.

Released: September 19, 1980.

1. The Special Industrial Radio Service Association (SIRSA) has filed a petition for rulemaking (Petition) requesting clarifying amendments of the Commission's Rules relating to the Special Industrial and other radio services with respect to application and licensing procedures. During the public notice period (November 1 through 30, 1979) comments on SIRSA's request were received from Forest Industries Telecommunications (FIT) and the Association of American Railroads (AAR). The petition seeks changes in the following areas:

A. Amendment of several Rule sections to specify that prior interservice frequency coordination is required for the use of frequencies shared with other radio services, including the Motion Picture Radio Service.

B. Amendment of the Rules to specify the particular frequencies which are available in the Special Industrial Radio Service for general use (i.e., those which may be assigned for either permanent or itinerant operation).

C. Amendment of the Rules to clarify that the frequencies 152.465 MHz and 157.725 MHz are available for permanent use.

D. Amendment of Rules to clarify certain procedures concerning discontinuance of station operations; application filing and processing; application for operations at temporary locations; and the scope of grants of special temporary authority.

2. FIT and AAR supported many of the amendments SIRSA requested regarding license and filing requirements. In addition, FIT supported SIRSA's proposal to require interservice frequency coordination for the six frequencies shared between the Special Industrial Radio Service and the Motion Picture Radio Service.

3. We have considered SIRSA's requests and the comments carefully and we think it is in the public interest to adopt some but not all of SIRSA's suggestions. The specific points and the reasons for our decision are set out below.

Interservice Frequency Coordination

4. SIRSA requests clarification of our Rules to state that it is the Commission's practice to require evidence of interservice frequency coordination from applicants who wish to use frequencies shared with other services. We have considered SIRSA's request, but since the coordination requirements of Rule § 90.175 already provide that applicants must submit either a statement from a frequency coordinating committee or a field study indicating the degree of probable interference to all existing co-channel stations within 75 miles of the proposed station, together with a statement that all such co-channel licensees have been notified of the applicant's intention to apply, we feel the language SIRSA requests is unnecessary. We therefore decline to amend the rule on this point.

Motion Picture Radio Service

5. SIRSA further requests that the Commission require interservice frequency coordination of applicants for the six frequencies shared between the Special Industrial Radio Service and the Motion Picture Radio Service. In support, SIRSA argues this is necessary to ascertain that proper records and mileage separation between base stations are maintained. We have considered SIRSA's request but we do not believe it would serve the public interest to eliminate for such applicants the option of the field survey since it has been our experience that the majority of applicants in this service choose this method of frequency of coordination. If an applicant wishes to use the services provided by a frequency coordinator, the applicant is free to do so, but we will not require it. Furthermore, applications for shared frequencies which are supported by field surveys are routinely made available to the coordinator groups of the shared frequency for comment, so this approach in no way affects SIRSA's ability to maintain its records.

"General Use" Limitation for Certain Frequencies

6. SIRSA requests that the Commission further clarify its rules so as to identify more clearly those frequencies which are available for general use. We think this request has merit and §90.79(d) will be amended accordingly. When we recodified Parts 89, 91 and 93 into a single Part 90, our intent was to simplify and combine those rule parts without making major substantive changes.[1] Because elimination in that proceeding of the "general reference" column has generated some confusion in this service, we are restoring the designation as to which frequencies are for general (that is, either permanent or itinerant) use as SIRSA asks. In so doing, we point out that just as the previous elimination of the category was not meant to have any substantive impact, neither is its restoration.

"Permanent Use" of 152.465 and 157.725 MHz

7. SIRSA also requests that we clarify in the rules that the two frequencies 152.465 and 157.725 MHz, which are shared among Special Industrial, Forest Products, and Taxicab Radio Services, are "permanent use only" frequencies. It states that this codifies existing practice and would assist the public if we made this point clear. We have considered SIRSA's request and because the language which SIRSA requests does codify existing practice, we believe that implementation of the request serves the public interest. We are therefore adopting the clarification set out in the attached Appendix.

Amendment of Other Rules Affecting Application and Licensing Procedures Generally

8. Another request SIRSA makes is addition of a new subparagraph to Rule §90.127 stating that: 1) Persons holding expired authorizations have no authority to operate in the absence of a timely filed application for renewal; and 2) the Commission will purge expired authorizations from its files 180 days after the expiration date of the authorization. We have considered SIRSA's requests; however, we feel that §§90.127(b) and 90.149 read together lead to the same conclusion, and that this added language is extraneous. First it is clear from our present rules that anyone holding an expired authorization has absolutely no authority to operate, absent a timely filed application for renewal. The rule is straight forward and we see no need to amend it. Second, based on present available resources, we cannot implement a purging system with the time constraints which SIRSA suggests.[2] Therefore, we do not adopt either of these suggestions.

Temporary Location Authorizations

9. SIRSA also requests refinement of §90.137(a)(2) of the Rules to require applicants who desire an authorization to operate at a temporary location, and

[1] See *Report and Order* in Docket 21348, released November 16, 1978, 43 FR 54788.

[2] At some time, however, the Commission intends to implement a purging system. When this occurs requests for re-instatement will be treated as new applications.

who describe their area of operation by a "geographic area," [3] to specify the area of operation more particularly (e.g., by a radius of operation in miles). It states that this does not create any burden on the applicant, since he already has this information, and it will aid in discovering and minimizing co-channel and adjacent channel interference, thereby benefiting coordinators and the public. We agree with SIRSA and find this procedural change serves the public interest and does not impose any additional burden on applicants or licensees. Therefore we are adopting the language that SIRSA suggests.

10. As an adjunct to the above proposal, SIRSA requests we "clarify" §90.73(d)(2) to substitute language which would require that stations which propose to employ permanent use frequencies must specify an area of operation not greater than 75 miles from a "fixed station location." Presently, applicants for permanent use frequencies may specify an area of operation within 75 miles of a "specified reference point," not a specified "fixed station location" as SIRSA proposes. The reference point normally specified is usually the applicant's place of business, and may or may not be the fixed base station location. Therefore, we believe the rule is adequate as it is, and that SIRSA's proposed revision would be too restrictive. We decline therefore to adopt it.

Technical Information

11. SIRSA also requests we add a new subparagraph (4) to Rule § 90.139 to require that if the "technical information in the frequency recommendation letter does not conform to the data in the application" for the license, that the application will be returned to the applicant. We agree that the recommendation should match the application, but we do not believe that it is necessary or in the public interest to return applications for small technical insufficiencies that can be corrected quickly and efficiently by other means, such as contacting the applicant, granting the license in part or relying on known technical facts. Our present procedures for dealing with inconsistencies are adequate, we believe, and we are declining to adopt the more restrictive procedure which SIRSA proposes.

Special Temporary Authorizations

12. SIRSA wishes rewording of § 90.145 to emphasize that "the grant of a Special Temporary Authorization does not bind the Commission to act favorably on a subsequent or pending application for regular authorization. The very nature of an STA is that it is temporary and we think the present language in the Act and in our Rules is clear on this point.[4] We are, therefore, declining to adopt the language SIRSA proposes.

Discontinuance of Station Operation

13. Last, SIRSA recommends a final sentence be added to § 90.157 which would provide "if a station has not been operated for a period of one year or more, the previously granted authorization becomes immediately invalid and radio operations may not be reinstated through the facility until a new license has been issued." Section 90.157 presently states that if a station discontinues operating for a year it is considered permanently discontinued, and the license should be submitted for cancellation. This provides adequate treatment of this situation without unduly restricting our ability, for good cause, to reinstate an authorization when we find it will serve the public interest. We are therefore declining to grant this request.

Conclusion

14. For the reasons discussed, we believe that the changes which we are adopting serve the public interest and benefit the radio user by clarifying existing rules and policies. The changes made by this Order are procedural or clarifying in nature only, and therefore need not follow the public notice and comment procedure requirements set out in Section 553 of the Administrative Procedure Act (5 U.S.C. 553). Accordingly, IT IS ORDERED, effective October 10, 1980, that Part 90 of the Rules IS AMENDED as shown in the Appendix attached hereto. The authority for this action is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in §§ 0.231(d), 0.331(a)(1) and 1.407 of the Commission's Rules. It is Further Ordered, that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

1. Section 90.73(c) table is amended and (d)(34) is added to read as follows:

§ 90.73 Special Industrial Radio Service

* * * * *

(c) *Frequencies available.* * * *

Special Industrial Radio Service Frequency Table

Frequency of band	Class of station(s)	Limitations
Kilohertz:		
2292	Base or Mobile	1, 34
2398	do	1, 34
4637.5	do	1, 34
Megahertz:		
* * * * *		
30.62	do	2
30.64	do	34
31.28	do	34
31.32	do	29, 34
31.36	do	34
31.40	do	29, 34
31.44	do	29, 34
31.48	do	29, 31, 34
31.52	do	29, 31, 34
31.56	do	34
31.60	do	29, 34
31.64	do	29, 31, 34
31.68	do	34
31.72	do	29, 31, 34
31.76	do	29, 31, 34
31.80	do	34
31.84	do	34
31.88	do	34
31.92	do	34
31.96	do	34
33.12	Mobile	3, 34
35.28	Base or Mobile	34
35.32	do	34
35.36	do	34
35.40	do	34
35.44	do	34
35.48	do	29, 34
35.52	do	34
35.74	do	2
* * * * *		
35.86	do	2
43.02	do	31, 34
43.04	do	4
43.06	do	34
43.08	do	34
43.10	do	34
43.12	do	34
43.14	do	34
43.18	do	2, 34
43.28	do	31, 34
43.32	do	34
43.36	do	31; 34
43.40	do	31, 34
43.44	do	34
43.48	do	34
43.52	do	31, 34
47.44	do	2
* * * * *		
47.68	do	2
49.52	do	34
49.54	do	5, 34
49.56	do	2
49.58	do	5, 34
72–76	Operational-Fixed	6
* * * * *		
151.595	Base or Mobile	2
152.465	do	2, 28, 34
152.48	do	2, 9
152.870	do	10, 34
152.885	do	2
* * * * *		
154.625	Base or Mobile	2, 9
157.725	do	2, 28
157.74	do	2, 9
* * * * *		

(d) * * *

[3] "Geographic area" may presently be specified as a city, a county or counties, a state or states, or other definable geographic area. *See* 47 CFR 90.137(a) (2).

[4] *See* Section 309(c)(2) (C) and (G) of the Communications Act of 1934, as amended, 47 U.S.C. 309(c)(2) (C) and (G). See also Section 1.935, *Application for special temporary authorization or interim amateur permit*, and Section 90.145, *Special Temporary Authority*.

(34) This frequency is for general use and may be assigned either for itinerant or permanent use operations.

2. Section 90.137 is amended by adding new language in paragraph (a)(2) to read as follows:

§ 90.137 Applications for operations at temporary locations.

(a) * * *

(2) The application must specify the general geographic area within which the operation will be confined. The area may be specified as a city, a county or counties, a state or states, or other definable geographic area such as a specified radius in miles of a particular city or known geographic site.

* * * * *

[FR Doc. 80-29795 Filed 9-25-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

National Wildlife Refuges in Alabama, and Arkansas; Hunting

AGENCY: Fish and Wildlife Service.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of certain national wildlife refuges in Alabama and Arkansas is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. In addition, managed big game hunts are designed to keep population levels compatible with habitat capabilities. This document establishes special regulations effective for the upcoming hunting seasons for certain upland game and big game species.

DATES: Period covered—October 1, 1980 to May 30, 1981.

FOR FURTHER INFORMATION CONTACT:

The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Gary L. Hickman, Area Manager, 200 E. Pascagoula St., Suite 300, Jackson, Mississippi 39201, Telephone (601) 960-4900

Tom Atkeson, Refuge Manager, Blowing Wind Cave National Wildlife Refuge, Box 1643, Decatur, Alabama 35602, Telephone (205) 353-7243

Marvin Nichols, Refuge Manager, Box 67, Manila, Arkansas 72442, Telephone (501) 564-5011

SUPPLEMENTARY INFORMATION: Alton Dunaway is the primary author of these special regulations.

General Conditions

1. Hunting is permitted on national wildlife refuges indicated below in accordance with 50 CFR Part 32, all applicable state regulations, the general conditions, and the following special regulations:

The Refuge Recreation Act of 1963 (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: (a) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (b) 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 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.

2. A list of special conditions applying to individual refuge hunts and a map of the hunt area(s) are available at each refuge headquarters. Portions of refuges which are closed to hunting are designated by signs and/or delineated on maps.

3. Access points on certain refuges are limited to designated roads or other specified areas. Vehicle use on all refuge areas is restricted to designated roads and lanes.

4. Persons under 16 must be under the close supervision of an adult. For safety reasons each adult may not have more than two juveniles under his supervision.

5. Unless otherwise specified, dogs are not permitted on refuge areas during hunts.

§ 32.22 Special regulations; upland game hunting for individual wildlife refuge areas.

Alabama

Blowing Wind Cave National Wildlife Refuge

(1) Dates, species, and regulations same as Sauty Creek-Crow Creek State Waterfowl Refuge.

§ 32.22 Special regulations; big game hunting for individual wildlife refuge areas.

Arkansas

Big Lake National Wildlife Refuge

(1) Archery deer hunt: October 1, 1980 through November 15, 1980.

(2) Permanent tree stands or blinds are not permitted. No metal objects may be driven or screwed into trees.

(3) Boats are not allowed after October 31, 1980.

(4) The hunt may be closed without advance notice should flood conditions arise.

The provisions of these special regulations supplement the regulations which generally govern hunting on wildlife refuge areas and which are set forth in Title 50, *Code of Federal Regulations*, Part 32. The public is invited to offer suggestions and comments at any time.

Dated: September 22, 1980.

Gary L. Hickman,

Area Manager.

[FR Doc. 80-29848 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 655

Squid Fishery of the Northwest Atlantic, Allocation of Atlantic Squid From Reserves

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

ACTION: Notice of allocation of squid.

SUMMARY: Under the authority delegated by the Assistant Administrator for Fisheries, NOAA, the Northeast Regional Director, National Marine Fisheries Service (NMFS), is allocating the entire reserves of *Illex* and *Loligo* to foreign fishermen. The *Illex* reserve is 13,000 mt and the *Loligo* reserve is 19,000 mt.

EFFECTIVE DATE: September 23, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930, Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION:

Regulations to implement the management measures of the Fishery Management Plan for the Atlantic Squid Fishery, as amended, were published in the **Federal Register** at 45 FR 45296 and

in the Rules and Regulations Section of this issue of the **Federal Register.** These regulations establish a reserve for each species of Atlantic squid and provisions to allocate all or part of these reserves to the total allowable level of foreign fishing (TALFF). The Northeast Regional Director, NMFS, is authorized by regulations cited above to review the U.S. squid harvest during August for *Illex,* and during September for *Loligo,* and project the total amounts of each species which would be harvested by domestic fishermen during the remainder of the fishing year.

The projections below were derived by using multiplication factors developed from reported monthly domestic landings for the fishing year 1979–1980. *Illex* landings for April through July were multiplied by a factor of 2.9 to obtain the projected annual harvest. Similarly, *Loligo* landings from April through August were multiplied by a factor of 1.3 to obtain the projected annual harvest for that species. There are no proposed joint ventures for which to retain squid in the reserves.

Domestic *Illex* landings from April through July, 1980, were 74 metric tons (mt); therefore, the projected landings are 215 mt. This projected amount is less than the domestic annual harvest (DAH) of 5,000 mt. The entire *Illex* reserve of 13,000 mt is therefore allocated to the foreign fishermen for the remainder of the fishing year, ending March 31, 1981.

Domestic *Loligo* landings from April through August, 1980, were 3,041 mt; therefore, the projection is 3,953 mt. This projected amount is less than the DAH of 7,000 mt. Therefore the entire *Loligo* reserve of 19,000 mt is allocated to the foreign fishermen for the remainder of the fishing year, ending March 31, 1981.

Signed at Washington, D.C., this 23d day of September 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

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

50 CFR 611.20 Appendix 1 is revised to read as follows:

PART 611—FOREIGN FISHING

§ 611.20 (Appendix 1) [Revised]

Species	Species code	Area	OY	DAH	JVP	Reserve	TALFF
1. Northwest Atlantic Ocean fisheries:							
C. Trawl fisheries:							
Long-finned squid	502		44,000	7,000		0	37,000
Short-finned squid	504		30,000	5,000		0	31,000

[FR Doc. 80-29900 Filed 9-25-80; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Parts 611 and 655

Atlantic Squid Fishery

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

ACTION: Final regulations.

SUMMARY: These regulations implement the reserve provisions of Amendment No. 1 to the Atlantic Squid Fishery Management Plan (FMP). The reserve provisions require the Northeast Regional Director to: (1) Project the domestic annual harvest of short-finned squid (*Illex illecebrosus*) and long-finned squid (*Loligo pealei*) after several months of the fishing year; and (2) based on these projections, allocate appropriate amounts of squid from the reserves to the foreign fisheries.

All regulations governing foreign fishing for squid contained in 50 CFR Part 611, other than the new § 611.51, are continued in effect without change.

EFFECTIVE DATE: September 23, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930, Telephone (617) 281–3600.

SUPPLEMENTARY INFORMATION: The Assistant Administrator for Fisheries disapproved that part of Amendment No. 1 submitted by the Mid-Atlantic Fishery Management Council (Council) which set provisions for allocation of squid from the reserves to the total allowable levels of foreign fishing (TALFFs) (45 FR 51254). In its place, these regulations establish a mechanism for allocating squid from the reserves to TALFFs in a manner which is consistent with the provisions of the Act. The Northeast Regional Director will review the U.S. squid harvest during August for *Illex,* and during September for *Loligo,* and project the total amounts of each species which will be harvested by domestic fishermen during the remainder of the fishing year. The projections are to be derived using multiplication factors developed from reported monthly domestic landings for the fishing year 1979–80. *Illex* landings for April through July will be multiplied by a factor of 2.9 to obtain the projected annual harvest. Similarly, *Loligo* landings from April through August will be multiplied by a factor of 1.3 to obtain the projected annual harvest for that species. Any amounts of squid authorized for "joint ventures" will be added to the projections. Based on the projections, the Regional Director will allocate *Illex* on or about September 1 and *Loligo* on or about October 1 by publishing a notice in the **Federal Register.** If the entire reserves are not allocated at those times, he may allocate the remaining reserves to TALFFs later in the year, if the projections prove to be inaccurate.

Public Comments

The proposed regulations were published in the **Federal Register** on August 1, 1980 (45 FR 51254). Public comments were invited until September 14, 1980. Eight comments were received; four from foreign sources and four from sources involving domestic fisheries.

The foreign comments were concerned principally with two issues; the timing of the reserves and the quantity of the reserves. The Governments of Japan and Spain, the Japan Deep Sea Trawlers Association, and the Spanish Fishing Trawlers Owners Association, were concerned with the delay in releasing the *Illex* reserve on or after September 1. They expressed concern that the reserve would be released too late in the fishing season for utilization. The Government of Spain expressed the need for advance notification of the reserve releases, since that nation's vessels need four to five weeks to plan their fishing operation. With regard to the second issue, the foreign commenters believed that the amounts of *Illex* and *Loligo* held in reserves, compared to the amounts initially allocated to the TALFFs, are excessive. The *Illex* reserve is 13,000 metric tons (mt) and the *Loligo* reserve is 19,000 mt.

As published in the **Federal Register,** the proposed release date for the *Illex* reserve was to have been September 1, 1980. However, because of administrative delays and the 45-day comment period, the release date for this year is projected for late September. Since the foreign fishery for *Illex* ranges from mid-June to November, release of the reserve about three weeks after the

proposed September 1 date should allow sufficient time for foreign countries to utilize their allocation. As indicated, the Japanese and Spanish comments expressed concern that this would not be timely. This year's delay will not seriously affect these foreign fisheries since, as of September 13, 1980, only 60 percent of the entire FCMA foreign allocation (all countries) had been taken, with the Japanese fishermen only taking 40 percent of their nation's allocation of 1,500 mt and the Spanish taking 61 percent of their nation's allocation of 4,450 mt. Domestic as well as foreign *Illex* catch levels have been low this year. None of the foreign commenters expressed opposition to the reserve release provisions for *Loligo*.

Three comments from the domestic fishing industry opposed any release of the squid reserves to foreign nations. Their opposition was based upon the belief that the squid allocations would have long-term deleterious effects on development of the American squid fishery. Commenters argued that allocations to foreign countries would reduce domestic catch potential, prices, and expansion of the domestic squid fishery into the world's market.

The NMFS believes establishment of the reserves by the Council is an appropriate method to take account of potential domestic expansion into world markets. This is consistent with Section 2(b)(6) of the FCMA, which encourages "* * * the development of fisheries which are currently underutilized by U.S. fishermen." Whether denying allocations to foreign countries would be of greater overall benefit to the nation should be addressed to the Council. Since the approved Amendment No. 1 does establish reserves, it is necessary to provide a regulatory means for allocating those reserves to foreign countries in the event that the domestic fishery will not utilize the reserve amounts.

The New England Fishery Management Council commented that the Regional Director should allocate portions of the reserves from time to time, as he deems appropriate, to the TALFFs, rather than allocate the total reserve amount at one time. These regulations provide for allocation of the entire reserve for each species at one time only in the event that domestic catch projections fall short of the domestic allowable harvest (DAH). If the projections for either species exceeds DAH, then subsequent allocations are authorized.

Environmental Impact and Executive Order 12044

A Supplemental Environmental Impact Statement (SEIS) for Amendment No. 1 was prepared (see Notice of Availability, 45 FR 37275). This action is a regulatory change under the amended FMP and the Assistant Administrator has determined that it does not alter the context or intensity of impacts described in the SEIS. The reserve allocation mechanism is viewed as nonsignificant under the National Environmental Policy Act of 1969. Therefore, pursuant to NOAA Directive 02–10, neither an Environmental Assessment nor an SEIS was prepared regarding these final regulations.

The amendment was determined by the Assistant Administrator to be nonsignificant under Executive Order 12044 and NOAA Directives Manual Chapter 21, Section 24. This regulatory action to implement the reserve concept through an allocation mechanism is also nonsignificant.

Other

The mechanism to allocate the reserves to TALFFs is set forth below as an amendment to Part 655. Because the allocation mechanism also affects the foreign fisheries, the regulations amend Part 611, as well. For ease of administration, Part 611 is amended by adding a new § 511.51 rather than amending § 611.50 as suggested by the proposed regulations. Signed at Washington, D.C., this 23 day of September 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

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

PART 655—SQUID FISHERY OF THE NORTHEAST ATLANTIC OCEAN

50 CFR Part 655 is amended as follows:

§ 655.2 [Amended]

1. Section 655.2 is amended by adding, between the definitions of "fishing week" and "operator," the following definition:

* * * * *

Joint venture harvest means U.S. harvested squid transferred at sea to foreign processing vessels.

* * * * *

2. Section 655.22 is amended to read as follows:

§ 655.22 Allocations.

(a) *Projections.* During August in the case of *Illex*, and during September in the case of *Loligo*, the Regional Director will project the total amounts of squid that will be harvested by U.S. fishermen during the entire fishing year. For *Illex*, the monthly catches from April through July (exclusive of joint venture harvest) will be multiplied by a factor of 2.9 to obtain a projected annual harvest. For *Loligo*, the monthly catches from April through August (exclusive of joint venture harvest) will be multiplied by a factor of 1.3 to obtain a projected annual harvest.

(b) *Joint ventures.* If any permits authorizing receipt of U.S. harvested squid have been issued to foreign processing vessels by August 15 (for *Illex*) or by September 15 (for *Loligo*), the Regional Director will add to the projected annual harvest the amounts of squid authorized to be received by such permits.

(c) *Allocation of reserves.* If the projected amount of either species of squid to be harvested by U.S. fishermen, including joint venture harvest, exceeds the initial level of harvest specified in § 655.21(a), the Regional Director shall leave the excess in the reserve to allow the U.S. fishery for that species to continue without closure throughout the year. The Regional Director shall allocate the rest of the reserve for that species to the total allowable level of foreign fishing (TALFF). If the projected amount of either species of squid to be harvested by U.S. fishermen, including joint venture harvest, does not exceed the initial level of harvest specified in § 655.21(a), the Regional Director shall allocate the entire reserve for that species to the TALFF.

(d) *Notice of allocation.* On or about September 1 for *Illex*, and on or about October 1 for *Loligo*, the Regional Director shall:

(1) Notify the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Councils of his decision; and

(2) Publish a notice of the decision on allocation in the **Federal Register.**

(e) *Subsequent allocation.* After the initial allocation decision is made, the Regional Director may allocate any remaining portion of the reserve to TALFF, if he determines that the domestic harvest, including joint venture harvest, will not attain the level projected under paragraphs (a) and (b) of this section plus any joint venture harvest authorized after the initial decision. Notice of subsequent allocations will be made according to the procedures in paragraph (d) of this section.

PART 611—FOREIGN FISHING

50 CFR Part 611 is amended by adding a new § 611.51 as follows:

§ 611.51 Northwest Atlantic squid fishery.

(a) *Definitions.* For purposes of this section, "joint venture harvest" means U.S. harvested squid transferred at sea to foreign processing vessels.

(b) *Allocations of Reserves*—(1) *Projections.* During August in the case of *Illex*, and during September in the case of *Loligo*, the Regional Director will project the total amounts of squid that will be harvested by U.S. fishermen during the entire fishing year. For *Illex*, the monthly catches from April through July (exclusive of joint venture harvest) will be multiplied by a factor of 2.9 to obtain a projected annual harvest. For *Loligo*, the monthly catches from April through August (exclusive of joint venture harvest) will be multiplied by a factor of 1.3 to obtain a projected annual harvest.

(2) *Joint ventures.* If any permits authorizing receipt of U.S. harvested squid have been issued to foreign processing vessels by August 15 (for *Illex*) or by September 15 (for *Loligo*), the Regional Director will add to the projected annual harvest the amounts of squid authorized to be received by such permits.

(3) *Allocation of reserves.* If the projected amount of either species of squid to be harvested by U.S. fishermen, including joint venture harvest, exceeds the initial level of harvest specified in § 655.21(a), the Regional Director shall leave the excess of the reserve to allow the U.S. fishery for that species to continue without closure throughout the year. The Regional Director shall allocate the rest of the reserve for that species to the TALFF. If the projected amount of either species of squid to be harvested by U.S. fishermen, including joint venture harvest, does not exceed the initial level of harvest specified in § 655.21(a), the Regional Director shall allocate the entire reserve for that species to the TALFF.

(4) *Notice of allocation.* On or about September 1 for *Illex*, and on or about October 1 for *Loligo*, the Regional Director shall:

(i) Notify the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Councils of his decision; and

(ii) Publish a notice of the decision on allocation in the **Federal Register.**

(5) *Subsequent allocations.* After the initial allocation decision is made, the Regional Director may allocate any remaining portion of the reserve to TALFF, if he determines that the domestic harvest, including joint venture harvest, will not attain the level projected under paragraphs (b) (1) and (2) of this section, plus any joint venture harvest authorized after the initial decision. Notice of subsequent allocation will be made according to the procedures in paragraph (b)(4) of this section.

[FR Doc. 80-29899 Filed 9-25-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 189
Friday, September 26, 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 Safety and Quality Service

7 CFR Part 2852

U.S. Standards for Grades of Frozen Green Beans and Frozen Wax Beans

Correction

In FR Doc. 80–27717 appearing at page 59325 in the issue for Tuesday, September 9, 1980, make the following corrections:

(1) On page 59325, in the middle column, in the second paragraph after "**Background**", in the seventh line, the work "Character" should have begun with a lower case "c".

(2) On page 59326, in the third column, in § 2852.2325, in the first paragraph, in the sixth line, the phrase "multi-branch process" should have read "multi-blanch process".

(3) On page 59328, in Table IV, in § 2852.2330, in the entries for "Sliced lengthwise style", under quality factor "Blemished (each 2.5g)", for defects "Seriously", under classification minor, please delete the letters "tl".

(4) Also in Table IV, Sliced lengthwise style," for "extraneous vegetable material," "edible (each piece)," under classification, the "X" should appear under "severe" rather than "major".

(5) On page 59329, in Table X, of § 2852.2331, footnote 2 should have read:

[2] Total=Fairly Good+Poor.

(6) Also in Table X, footnote 3 should have read:

[3] Total=Poor.

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-79-42]

Intent Not To Amend Refiner Price Regulations To Remove Disincentives To Refine Lower Quality Crude Oil

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of intent.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing a Notice of its intent at this time not to amend the refiner price regulations (10 CFR 212.83) to remove potential regulatory disincentives to refine lower quality crude oils. While we are concerned that the refiner price regulations could create such disincentives, the available information indicates that the regulations are not a significant deterrent to current refinery investment or refinery investment in the period prior to September 30, 1981, the expiration date for our regulatory authority under the Emergency Petroleum Allocation Act of 1973 ("EPAA", Pub. L. 93–159, as amended). Although at present no decision has been made with respect to possible post-EPAA legislation for standby emergency price and allocation controls, we intend to minimize such disincentives in any standby regulations that would be adopted if such legislation were to be proposed and enacted.

FOR FURTHER INFORMATION CONTACT:
Norman Breckner (Office of Regulatory Policy), Economic Regulatory Administration, Room 7116, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3263.
William Funk (Office of General Counsel), Department of Energy, Room 6A–127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–6736.

SUPPLEMENTARY INFORMATION: Under the current cost passthrough provision of the refiner price regulations, increased return on equity investment may not be passed through in the lawful selling price of a controlled product, such as motor gasoline. We have conducted two hearings, one in 1977 and the other in 1979, regarding the impact of this provision on refiner investment. In these proceedings, refiners have asserted that the regulations generally act as a disincentive to refiner investment. In particular, industry representatives have repeatedly cited the adverse impact of the regulations on investments that improve their capability to process the increasing amounts of lower quality crude oils which it is widely agreed that refineries must process as the relative supply of light, sweet crude oil falls.

Refiners have characterized the regulations as preventing them from "keeping the savings" from the lower prices of lower quality crude oils since the cost passthrough provision requires that increased product costs be reduced by any reduction in crude oil costs. A reduction in a refiner's increased product costs results in commensurately lower lawful selling prices for the refiner's covered products. Many refiners maintain that they should be able to retain a portion of the "savings" that result from using lower quality crude oils. Retention of these "savings" could help to compensate for operational and marketing adjustments involved in substituting lower quality crude oils in current refinery configurations, and encourage investment to desulfurize feedstocks and upgrade products.

The potential regulatory disincentive cited by refiners could be removed by an amendment providing that a refiner's increased costs, which it may pass through in the lawful selling prices for its covered products, include an appropriately calculated rate of return on invested capital. This approach, however, was rejected by a majority of the refiners that addressed it in their comments in both the 1977 and 1979 hearings. Many saw such a "rate of return" regulatory change as a movement towards the type of regulation affecting public utilities. In contrast, most refiners suggested that the potential regulatory disincentive to investment in lower quality crude oil processing capability could be largely removed if refiners were permitted to "keep the savings" in crude oil costs.

We have evaluated information from different sources on refinery investment behavior, with special emphasis on investment to refine lower quality crude oils. Our review indicates that the impact of our regulations differs among

refiners. However, notwithstanding any actual or potential regulatory disincentives, there are a substantial number of currently underway or planned refinery investments to permit greater use of lower gravity and/or higher sulfur crude oils, and to upgrade their products. This may be due in part to industry expectations that price regulations will expire before or soon after completion of many of these investments. Therefore, current regulations may now have a minimal effect on the expected profitability of investment. Furthermore, refiners report that decontrol of almost 50% of the product slate has helped generate substantial funds from refinery operations to support refinery investments.

We recognize the merit of regulations that minimize potential disincentives for refiners to undertake investments to process lower quality crude oils. It appears, however, that the absence of a provision in the current refiner price regulations that permits refiners to "keep the savings" from lower crude oil costs when computing the maximum lawful selling prices of controlled products is not now a significant deterrent for such investment, nor will it be in the period prior to September 30, 1981, the expiration date of our regulatory authority under the EPAA. Therefore, we have decided that it is not necessary at this time to amend the refiner price regulations specifically to minimize any actual or potential disincentives for refiners to refine lower quality crude oils.

At present no decision has been made to propose post-EPAA legislation for standby emergency price controls. However, should regulations under any such legislation be considered in the future, it is our intention to minimize any disincentive to refine lower quality crude oils.

Issued in Washington, D.C., September 19, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

[FR Doc. 80-29893 Filed 9-25-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to notify the public of regulatory actions the FDIC is currently considering. The agenda provides information on (1) proposed regulations that have not been finally adopted, (2) certain regulations under development, and (3) existing regulations that are being reviewed. The agenda also contains a list of regulations on which final action has been taken since publication of the last semiannual agenda (March 28, 1980).

ADDRESS: Interested persons are invited to submit comments on the semiannual agenda to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. Comments on a specific regulation included in the agenda should be addressed to the official whose name accompanies the information about the regulation.

FOR FURTHER INFORMATION CONTACT: Carol Galbraith, Attorney, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, 202-389-4422.

Regulations That Are Proposed, Under Development, or Being Reviewed

International Banking Act Amendments

[12 CFR Parts 303, 326, 328, 331-333, 337, 338, 341-343]

The International Banking act of 1978 authorizes Federal deposit insurance coverage for U.S. branches of foreign banks and, in some cases, requires insurance. The Act also establishes special requirements for branches which are insured. To bring foreign banks and branches within the coverage of its present regulatory scheme, FDIC still intends to make a series of technical amendments to its existing regulations. Because these amendments are procedural in nature and are required by statute, FDIC may adopt them in final form without a comment period.

For further information, contact Margaret M. Olsen, Senior Attorney, Legal Division, 202-389-4433.

Public Access to Application Files

[12 CFR Parts 303, 309]

The FDIC has proposed amendments to its regulations prescribing the manner in which most bank applications are made available for public review. The proposal eliminates the separate public file but requires that FDIC make application information available within one day after a request to see the file is made. The comment period ends on October 20, 1980.

For further information, contact Roger A. Hood, Assistant General Counsel, Legal Division, 202-389-4628.

Disclosure of Confidential Financial Information

[12 CFR Part 309]

The last agenda stated that the FDIC was considering an amendment to this Part to provide for notice to a bank before FDIC releases business information submitted by the bank which the bank considers confidential. The FDIC is no longer actively considering such an amendment. As a matter of policy, the FDIC generally provides notice, a procedure that has proved to be effective. Development of a regulation may be reinstituted in the future.

For further information, contact Margaret M. Olsen, Senior Attorney, Legal Division, 202-389-4433.

Minimum Security Devices and Procedures for Insured Nonmember Banks

[12 CFR Part 326]

Part 326 is still being actively reviewed to determine whether the reporting requirements can be simplified and reduced. The Part prescribes the minimum security measures for insured nonmember banks. The FDIC expects to publish a proposed amendment before February 1981.

For further information, contact Jesse G. Snyder, Chief, Intelligence Section, Division of Bank Supervision, 202-389-4415.

Assessments

[12 CFR Part 327]

On March 3, 1980, FDIC published for comment a proposed revision to simplify Part 327 and to make technical changes to conform it to the requirements of the International Banking Act. Part 327 states the procedures to be used for the computation and payment of assessments by insured banks as provided under Sections 7 and 8 of the Federal Deposit Insurance Act. The comment period for the proposal ended on May 2, 1980 and the final regulation should be issued shortly.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202-389-4237.

Interest on Deposits

[12 CFR Part 329]

The last agenda stated that FDIC was reviewing Part 329 to determine whether its structure and language could be

simplified. FDIC is no longer actively reviewing Part 329 because of supervening activity of the Deregulation Committee which was created by the Depository Institutions Deregulation Act of 1980.

For further information, contact F. Douglas Birdzell, Counsel, Legal Division, 202–389–4324.

Securities of Insured State Nonmember Banks

[12 CFR Part 335]

Amendments to Part 335 which update the FDIC's securities disclosure regulations in compliance with section 12(i) of the Securities Exchange Act of 1934 have been proposed. The comment period ends on November 18, 1980.

For further information, contact Gerald J. Gervino, Senior Attorney, Legal Division, 202–389–4422.

Employee Responsibilities and Conduct

[12 CFR Part 336]

On September 5, 1980, FDIC published for comment proposed amendments to Part 336. The proposed amendments relax the FDIC's current policy on loans to examiners and assistant examiners by meeting their legitimat credit needs while still promoting their objectivity. The comment period ends on November 4, 1980.

For further information, contact Joseph A. DiNuzzo (202–389–4384), Attorney, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

Final Actions Since Last Semiannual Agenda

The FDIC has taken the following final regulatory actions since publication of the last semiannual agenda in the **Federal Register** [45 FR 20496 (March 28, 1980)]:

1. The FDIC amended Part 303 (Applications, Requests, Submittals, and Notices of Acquisition of Control; Delegations of Authority) to make conforming changes in the list of delegated authorities found in Part 303 and to create a new delegation of authority to grant or deny extensions of time to reduce outstanding loans to executive officers and principal shareholders that exceed the ceiling on loans to insiders under section 22(h) of the Federal Reserve Act and Federal Reserve Regulation O. 45 FR 30616 (May 9, 1980).

2. The FDIC adopted a final rule amending Part 303 (Applications, Requests, Submittals, and Notices of Acquisition of Control) to permit banks to suspend the penalty on a depositor for withdrawal of a time deposit before maturity, for depositors who have suffered disaster-related losses in presidentially-declared disaster areas, without requiring an application by a bank. 45 FR 54326 (August 15, 1980).

3. The FDIC has adopted final rules to update Part 304 (Forms, Instructions, and Reports), so that it contains the correct numbers and information for the various forms and reports FDIC uses. 45 FR 22885 (April 4, 1980).

4. To improve and simplify its regulations, the FDIC revised Part 308 (Rules of Practice and Procedures) by reorganizing and shortening it and by correcting technical errors. 45 FR 48579 (July 21, 1980).

5. The FDIC amended Part 309 (Disclosure of Information) to make it conform to federal legislation that restricts access by federal agencies to bank customer financial records and the transfer of those records to other agencies once access is granted. 45 FR 50550 (July 30, 1980).

6. The FDIC adopted a final rule amending Part 309 (Disclosure of Information to the Public) to limit public disclosure of additional information that is collected by the FDIC in the Summary of Deposits to implement the Depository Institutions Deregulation and Monetary Control Act of 1980, Section 308 "Deposit Insurance." 45 FR 31294 (May 13, 1980).

7. The FDIC has amended those provisions of its rules and regulations (Parts 328, 330, and 331) which referred to the basic deposit insurance limit of $40,000 to conform them to the increased coverage of $100,000 effected by the Consumer Checking Account Equity Act of 1980. 45 FR 23645 (April 8, 1980).

8. The FDIC amended Part 335 (Securities of Insured State Nonmember Banks) to make it substantially similar to securities disclosure regulations of the Securities and Exchange Commission and to simplify the regulation by making Part 335 conform to changes in FDIC's Reports of Condition and Reports of Income. 45 FR 60885 (September 15, 1980).

9. The FDIC revised Part 339 (Loans in Areas Having Special Flood Hazards) to simplify the regulation by restructuring it for easier reading and by eliminating unnecessary provisions. 45 FR 56027 (August 22, 1980).

10. As part of its regulatory reform program for improving the quality of its regulations, FDIC amended Parts 341 and 343 (Regulation of Transfer Agents; Insured State Nonmember Banks Which Are Municipal Securities Dealers) to delete unnecessary sections and to state that certain securities reporting forms can be obtained from the FDIC. 45 FR 37179 (June 2, 1980).

By Order of the Board of Directors, dated September 22, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 80–29820 Filed 9–25–80; 8:45 am]

BILLING CODE 6714–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance Program; Coverage of Employees of State and Local Governments

AGENCY: Social Security Administration, HHS.

ACTION: Availability of draft regulations; coverage of employees of State and local governments.

SUMMARY: On September 28, 1979, we announced that the Social Security Administration (SSA) was planning to expand and rewrite its current regulations in 20 CFR Part 404, Subpart M, on including employees of State and local governments and interstate instrumentalities in the social security program (44 FR 55905). The primary purpose of this recodification is to review and reflect in the regulations SSA's current policies on the coverage of those employees and to rewrite the existing regulations in clear, common sense language.

We have completed a working draft of those recodified regulations. We want to give interested government officials and other individuals and organizations an opportunity to discuss the proposed changes with our staff. To that end, we have provided each State Social Security Administrator, the heads of interstate instrumentalities having agreements which provide social security coverage for their employees, and the National Conference of State Social Security Administrators copies of this working draft. We will consider any comments we receive from any source while we continue preparing the revised regulations for publication as a Notice of Proposed Rule Making.

ADDRESSES: A copy of this working draft is available for inspection at the Washington Inquiries Section, Office of Governmental Affairs, Social Security Administration, Department of Health and Human Services, Room 1212, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201. We will associate any written comments we

receive on this working draft with the copy available for inspection at the above address.

Copies of the working draft are available and may be obtained by interested individuals or organizations by writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203.

We wish to point out that this is a working draft. Neither SSA nor the Department of Health and Human Services has approved these draft regulations.

FOR FURTHER INFORMATION CONTACT: Armand Esposito, Room 4234, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–7455.

Dated: September 12, 1980.

William J. Driver,

Commissioner of Social Security.

[FR Doc. 80–29903 Filed 9–25–80; 8:45 am]

BILLING CODE 4110–07–M

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20 CFR Parts 404 and 416

Disability Insurance and Supplemental Security Income Determinations of Disability

AGENCY: Social Security Administration, HHS.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Social Security Administration plans to recommend to the Secretary proposed regulations establishing standards of performance and administrative requirements and procedures for States making disability determinations for the Secretary under titles II and XVI of the Social Security Act. These new regulations for administering the disability program are being developed to implement a provision of Pub. L. 96–265 (the "Social Security Disability Amendments of 1980") which amends section 221 of the Social Security Act.

The disability determination function is now carried out by the States and the Federal Government under negotiated agreements between the Social Security Administration and designated State agencies. The law provides that, effective June 1, 1981, disability determinations will be made by the State agencies in compliance with regulations containing performance standards and other administrative requirements and procedures relating to the disability determination function. States will have the option of turning the function over to the Federal Government if they do not wish to make disability determinations.

The proposed regulations will specify the responsibilities of the Secretary and the States in administering the disability program. They will prescribe State agency performance standards for accuracy and processing time in making disability determinations, and provide the administrative requirements and procedures the Social Security Administration and the State agencies will follow in carrying out the disability determination function. Provisions will be included specifying how the Secretary or a State may terminate the State's performance of this function.

The primary purpose of these regulations is to improve the quality and timeliness of disability determinations and to insure nationally uniform standards and procedures. At the same time, every effort will be made to preserve the Federal-State relationship and to allow States to perform their function with maximum management flexibility and a minimum of regulation.

The proposed administrative regulations will require revisions to parts 404 and 416 of Title 20 CFR. The Department has classified the proposed regulations as policy significant.

FOR FURTHER INFORMATION CONTACT: David B. Smith, Social Security Administration, Office of Disability Programs, Room 3–A–12, Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone 301–594–7108.

Dated: September 4, 1980.

Approved.

William J. Driver,

Commissioner of Social Security.

[FR Doc. 80–29844 Filed 9–25–80; 8:45 am]

BILLING CODE 4110–07–M

Food and Drug Administration

21 CFR Part 310

[Docket No. 80N–0227]

Camphorated Oil and Camphor-Containing Drug Products for Over-the-Counter Human Use; Notice of Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes that drug products labeled as "camphorated oil" or "camphor liniment" and drug products containing camphor in excess of 11 percent be classified in Category II as not generally recognized as safe and effective and as misbranded. This document, based on the recommendations of the Advisory Review Panel on OTC Miscellaneous External Drug Products and the Advisory Review Panel on OTC Topical Analgesic, Antirheumatic, Otic, Burn, and Sunburn Prevention and Treatment Drug Products, is part of the ongoing review of OTC drug products conducted by the FDA. The agency, having reviewed the Panels' reports, has determined that any drug product labeled as "camphorated oil" or "camphor liniment" or any drug product containing camphor in excess of 11 percent is misbranded and is a new drug for which an approved new drug application is required for marketing. The agency has also decided that action to remove camphorated oil drug products and any drug product containing camphor in excess of 11 percent from the market should be implemented expeditiously and not await the full procedural review that has been established for OTC drug products.

DATE: Comments by November 25, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on March 7, 1980, a report of the Advisory Review Panel on OTC Miscellaneous External Drug Products. Under § 330.10(a)(6) (21 CFR 330.10(a)(6)), the agency issues (1) a proposed regulation containing the monograph recommended by the Panel, which establishes conditions under which OTC drugs are generally recognized as safe and effective and not misbranded (i.e., Category I); (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding (i.e., Category II); (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify such conditions under either (1) or (2) above (i.e., Category III); and (4) the conclusions and recommendations of the Panel. Because the Panel's recommendations on camphorated oil contain no Category I or Category III conditions, FDA is issuing a notice, containing the Panel's recommendations, which proposes

Category II classification for camphorated oil.

The Panel's report has been prepared independently of FDA, and represents the best scientific judgment of the Panel members. Because the Panel strongly recommended that FDA act swiftly to remove camphorated oil from the market, the agency has reviewed the Panel's report at this time. The Panel concluded, and FDA concurs, that camphorated oil is not generally recognized as safe for OTC use because of the large number of harmful accidental ingestions of camphorated oil, often mistaken for castor oil, cod liver oil, mineral oil, olive oil, cough medicine, or other products. Moreover, because the risk of poisoning in infants and young children upon accidental ingestion greatly outweighs any questionable benefits to be derived from the medicinal use of this drug, the agency has determined that marketing of any camphorated oil drug products should cease.

Historically, camphorated oil has been a recognized synonym for camphor liniment. Camphor liniment, which was officially recognized in the National Formulary (NF), was deleted from the official compendia with publication of NF XIII (September 1, 1970). "Camphorated oil" or "camphor liniment," or any similar name such as "camphor oil" or "camphorated liniment," as previously recognized in the official NF and as presently formulated, is a solution of 20 percent camphor in cottonseed oil. Although no longer recognized in an official compendia, the product continues to be marketed under both names.

The agency has determined that any drug product labeled as "camphorated oil" or "camphor liniment," or any similar name such as "camphor oil" or "camphorated liniment," represents a potential health hazard because of the possibility of accidental ingestion and subsequent toxic effects.

The agency, therefore, is proposing that any drug product containing camphor which is labeled as "camphorated oil" or "camphor liniment," or any similar name such as "camphor oil" or "camphorated liniment," and which is offered for any use in interstate commerce after the effective date of this regulation is misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) and is a new drug within the meaning of section 201(p) of the act for which an approved new drug application under section 505 of the act (21 U.S.C. 355) and Part 314 of the regulations (21 CFR Part 314) is required for marketing. In the absence of an approved new drug application such products in interstate commerce after the effective date of this regulation will be subject to regulatory action.

Although the Miscellaneous External Panel's report was concerned only with camphorated oil drug products, the Panel noted that the Advisory Review Panel on OTC Topical Analgesic, Antirheumatic, Otic, Burn, and Sunburn Prevention and Treatment Drug Products (hereinafter referred to as the Topical Analgesic Panel) discussed the safety of camphor in its report on external analgesic drug products published in the **Federal Register** on December 4, 1979 (44 FR 69768). That Panel concluded that camphor as an ingredient was safe and effective for use in OTC drug products as a topical analgesic, anesthetic, and antipruritic in a concentration of 0.1 to 3.0 percent and as a topical counterirritant in a 3- to 11-percent concentration.

The agency has reviewed the Topical Analgesic Panel's recommendations concerning camphor. Because of the potential toxicity problems which the Miscellaneous External Panel has identified, the agency has determined at this time that no product containing camphor in excess of 11 percent can be generally recognized as safe for OTC use. Moreover, because of the risk of poisoning in infants and young children upon accidental ingestion, the agency has determined that marketing of any drug product containing camphor in excess of 11 percent should cease. The agency, therefore, is also proposing that any drug product containing camphor in excess of 11 percent offered for any use in interstate commerce after the effective date of the final regulation is misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) and is a new drug within the meaning of section 201(p) of the act for which an approved new drug application under section 505 of the act (21 U.S.C. 355) and Part 314 of the regulations (21 CFR Part 314) is required for marketing. In the absence of an approved new drug application such products in interstate commerce after the effective date of this regulation will be subject to regulatory action.

The agency advises that the Topical Analgesic Panel's recommendations on drug products other than those either containing camphor and labeled as "camphorated oil" or "camphor liniment," or any similar name such as "camphor oil" or "camphorated liniment," or containing camphor in excess of 11 percent are not affected by this proposed rule. The recommendations of the Topical Analgesic Panel on camphor and the safety and effectiveness of products containing camphor in concentrations less than 11 percent will be addressed in the rulemaking proceeding for external analgesic drug products.

Elsewhere in this issue of the **Federal Register**, the agency has published a notice reopening the administrative record for OTC external analgesic drug products to consider the Miscellaneous External Panel's recommendation. Two other OTC advisory review panels—the Advisory Review Panel on OTC Hemorrhoidal Drug Products and the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products—also reviewed the safety and effectiveness of camphor. Elsewhere in this issue of the **Federal Register**, the agency has published notices reopening the administrative record for OTC anorectal drug products and for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products to consider the Miscellaneous External Panel's recommendation.

By the action proposed in this document, the agency does not wish to give the impression that it has made a final determination that 11 percent is the upper safe limit for camphor-containing products for OTC use. This determination will be made at a later date in a future issue of the **Federal Register**.

The agency has determined that action to remove all camphorated oil drug products and all drug products containing camphor in excess of 11 percent from the market should be implemented expeditiously. Accordingly, the agency advises that it will not follow the full OTC rulemaking procedure set forth in § 330.10 (21 CFR 330.10). FDA will not publish a tentative final order, but will publish a final order soon after the receipt and consideration of comments on this proposal. It is the agency's intention that the final order will become effective upon publication in the **Federal Register**. Interested persons have until November 25, 1980 to submit comments on this proposal.

Upon the effective date of the regulation, because of the risk associated with use of camphorated oil drug products and drug products containing camphor in excess of 11 percent, the agency will request firms to recall to the retail level all drug products containing camphor which purport to be or are representd as camphorated oil or camphor liniment and all drug products containing camphor in excess of 11 percent. In the interim manufacturers are requested voluntarily to discontinue marketing of these products. Any

manufacturer wishing to ascertain whether its product purports to be or is represented as camphorated oil or camphor liniment should submit the product's formulation and labeling to the Division of Drug Labeling Compliance, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

The products affected by the proposed action pose an unwarranted risk of harm, in the agency's judgment, because some or all of the following factors are found in these products: a high concentration of a potentially toxic ingredient; little or no data to show that the ingredient at these concentration levels has any benefit or any benefit commensurate with the risk; a name or appearance that confusingly suggests a product intended for ingestion; and a number of reported incidents of accidental ingestion and harm. Thus, it is particularly important to take action with respect to products with high concentrations of camphor because in these products the ingestion of even a small quantity of the drug poses a serious risk.

A proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review Panels was announced in the **Federal Register** of January 5, 1972 (37 FR 85). The final regulations providing for this OTC drug review under § 330.10 were published and made effective in the **Federal Register** of May 11, 1972 (37 FR 9464).

In accordance with these regulations, a request for data and information on all active ingredients used in OTC miscellaneous external drug products was issued in the **Federal Register** of November 16, 1973 (38 FR 31697). In the **Federal Register** of August 27, 1975 (40 FR 38179), a further notice supplemented the initial notice with a detailed list of ingredients. However, camphorated oil was not specifically included in either notice.

The Commissioner appointed the following Panel to review the information submitted and to prepare a report under § 330.10(a) (1) and (5) on the safety, effectiveness, and labeling of the ingredients in those products:

William E. Lotterhos, M.D., Chairman
Rose Dagirmanjian, Ph. D.
Vincent J. Derbes, M.D. (resigned July 1976)
George C. Cypress, M.D. (resigned November 1978)
Yelva L. Lynfield, M.D. (appointed October 1977)
Harry E. Morton, Sc. D.
Marianne N. O'Donoghue, M.D.
Chester L. Rossi, D.P.M.
J. Robert Hewson, M.D. (appointed September 1978)

Representatives of consumer and industry interests served as nonvoting members of the Panel. Marvin M. Lipman, M.D., nominated by Consumers Union, served as the consumer liaison. Gavin Hildick-Smith, M.D., served as industry liaison from January until August 1975, followed by Bruce Semple, M.D., until February 1970. Both were nominated by the Proprietary Association. Saul A. Bell, Pharm. D., nominated by the Cosmetic, Toiletry, and Fragrance Association, also served as an industry liaison since June 1975.

Two nonvoting consultants, Albert A. Belmonte, Ph. D. and Jon J. Tanja, R.Ph., M.S., have provided assistance to the Panel since February 1977.

The following FDA employees assisted the Panel: John M. Davitt served as Executive Secretary until August 1977, followed by Arthur Auer until September 1978, followed by John T. McElroy, J.D. Thomas D. DeCillis, R.Ph., served as Panel Administrator until April 1976, followed by Michael D. Kennedy until January 1978, followed by John T. McElroy, J.D. Joseph Hussion, R.Ph., served as Drug Information Analyst until April 1976, followed by Victor H. Lindmark, Pharm. D., until March 1978, followed by Thomas J. McGinnis, R.Ph.

The Advisory Review Panel on OTC Miscellaneous External Drug Products was charged with the review of many categories of drugs, but due to the large number of ingredients and varied labeling claims, the Panel decided to review and publish its findings separately for several drug categories and individual drug products. The Panel presents its conclusions and recommendations for camphorated oil in this document. The review of other categories of miscellaneous external drug products will be continued by the Panel, and its findings will be published in future issues of the **Federal Register** as the Panel completes its deliberations on each category of drugs.

The Panel was first convened on January 13, 1975 in an organizational meeting. Working meetings which dealt with the topic of this document were held on January 14 and 15, February 27 and 28, 1977; October 29 and 30, 1978; January 27 and 28, and March 7, 1980.

The minutes of the Panel meetings are on public display in the Hearing Clerk's Office (HFA–305), Food and Drug Administration (address given above).

No submissions were made for camphorated oil. However, camphorated oil came to the attention of the Panel By Mr. Carmine Varano, a New Jersey pharmacist, who reported a number of accidental ingestions of camphorated oil to FDA. In many of these cases, consumers had mistaken camphorated oil for castor oil or code liver oil (Ref. 1).

At the Panel's request, Mr. Varano appeared before the Panel at its January 28, 1980 meeting to provide information and to express his views on camphorated oil. (See *Safety* below.) No other person requested an opportunity to appear before the Panel on this subject; however, the American Pharmaceutical Association filed a written statement on camphorated oil with the Panel recommending that the Panel classify camphorated oil as Category II for both safety and effectiveness (Ref. 2). The Panel has thoroughly reviewed the literature and considered all pertinent data and information through March 7, 1980 in arriving at its conclusions and recommendations on camphorated oil.

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel considered camphorated oil with respect to the following three categories:

Category I. Conditions under which camphorated oil is generally recognized as safe and effective and is not misbranded.

Category II. Conditions under which camphorated oil is not generally recognized as safe and effective or is misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel concludes that camphorated oil is not safe (Category II) for any OTC external use.

Camphorated Oil

Camphorated oil, also known as camphor liniment, is a simple solution of 20 percent camphor in cottonseed oil. It was officially recognized in the first edition of "The United States Pharmacopeia," published in 1820. It has been used mainly in the past as a counterirritant, rubefacient, and liniment for treating sprains, bruises, rheumatism, and other inflammatory conditions. Historically, camphorated oil has been the official synonym for camphor liniment when camphor liniment was recognized in the official NF. It remained the officially recognized synonym in NF XI (October 1, 1960), but was deleted as the officially recognized synonym in NF XII (September 1, 1965). Ultimately, camphor liniment was deleted from the official compendia with publication of NF XIII (September 1, 1970). Although no longer recognized in an official compendia, the product continues to be marketed under both names and has fallen into disuse to some degree in recent years.

(1) *Safety.* In its report on external analgesic drug products, which was published in the **Federal Register** of December 4, 1979 (44 FR 69768), the Topical Analgesic Panel discussed the safety of camphor. That Panel stated that cases of systemic poisoning from topical application of camphor have not been reported. In his presentation to the Miscellaneous External Panel on January 28, 1980, Mr. Varano pointed out that three cases have been reported in the medical literature (Ref. 1). In one case, camphorated oil was applied continually for about 80 hours to the chest of a 2-year-old child. The resulting diagnosis was camphor poisoning (Ref. 3). In another case, a 15-month-old boy became progressively ataxic and had some brief generalized major motor seizures after he crawled through spirits of camphor (a 10-percent solution of camphor in alcohol) spilled by a sibling. No further seizures occurred until 1 year later when the child was exposed to a camphorated vaporizer preparation containing about 5 percent camphor. Concurrent with this inhalant exposure, the child had a brief major motor seizure. The authors concluded that the occurrence of seizures with only two camphor exposures, a year apart, indicates a specific sensitivity to this agent (Ref. 4). The third case was a near-fatal incident in a 6-week-old infant after an ointment containing camphor, menthol, and thymol had been rubbed on the chest (Ref. 5).

The Topical Analgesic Panel noted in its report that the estimated minimal lethal dose of camphor in humans is 2 grams (g) (for a 150 lb. man) when ingested orally and that one adult survived ingestion of 15 g camphor. The Panel calculates that the minimal lethal dose is thus 30 milligrams/kilograms (mg/kg) body weight. However, ingesting 0.7 to 1.0 g camphorated oil proved fatal to a child (Ref. 6).

The Panel noted that accidental poisoning has occurred from ingestion of camphorated oil when it has been administered erroneously for castor oil and that cases continue to be reported. In information Mr. Varano submitted to the FDA (Ref. 1), which he obtained from Regine Aronow, M.D., Director, Children's Hospital Poison Center, Detroit, MI, Mr. Varano presented data on hospital admissions at Children's Hospital due to ingestion of camphorated oil. Between 1975 and the first 6 months of 1979, there were 26 hospital admissions involving ingestion of camphorated oil. Of these 26, 16 were due to accidental ingestion, 5 were due to ingestion of camphorated oil mistaken for castor oil, 1 was due to an ingestion of camphorated oil mistaken for cod liver oil, and 4 were due to ingestion of camphorated oil mistaken for cough medicine. Mr. Varano also presented information which he received from the Provincial Drug and Poison Information Center of Vancouver, BC, concerning an ingestion of camphorated oil by a 2-year-old child which proved fatal (Ref. 1).

Jacobziner and Raybin (Ref. 7) reported a case in which an 18-month-old girl ingested camphorated oil, had a convulsion soon thereafter, and was hospitalized several hours later. At the hospital, the patient had generalized convulsions, right facial twitchings, and twitchings of the right leg. The infant soon became comatose and died 4 hours after admission to the hospital. Death was attributed to respiratory failure.

Phelan (Ref. 8) reported a case of a 3-year-old girl who ingested an estimated 0.7 g of camphor (of a product containing about 5 percent camphor) and had a convulsion soon thereafter. An electroencephalogram 18 hours after the seizure showed some abnormalities. A repeat electroencephalogram 15 days after discharge from the hospital was unchanged from the earlier one. An electroencephalogram 3 months later was normal.

The American Academy of Pediatrics Committee on Drugs (Ref. 9) has presented a progressive symptomatology of severe camphor intoxication. The onset of symptoms of camphorated oil poisoning may occur within 5 to 15 minutes after ingestion, although they may be delayed up to several hours if food is present in the stomach to interfere with absorption. Nausea and vomiting are usually the first symptoms to appear, followed by a feeling of warmth, headache, vertigo, mental confusion, restlessness, delirium, and hallucinations. Increased muscular excitability, tremors and jerky movements, and convulsions followed by central nervous system depression and coma may occur. In cases of severe poisoning, death occurs from respiratory failure or from status epilepticus. If death does not occur, mental retardation can be an aftereffect (Ref. 10). If the patient lives, recovery is usually complete within 48 hours (Ref. 11); however, a 19-month-old infant died 5 days after the ingestion of 1 teaspoonful of camphorated oil (Ref. 5).

Camphor is readily absorbed through mucous membranes, subcutaneous tissue, and the gastrointestinal tract. In small doses, camphor combines with glucuronic acid and is excreted via the kidneys (Ref 12). This mechanism accounts for its unusually high toxicity in fetuses and newborn infants because neither has developed the process of glucuronidation and, therefore, cannot detoxify camphor (Ref. 13). Camphor has been shown to pass through the placenta and has been implicated in the deaths of newborn infants (Ref. 14). In one case a newborn infant died 30 minutes after delivery when the mother had ingested compahorated oil 36 hours before giving birth. Camphor was detected in maternal blood 15 minutes after ingestion, gastric lavage was performed, and camphor was not found 8 hours later. At delievery, 36 hours after ingestion, camphor was found in amniotic fluid, umbilical cord blood, and fetal blood, as well as in the liver, brain, and kidney of the infant. Cause of death was failure to initiate respiration (Ref. 15). In a second case (Ref. 16) a healthy baby was delivered 20 hours after ingestion of camphorated oil. While high levels of camphor were measured in maternal blood 24 hours after ingestion and the amniotic fluid had a distinct odor of camphor, only very low levels were found in the infant's blood. In both cases (Ref. 9) the mothers mistakingly took camphorated oil, believing it to be castor oil, to induce labor.

The treatment of camphorated oil poisoning is by no means simple. Most toxicology texts recommend symptomatic and supportive treatment. Treatment is complicated by the fact that camphorated oil is highly soluble in lipid deposits. Lipid hemodialysis (Ref. 11) and resin hemoperfusion (Ref. 17) have been proven to be effective treatments, but the value of these procedures is constrained by their limited availability.

Reports of camphor poisonings have appeared in the literature for decades, with a large number of the cases involving the accidental ingestion of camphorated oil, often mistaken for such items as castor oil, cod liver oil, mineral oil, olive oil, and cough medicine (Refs. 6, 9, 14, 18, 19, 20, 21, 22, and 23). The Panel concludes that camphorated oil is the worst offender of all camphor preparations that are accidentally ingested because it is mistaken for a variety of other OTC products. The Panel further concludes that camphorated oil is unsafe because of the large number of accidental ingestions by children and the potential toxicity in infants and young children including death (Refs. 1, 6, 7, 19, 20, and 22). Statistics compiled by the National Clearinghouse for Poison Control Centers record 706 ingestions of camphorated oil, 421 occurring in children less than 5 years of age, from 1974 to 1978 (Ref. 18). The risk of poisoning in infants and young children,

as evidenced by the numerous reports in the literature and by the National Clearinghouse for Poison Control Centers, is a major factor in the Panel's assessment that camphorated oil is not safe for OTC use. Additionally, in reviewing toxicity in mice, rats, and rabbits, it appears that human beings may be 50 to 100 times more susceptible to camphor poisoning than the usual laboratory animals. The Panel strongly recommends that the FDA act swiftly to remove camphorated oil from the market.

(2) *Effectiveness.* The Topical Analgesic Panel, in its report published in the **Federal Register** of December 4, 1979 (44 FR 69768), discussed the mechanism of action of camphor as a counterirritant and stated that it was unable to find any acceptable reasons for the continued employment of camphor alone as a topical counterirritant at the concentration (20 percent) present in camphorated oil. In a statement on camphorated oil presented to the Miscellaneous External Panel on September 27, 1978, the American Pharmaceutical Association (Ref. 2) stated:

> Considering the length of its existence (camphorated oil was officially recognized in the first edition of the U.S.P., published in 1820), and its widespread use, it is surprising that a search of the literature failed to yield a single reference concerning the efficacy of camphorated oil.

The Panel was not able to locate, nor is it aware of any significant body of data demonstrating, the effectiveness of camphorated oil when used as a counterirritant.

(3) *Evaluation.* The Panel believes the hazards (i.e., the dangers of poisoning) associated with the use of camphorated oil far outweigh any questionable benefits to be derived from the medicinal use of this product. The Panel has serious concerns about the potential for poisonings resulting from the accidental ingestion of camphorated oil, often mistaken for other proprietary medications; therefore, the Panel places camphorated oil in Category II for safety.

References

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(16) Weiss, J., and P. Catalano, "Camphorated Oil Intoxication During Pregnancy," *Pediatics,* 52:713, 1973.

(17) Kopelman, R. et. al, "Camphor Intoxication Treated by Resin Hemoperfusion," *Journal of the American Medical Association,* 241:727–728, 1979.

(18) Poison Control Statistics, Food and Drug Administration, 1974–1978.

(19) Clark, T. L., "Fatal Case of Camphor Poisoning," *The British Medical Journal,* 1:467, 1924.

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(21) Haft, H. H., "Camphor Liniment Poisoning," *Journal of the American Medical Association,* 84:1571, 1925.

(22) Barker, F., "A Case of Poisoning by Camphorated Oil," *The British Medical Journal,* 1:921, 1910.

(23) Bellman, M. H., "Camphor Poisoning in Children," *British Medical Journal,* 2:177, 1973.

All references are on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

The agency has determined that under 21 CFR 25:24(d)(9) (proposed in the **Federal Register** of December 11, 1979; 44 FR 71742) that this proposal is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)) and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations be amended in Part 310 by adding new § 310.526, to read as follows:

§ 310.526 Camphorated oil and camphor-containing drug products.

(a) Historically, comphorated oil (also known as camphor liniment), a solution of 20 percent camphor in cottonseed oil, has been marketed as an over-the-counter (OTC) drug product for various uses, primarily as a counterirritant or liniment. A large number of accidental ingestions of camphorted oil, often mistaken for castor oil, cod liver oil, mineral oil, olive oil, cough medicine, or other products, have been reported and toxicity has often resulted, primarily in infants and young children. Because of the potential hazard for poisoning to occur, the benefit from using any drug products containing camphor and labeled as "camphorated oil" or "camphor liniment," or any similar name such as "camphor oil" or "camphorated liniment," for any use, is insignificant when compared to the risk. Based upon the adverse benefit-to-risk ratio, any drug product containing camphor which is labeled as "camphorated oil" or "camphor liniment," or any similar name such as "camphor oil" or "camphor liniment," cannot be considered generally recognized as safe. Also, based upon lack of safety and effectiveness data and the adverse benefit-to-risk ratio, any drug product containing camphor in excess of 11 percent cannot be considered generally recognized as safe.

(b) Any drug product containing camphor and labeled as "camphorated oil" or "camphor liniment," or any similar name such as "camphor oil" or "camphorated liniment," or any drug product containing camphor in excess of 11 percent offered for any use is misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act and is a new drug within the meaning of

section 201(p) of the Act for which an approved new drug application under section 505 of the act and Part 314 of this chapter is required for marketing.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571), as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that any preparation containing camphor which purports to be or is represented as camphorated oil or camphor liniment or any preparation containing camphor in excess of 11 percent for any use is safe and effective for the purpose intended.

(d) Any such drug product in interstate commerce after the effective date of the final regulation that is not in compliance with this section is subject to regulatory action.

Interested persons are invited to submit their comments in writing (preferably in four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal on or before November 25, 1980. Comments should be addressed to the Hearing Clerk, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be accompanied by a supporting memorandum or brief. Comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration

Dated: September 15, 1980.

Jere E. Goyan,

Commissioner of Food and Drugs.

[FR Doc. 80–29964 Filed 9–25–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 341

[Docket No. 76–N–52]

Cold, Cough Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Reopening of the Administrative Record

AGENCY: Food and Drug Administration.

ACTION: Reopening of administrative record

SUMMARY: This notice advises that the Food and Drug Administration (FDA) is reopening the administrative record for over–the–counter (OTC) cold, cough, allergy, bronchodilator, and antiasthmatic drug products to allow for consideration of recommendations on camphor–containing drug products that have been received from the Advisory Review Panel on OTC Miscellaneous External Drug Products.

DATES: Comments by November 25, 1980; and reply comments by December 26, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) published the report and proposed monograph of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products (CCABA Panel) on OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products for human use on September 9, 1976 (41 FR 38312). Interested persons could have filed written comments regarding this proposal by December 8, 1976, and comments replying to comments by January 7, 1977. After the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record.

In a notice published in the **Federal Register** of March 21, 1980 (45 FR 18400), the agency advised that it had reopened the administrative record for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products to allow for consideration of data and information that had been filed with the Hearing Clerk's Office after the date the administrative record officially closed. The agency concluded that any new data and information filed prior to March 21, 1980 should be available to the agency in developing a tentative final order.

The CCABA Panel concluded that camphor is safe but the available data were insufficient to determine whether it is effective when labeled for use as an OTC expectorant, antitussive, and nasal decongestant. The Panel placed camphor in Category III (available data are insufficient to classify the ingredient as Category I or Category II) for different uses at different concentrations: expectorant (topical-5 percent ointment, steam inhalation-7 percent solution, lozenge-0.02 to 15 milligrams (mg)); antitussive (topical-5 percent ointment, steam inhalation-7 percent solution, lozenge-0.02 to 15 mg); and nasal decongestant (topical-5 percent ointment, steam inhalation-7 percent solution lozenge-0.02 to 15 mg). Following the publication of this panel's recommendation on camphor, the Advisory Review Panel on OTC Miscellaneous External Drug Products (Miscellaneous External Panel) also reviewed camphor. The Miscellaneous External Panel, however, concluded that OTC products containing greater than 2.5 percent camphor have a low benefit-to-risk ratio and recommended that camphor be limited in OTC drug products for external use to less than 2.5 percent. The Miscellaneous External Panel also recommended that the quantity of camphor in a package be limited to a total of 360 mg per package, preferably in a child-proof container.

Because of the conflicting recommendations on camphor-containing drug products, FDA has concluded that resolution of this issue would be in the public's best interest. Therefore, the agency has concluded that the Miscellaneous External Panel's recommendations should be available to the agency in developing a tentative final order on cold, cough, allergy, bronchodilator, and antiasthmatic drug products. By this notice, FDA announces that it is treating the data and information on camphor received from the Miscellaneous External Panel as a petition to reopen the administrative record on cold, cough, allergy, bronchodilator, and antiasthmatic drug products. FDA is granting the petition by allowing the data and information contained therein to be included in the administrative record for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products. This notice serves to inform interested persons of these recommendations, which appear below. This reopening of the administrative record relates only to the ingredient camphor in OTC drug products. Comments relating to portions of the Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Proposed Monograph (41 FR 38312) other than on camphor will not be accepted at this time.

Statement of the Advisory Review Panel on OTC Miscellaneous External Drug Products Concerning OTC Drug Products Containing Camphor

The Advisory Review Panel on OTC Miscellaneous External Drug Products has reviewed the product camphorated oil as well as numerous other camphor-

containing drug products submitted to it. On March 7, 1980, the Panel submitted its recommendation on Camphorated Oil and Camphor-Containing Drug Products for Over-the-Counter Human Use which requested that FDA remove camphorated oil from the market because it is unsafe due to the potential for poisonings resulting from accidental ingestion.

The Panel understands that the agency is taking the necessary steps to implement its recommendation on camporated oil and that this product will soon be eliminated from the OTC marketplace.

Camphor-Containing Products

In reviewing the many camphor-containing drug products submitted for external use, the Panel found little scientific evidence for the therapeutic use of camphor. The Panel is aware that some manufacturers have recently undertaken studies to show that camphor may have a counterirritant and antipruritic effect, but these studies are preliminary, and aditional work is needed to determine what, if any, therapeutic benefit can be responsibly attributed to camphor.

Accordingly, because camphor appears to have little, if any, therapeutic benefit, the Panel has reviewed the safety of camphor and has come to some conclusions in evaluating the camphor benefit-to-risk ratio.

The Panel's evaluation of camphor as an ingredient in OTC drug products for external use has led to the conclusion that camphor should be classified as Category II for safety in concentrations of 2.5 percent or greater for any therapeutic use, including antimicrobial, antiseptic, analgesic, anesthetic, antipruritic,counterirritant, rubefacient, or "healing" action. The Panel concluded that products containing less than 2.5 percent camphor may be placed in Category I for safety, provided the package contains less than a total of 360 milligrams (mg) camphor.

Numerous cases of accidental ingestion of products containing camphor have been reported. The Panel reported many of these cases in its recommendations on Camphorated Oil and Camphor-Containing Drug Products for Over-the-Counter Human Use (Ref. 1). In addition, the Panel would like to point out the following cases: A 2-year-old girl ingested approximately one to two teaspoonfuls of a liquid combination of 10.8 percent camphor and 4.7 percent phenol. She showed symptoms of anxiety, and her breath had a camphor odor. She recovered (Ref. 2). A 2-year-old boy swallowed approximately ½ ounce of camphor spirit containing 10 percent camphor, showed symptoms of burning in the mouth and throat and difficulty in breathing. He recovered after hospitalization (Ref. 3). A 77-year-old man swallowed 2 ounces of camphorated oil, had several grand mal seizures and recovered after hemodialysis treatment (Ref. 4). A 37-year-old man ingested approximately 3 ounces of camphorated oil, exhibited symptoms of vomiting and grand mal seizures, was treated by resin hemoperfusion and lipid hemodialysis, and released the following day (Ref. 5).

The Panel's conclusion that camphor-containing drug products are unsafe is supported by recognized experts in the area of camphor poisoning. These experts include the following:

1. Carol Angle, M.D. (Ref. 6), past president of the National Clearinghouse for Poison Control Centers, who recommended that any OTC medicine containing camphor be limited to a maximum concentration of less than 2.5 percent to reduce the risk of accidental poisoning.

2. Harry Morton, Sc. D. (Ref. 7), a member of this Panel, who states that if a toxic dose of camphor is 30 mg/kg, a normal 2-year-old weighing 12 kg could suffer a toxic reaction with 360 mg camphor. The estimated minimum lethal dose of camphor in humans is 2 g for a 150 lb. man (30 mg/kg) when ingested orally (Ref. 1).

3. The American Academy of Pediatrics Committee on Drugs (Ref. 8) which concluded that:

a. Camphor has potent, and serious toxicologic actions, the ingestion of relatively small amounts having proven fatal.

b. Although accidental oral ingestion is the most common route of intoxication, significant quantities can be absorbed percutaneously and via inhalation.

c. Transplacental transfer may be toxic to the fetus.

In its recommendations on Camphorated Oil and Camphor-Containing Drug Products for OTC Human Use (Ref. 1) this Panel pointed out that camphor is readily absorbed through mucous membranes, subcutaneous tissue, and the gastrointestinal tract. In small doses, camphor combines with glucuronic acid and is excreted via the kidneys. This mechanism accounts for its unusually high toxicity in fetuses and in newborn infants because neigher has developed the process of glucuronidation and, therefore, cannot detoxify camphor. The Panel also described a progressive symptomatology of severe camphor intoxication.

Camphor poisoning continues to be a national problem. Statistics compiled by the National Clearinghouse for Poison Control Centers (Ref. 9) for the years 1971 through 1978 show a total of 4,956 incidents involving camphor-related products. Of these, 4,541 were cases of accidental ingestion with 1,185 toxic reactions and 552 hospitalizations. Additionally, 3,878 of the 4,956 incidents occurred in children under 5 years of age; but, age was unspecified in 412 of the 4,956 incidents. Nor is there any indication of abatement of the camphor-accidental ingestion problem. On the contrary, there has been an increase in the number of incidents with camphor-related products in recent years, e.g., 805 in 1977 and 855 in 1978.

Camphor Spirit

Statistics compiled by the National Clearinghouse for Poison Control Centers record 211 incidents from 1971 through 1978 with camphor spirit, 190 of which were accidental ingestions with 160 occurring in children less than 5 years of age (Ref. 11). Camphor spirit is a product which consists of a 9 to 11 percent solution of camphor in alcohol (w/v). This product is currently official in the United States Pharmacopeia and National Formulary (Ref. 10). Camphor spirit was discussed specifically, although it was not submitted to any OTC drug review panel for evaluation, because this Panel believes that when camphorated oil disappears from the market, camphor spirit may become a substitute for it. This Panel also believes that camphor spirit should be placed in Category II for safety because the dangers from its accidental ingestion far outweigh its doubtful usefulness.

Summary

Based on the Panel's conclusion that camphor in concentrations of 2.5 percent and above has a low benefit-to-risk ratio, the Panel recommends that camphor be limited in OTC drug products for external use to less than 2.5 percent and that the quantity of camphor in a package be limited to a total of 360 mg per package which preferably will be closed with a child resistant lid.

References

(1) Advisory Review Panel on OTC Miscellaneous External Drug Products, "Camphorated Oil and Camphor-Containing Drug Products for Over-the-Counter Human Use," published elsewhere in this issue of the **Federal Register.**

(2) Phelan, W. J., III, "Camphor Poisioning: Over-the-Counter Dangers," *Pediatrics*, 57:428–430, 1976.

(3) Jacobziner, H., and H. W. Raybin, "Briefs of Accidental Chemical Poisionings in

New York City," *New York State Journal of Medicine*, 59:115–118, 1959.

(4) Ginn, H. E., et al., "Camphor Intoxication Treated by Lipid Dialysis," *The Journal of the American Medical Association*, 203:164–165, 1968.

(5) Kopelman, R., et al., "Camphor Intoxication Treated by Resin Hemoperfusion," *The Journal of the American Medical Association*, 241:727–728, 1979.

(6) OTC Volume 160222.

(7) OTC Volume 160358.

(8) Segal, S., et al., "Camphor Who Needs It?," *Pediatrics*, 62:404–406, 1978.

(9) Poison Control Case Report Summary, National Clearinghouse for "Poison Control Centers," Food and Drug Administration, 1980.

(10) "The United States Pharmacopeia," 20th Revision, United States Pharmacopeial Covnention, Inc., Rockville, MD, p. 113, 1980.

The OTC Volumes cited above are on public display in the Hearing Clerk's Office (HFA–305), Food and Drug Administration (address above).

Interested persons are invited to submit their comments in writing (preferably in four copies and identified with the Hearing Clerk docket number found in brackets in the heading of the document) regarding this notice on or before November 25, 1980. Comments should be addressed to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be accompanied by a supporting memorandum or brief. Comments replying to comments may also be submitted on or before December 26, 1980. Comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 24, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–29965 Filed 9–25–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 346

[Docket No. 80N–0050]

Anorectal Drug Products for Over-the-Counter Human Use; Reopening of the Administrative Record

AGENCY: Food and Drug Administration.

ACTION: Reopening of administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) is reopening the administrative record for over-the-counter (OTC) anorectal drug products to allow for consideration of recommendations on camphor-containing drug products that have been received from the Advisory Review Panel on OTC Miscellaneous External Drug Products.

DATES: Comments by November 25, 1980 and reply comments by December 26, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) published the report and proposed monograph of the Advisory Review Panel on OTC Hemorrhoidal Drug Products on OTC anorectal drug products for human use on May 27, 1980 (45 FR 35576). Interested persons could have filed written comments regarding this proposal by August 25, 1980, and comments replying to comments by September 24, 1980. After the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record.

The Hemorrhoidal Panel concluded that camphor is not generally recognized as safe and effective for use as an OTC external and intrarectal counterirritant. Concentrations of 1.6 to 7.0 percent camphor were reviewed by the Hemorrhoidal Panel. Following the publication of this panel's recommendations on camphor, the Advisory Review Panel on OTC Miscellaneous External Drug Products (Miscellaneous External Panel) also reviewed camphor. The Miscellaneous External Panel concluded that OTC products containing greater than 2.5 percent camphor have a low benefit-to-risk ratio and recommended that camphor be limited in OTC drug products for external use to less than 2.5 percent. The Miscellaneous External Panel also recommended that the quantity of camphor in a package be limited to a total of 360 mg per package, preferably in a child-proof container.

Because camphor is currently marketed in OTC anorectal drug products, FDA has concluded that resolution of this issue would be in the public's best interest. Therefore, the agency has concluded that the Miscellaneous External Panel's recommendations should be available to the agency in developing a tentative final order on anorectal drug products. By this notice, FDA announces that it is treating the data and information on camphor received from the Miscellaneous External Panel as a petition to reopen the administrative record on anorectal drug products. FDA is granting the petition by allowing the data and information contained therein to be included in the administrative record for OTC anorectal drug products. This notice serves to inform interested persons of these recommendations, which appear below. This reopening of the administrative record relates only to the ingredient camphor in OTC drug products. Comments relating to portions of the Anorectal Proposed Monograph (45 FR 35576) other than on camphor will not be accepted at this time.

Statement of the Advisory Review Panel on OTC Miscellaneous External Drug Products Concerning OTC Drug Products Containing Camphor

The Advisory Review Panel on OTC Miscellaneous External Drug Products has reviewed the product camphorated oil as well as numerous other camphor-containing drug products submitted to it. On March 7, 1980, the Panel submitted its recommendation on Camphorated Oil and Camphor-Containing Drug Products for Over-the-Counter Human Use which requested that FDA remove camphorated oil from the market because it is unsafe due to the potential for poisonings resulting from accidental ingestion. The Panel understands that the agency is taking the necessary steps to implement its recommendation on camphorated oil and that this product will soon be eliminated from the OTC marketplace.

Camphor-Containing Products

In reviewing the many camphor-containing drug products submitted for external use, the Panel found little scientific evidence for the therapeutic use of camphor. The Panel is aware that some manufacturers have recently undertaken studies to show that camphor may have a counterirritant and antipruritic effect, but these studies are preliminary, and additional work is needed to determine what, if any, therapeutic benefit can be responsibly attributed to camphor.

Accordingly, because camphor appears to have little, if any, therapeutic benefit, the Panel has reviewed the safety of camphor and has come to some conclusions in evaluating the camphor benefit-to-risk ratio.

The Panel's evaluation of camphor as an ingredient in OTC drug products for external use has led to the conclusion that camphor should be classified as Category II for safety in concentrations of 2.5 percent or greater for any

therapeutic use, including antimicrobial, antiseptic, analgesic, anesthetic, antipruritic, counterirritant, rubefacient, or "healing" action. The Panel concluded that products containing less than 2.5 percent camphor may be placed in Category I for safety, provided the package contains less than a total of 360 milligrams (mg) camphor.

Numerous cases of accidental ingestion of products containing camphor have been reported. The Panel reported many of these cases in its recommendations on Camphorated Oil and Camphor-Containing Drug Products for Over-the-Counter Human Use (Ref. 1). In addition, the Panel would like to point out the following cases: A 2-year-old girl ingested approximately one to two teaspoonfuls of a liquid combination of 10.8 percent camphor and 4.7 percent phenol. She showed symptoms of anxiety, and her breath had a camphor odor. She recovered (Ref. 2). A 2-year-old boy swallowed approximately ½ once of camphor spirit containing 10 percent camphor, showed symptoms of burning in the mouth and throat and difficulty in breathing. He recovered after hospitalization (Ref. 3). A 77-year-old man swallowed 2 ounces of camphorated oil, had several grand mal seizures and recovered after hemodialysis treatment (Ref. 4). A 37-year-old man ingested approximately 3 ounces of camphorated oil, exhibited symptoms of vomiting and grand mal seizures, was treated by resin hemoperfusion and lipid hemodialysis, and released the following day (Ref. 5).

The Panel's conclusion that camphor-containing drug products are unsafe is supported by recognized experts in the area of camphor poisoning. These experts include the following:

1. Carol Angle, M.D. (Ref. 6), past president of the National Clearinghouse for Poison Control Centers, who recommended that any OTC medicine containing camphor be limited to a maximum concentration of less than 2.5 percent to reduce the risk of accidental poisoning.

2. Harry Morton, Sc. D. (Ref. 7), a member of this Panel, who states that if a toxic dose of camphor is 30 mg/kg, a normal 2-year-old weighing 12 kg could suffer a toxic reaction with 360 mg camphor. The estimated minimum lethal dose of camphor in humans is 2 g for a 150 lb. man (30 mg/kg) when ingested orally (Ref. 1).

3. The American Academy of Pediatrics Committee on Drugs (Ref. 8) which concluded that:

a. Camphor has potent, and serious toxicologic actions, the ingestion of relatively small amounts having proven fatal.

b. Although accidental oral ingestion is the most common route of intoxication, significant quantities can be absorbed percutaneously and via inhalation.

c. Transplacental transfer may be toxic to the fetus.

In its recommendations on Camphorated Oil and Camphor-Containing Drug Products for OTC Human Use (Ref. 1) this Panel pointed out that camphor is readily absorbed through mucous membranes, subcutaneous tissue, and the gastrointestinal tract. In small doses, camphor combines with glucuronic acid and is excreted via the kidneys. This mechanism accounts for its unusually high toxicity in fetuses and in newborn infants because neither has developed the process of glucuronidation and, therefore, cannot detoxify camphor. The Panel also described a progressive symptomatology of severe camphor intoxication.

Camphor poisoning continues to be a national problem. Statistics compiled by the National Clearinghouse for Poison Control Centers (Ref. 9) for the years 1971 through 1978 show a total of 4,956 incidents involving camphor-related products. Of these, 4,541 were cases of accidental ingestion with 1,185 toxic reactions and 552 hospitalizations. Additionally, 3,878 of the 4,956 incidents occurred in children under 5 years of age; but, age was unspecified in 412 of the 4,956 incidents. Nor is there any indication of abatement of the camphor-accidental ingestion problem. On the contrary, there has been an increase in the number of incidents with camphor-related products in recent years, e.g., 805 in 1977 and 855 in 1978.

Camphor Spirit

Statistics compiled by the National Clearinghouse for Poison Control Centers record 211 incidents from 1971 through 1978 with camphor spirit, 190 of which were accidental ingestions with 160 occurring in children less than 5 years of age (Ref. 11). Camphor spirit is a product which consists of a 9 to 11 percent solution of camphor in alcohol (w/v). This product is currently official in the United States Pharmacopeia and National Formulary (Ref. 10). Camphor spirit was discussed specifically, although it was not submitted to any OTC drug review panel for evaluation, because this Panel believes that when camphorated oil disappears from the market, camphor spirit may become a substitute for it. This Panel also believes that camphor spirit should be placed in Category II for safety because the dangers from its accidental ingestion far outweigh its doubtful usefulness.

Summary

Based on the Panel's conclusion that camphor in concentrations of 2.5 percent and above has a low benefit–to–risk ratio, the Panel recommends that camphor be limited in OTC drug products for external use to less that 2.5 percent and that the quantity of camphor in a package be limited to a total of 360 mg per package which preferably will be closed with a child resistant lid.

References

(1) Advisory Review Panel on OTC Miscellaneous External Drug Products, "Camphorated Oil and Camphor–Containing Drug Products for Over–the–Counter Human Use," published elsewhere in this issue of the **Federal Register**.

(2) Phelan, W. J., III, "Camphor Poisioning: Over–the–Counter Dangers," *Pediatrics*, 57:428–430, 1976.

(3) Jacobziner, H., and H. W. Raybin, "Briefs of Accidental Chemical Poisionings in New York City," *New York State Journal of Medicine*, 59:115–118, 1959.

(4) Ginn, H. E., et al., "Camphor Intoxication Treated by Lipid Dialysis," *The Journal of the American Medical Association*, 203:164–165, 1968.

(5) Kopelman, R., et al., "Camphor Intoxication Treated by Resin Hemoperfusion," *The Journal of the American Medical Association*, 241:727–728, 1979.

(6) OTC Volume 160222.

(7) OTC Volume 160358.

(8) Segal, S., et al., "Camphor: Who Needs It?," *Pediatrics*, 62:404–406, 1978.

(9) Poision Control Case Report Summary, National Clearinghouse for "Poison Control Centers," Food and Drug Administration, 1980.

(10) "The United States Pharmacopeia," 20th Revision, United States Pharmacopeial Convention, Inc., Rockville, MD, p. 113, 1980.

The OTC Volumes cited above are on public display in the Hearing Clerk's Office (HFA–305), Food and Drug Administration (address above).

Interested persons are invited to submit their comments in writing (Preferable in four copies and identified with the Hearing Clerk docket number found in brackets in the heading of the document) regarding this notice on or before November 25, 1980. Comments should be addressed to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be accompanied by a supporting memorandum or brief. Comments replying to comments may also be submitted on or before December 26, 1980. Comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 24, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-29966 Filed 9-25-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 348

[Docket No. 78N-0301]

External Analgesic Drug Products for Over-the-Counter Human Use; Reopening of the Administrative Record

AGENCY: Food and Drug Administration.

ACTION: Reopening of administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) is reopening the administrative record for over-the-counter (OTC) external analgesic drug products to allow for consideration of recommendations on camphor-containing drug products that have been received from the Advisory Review Panel on OTC Miscellaneous External Drug Products.

DATES: Comments by November 25, 1980, and reply comments by December 26, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) published the report and proposed monograph of the Advisory Review Panel on OTC Topical Analgesic, Antirheumatic, Otic, Burn, and Sunburn Prevention and Treatment Drug Products (Topical Analgesic Panel) on OTC external analgesic drug products for human use on December 4, 1979 (44 FR 69768). Interested persons could have filed written comments regarding this proposal by March 6, 1980, and comments replying to comments by April 3, 1980. After the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record.

The Topical Analgesic Panel concluded that camphor is safe and effective for use as an OTC external analgesic at a concentration of 0.1 to 3.0 percent when labeled for use as a topical analgesic, anesthetic, and antipruritic. Additionally, this panel recommended that camphor was safe and effective at concentrations higher than 3 percent, but not exceeding 11 percent, when labeled for use as a topical counterirritant. Following the publication of this panel's recommendations on camphor, the Advisory Review Panel on OTC Miscellaneous External Drug Products (Miscellaneous External Panel) also reviewed camphor. The Miscellaneous External Panel, however, concluded that OTC products containing greater than 2.5 percent camphor have a low benefit-to-risk ratio and recommended that camphor be limited in OTC drug products for external use to less than 2.5 percent. The Miscellaneous External Panel also recommended that the quantity of camphor in a package be limited to a total of 360 mg per package, preferably in a child-proof container.

Because of the conflicting recommendations on camphor-containing drug products, FDA has concluded that resolution of this issue would be in the public's best interest. Therefore, the agency has concluded that the Miscellaneous External Panel's recommendations should be available to the agency in developing a tentative final order on external analgesic drug products. By this notice, FDA announces that it is treating the data and information on camphor received from the Miscellaneous External Panel as a petition to reopen the administrative record on external analgesic drug products. FDA is granting the petition by allowing the data and information contained therein to be included in the administrative record for OTC external analgesic drug products. This notice serves to inform interested persons of these recommendations, which appear below. This reopening of the administrative record relates only to the ingredient camphor in OTC drug products. Comments relating to portions of the External Analgesic Proposed Monograph (44 FR 69768) other than on camphor will not be accepted at this time.

Statement of the Advisory Review Panel on OTC Miscellaneous External Drug Products Concerning OTC Drug Products Containing Camphor

The Advisory Review Panel on OTC Miscellaneous External Drug Products has reviewed the product camphorated oil as well as numerous other camphor-containing drug products submitted to it. On March 7, 1980, the Panel submitted its recommendation on Camphorated Oil and Camphor-Containing Drug Products for Over-the-Counter Human Use which requested that FDA remove camphorated oil from the market because it is unsafe due to the potential for poisonings resulting from accidental ingestion. The Panel understands that the agency is taking the necessary steps to implement its recommendation on camphorated oil and that this product will soon be eliminated from the OTC marketplace.

Camphor-Containing Products

In reviewing the many camphor-containing drug products submitted for external use, the Panel found little scientific evidence for the therapeutic use of camphor. The Panel is aware that some manufacturers have recently undertaken studies to show that camphor may have a counterirritant and antipruritic effect, but these studies are preliminary, and additional work is needed to determine what, if any, therapeutic benefit can be responsibly attributed to camphor.

Accordingly, because camphor appears to have little, if any, therapeutic benefit, the Panel has reviewed the safety of camphor and has come to some conclusions in evaluating the camphor benefit-to-risk ratio.

The Panel's evaluation of camphor as an ingredient in OTC drug products for external use has led to the conclusion that camphor should be classified as Category II for safety in concentrations of 2.5 percent or greater for any therapeutic use, including antimicrobial, antiseptic, analgesic, anesthetic, antipruritic, counterirritant, rubefacient, or "healing" action. The Panel concluded that products containing less than 2.5 percent camphor may be placed in Category I for safety, provided the package contains less than a total of 360 milligrams (my) camphor.

Numerous cases of accidental ingestion of products containing camphor have been reported. The Panel reported many of these cases in its recommendations on Camphorated Oil and Camphor-Containing Drug Products for Over-the-Counter Human Use (Ref. 1). In addition, the Panel would like to point out the following cases: A 2-year-old girl ingested approximately one to two teaspoonfuls of a liquid combination of 10.8 percent camphor and 4.7 percent phenol. She showed symptoms of anxiety, and her breath had a camphor odor. She recovered (Ref. 2). A 2-year-old boy swallowed approximately ½ ounce of camphor spirit containing 10 percent camphor, showed symptoms of burning in the mouth and throat and difficulty in breathing. He recovered after hospitalization (Ref. 3). A 77-year-old man swallowed 2 ounces of camphorated oil, had several grand mal

seizures and recovered after hemodialysis treatment (Ref. 4). A 37-year-old man ingested approximately 3 ounces of camphorated oil, exhibited symptoms of vomiting and grand mal seizures, was treated by resin hemoperfusion and lipid hemodialysis, and released the following day (Ref. 5).

The Panel's conclusion that camphor-containing drug products are unsafe is supported by recognized experts in the area of camphor poisoning. These experts include the following:

1. Carol Angle, M.D. (Ref. 6), past president of the National Clearinghouse for Poison Control Centers, who recommended that any OTC medicine containing camphor be limited to a maximum concentration of less than 2.5 percent to reduce the risk of accidental poisoning.

2. Harry Morton, Sc. D. (Ref. 7), a member of this Panel, who states that if a toxic dose of camphor is 30 mg/kg, a normal 2-year-old weighing 12 kg could suffer a toxic reaction with 360 mg camphor. The estimated minimum lethal dose of camphor in humans is 2 g for a 150 lb. man (30 mg/kg) when ingested orally (Ref. 1).

3. The American Academy of Pediatrics Committee on Drugs (Ref. 8) which concluded that:

a. Camphor has potent, and serious toxicologic actions, the ingestion of relatively small amounts having proven fatal.

b. Although accidental oral ingestion is the most common route of intoxication, significant quantities can be absorbed percutaneously and via inhalation.

c. Transplacental transfer may be toxic to the fetus.

In its recommendations on Camphorated Oil and Camphor-Containing Drug Products for OTC Human Use (Ref. 1) this Panel pointed out that camphor is readily absorbed through mucous membranes, subcutaneous tissue, and the gastrointestinal tract. In small doses, camphor combines with glucuronic acid and is excreted via the kidneys. This mechanism accounts for its unusually high toxicity in fetuses and in newborn infants because neither has developed the process of glucuronidation and, therefore, cannot detoxify camphor. The Panel also described a progressive symptomatology of severe camphor intoxication.

Camphor poisoning continues to be a national problem. Statistics compiled by the National Clearinghouse for Poison Control Centers (Ref. 9) for the years 1971 through 1978 show a total of 4,956 incidents involving camphor-related products. Of these, 4,541 were cases of accidental ingestion with 1,185 toxic reactions and 552 hospitalizations. Additionally, 3,878 of the 4,956 incidents occurred in children under 5 years of age; but, age was unspecified in 412 of the 4,956 incidents. Nor is there any indication of abatement of the camphor-accidental ingestion problem. On the contrary, there has been an increase in the number of incidents with camphor-related products in recent years, e.g., 805 in 1977 and 855 in 1978.

Camphor Spirit

Statistics compiled by the National Clearinghouse for Poison Control Centers record 211 incidents from 1971 through 1978 with camphor spirit, 190 of which were accidental ingestions with 160 occurring in children less than 5 years of age (Ref. 11). Camphor spirit is a product which consists of a 9 to 11 percent solution of camphor in alcohol (w/v). This product is currently official in the United States Pharmacopeia and National Formulary (Ref. 10). Camphor spirit was discussed specifically, although it was not submitted to any OTC drug review panel for evaluation, because this Panel believes that when camphorated oil disappears from the market, camphor spirit may become a substitute for it. This Panel also believes that camphor spirit should be placed in Category II for safety because the dangers from its accidental ingestion far outweigh its doubtful usefulness.

Summary

Based on the Panel's conclusion that camphor in concentrations of 2.5 percent and above has a low benefit-to-risk ratio, the Panel recommends that camphor be limited in OTC drug products for external use to less than 2.5 percent and that the quantity of camphor in a package be limited to a total of 360 mg per package which preferably will be closed with a child resistant lid.

References

(1) Advisory review Review Panel on OTC Miscellaneous External Drug Products, "Camphorated Oil and Camphor-Containing Drug Products for Over-the-Counter Human Use," published elsewhere in this issue of the **Federal Register.**

(2) Phelan, W. J., III, "Camphor Poisoning: Over-the-Counter Dangers," *Pediatrics,* 57:428–430, 1976.

(3) Jacobzine, H., and H. W. Raybin, "Briefs of Accidental Chemical Poisonings in New York City," *New York State Journal of Medicine,* 59:115–118, 1959.

(4) Ginn, H. E., et al., "Camphor Intoxication Treated by Lipid Dialysis," *The Journal of the American Medical Association,* 203:164–165, 1968.

(5) Kopelman, R., et al., "Camphor Intoxication Treated by Resin Hemoperfusion," *The Journal of the American Medical Association,* 241:727–728, 1979.

(6) OTC Volume 160222.

(7) OTC Volume 160358.

(8) Segal, S., et al., "Camphor: Who Needs It?," *Pediatrics,* 62:404–406, 1978.

(9) Poison Control Case Report Summary, National Clearinghouse for "Poison Control Centers," Food and Drug Administration, 1980.

(10) "The United States Pharmacopeia," 20th Revision, United States Pharmacopeial Convention, Inc., Rockville, MD, p. 113, 1980.

The OTC Volumes cited above are on public display in the Hearing Clerk's Office (HFA–305), Food and Drug Administration (address above).

Interested persons are invited to submit their comments in writing (preferably in four copies and identified with the Hearing Clerk docket number found in brackets in the heading of the document) regarding this notice on or before November 25, 1980. Comments should be addressed to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be accompanied by a supporting memorandum or brief. Comments replying to comments may also be submitted on or before December 26, 1980. Comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 24, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–29967 Filed 9–25–80; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[LR–85–79]

Interest-Free Adjustment With Respect to Erroneous Filing of FICA and RRTA Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains a proposed amendment which would permit an interest-free adjustment in certain circumstances where an employer erroneously either files a Federal Insurance Contributions Act (FICA) tax return instead of a Railroad Retirement Tax Act (RRTA) return, or files a RRTA tax return instead of a FICA tax return.

DATES: Written comments and requests for a public hearing must be delivered or mailed by November 25, 1980. This amendment is proposed to be effective immediately upon publication as a Treasury decision.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (LR–85–79).

FOR FURTHER INFORMATION CONTACT: John A. Tolleris of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, D.C. 20224, Attention: CC:LR:T (202–566–3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Employment Tax Regulations (26 CFR Part 31) under section 6205 of the Internal Revenue Code of 1954. This amendment is proposed to clarify the regulations under section 6205 and is to be issued under the authority contained in sections 6205 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 768, 917; 26 U.S.C. 6205, 7805).

Explanation of Provisions

The Employment Tax Regulations presently provide that if an employer has filed a return, and if no employment tax, or less than the correct amount of tax upon employees' wages or compensation under either the Federal Insurance Contributions Act or the Railroad Retirement Tax Act has been reported on the return and paid, the employer may, in certain circumstances, make an interest-free adjustment of such underpayment. The proposed regulations would add a new provision to make clear that an employer who has erroneously filed Form 941 and paid FICA tax on an employee's wages rather than filing Form CT–1 and paying RRTA tax, or vice versa, under certain circumstances, may make such an interest-free adjustment if he timely pays and reports the adjustment in accordance with proposed § 31.6205–1(b)(2)(iii).

Comments and Requests for a Public Hearing

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

Drafting Information

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

Proposed Amendment to the Regulations

The proposed amendments to 26 CFR Part 31 are as follows:

Paragraph (b)(2) of § 31.6205–1 is amended by adding a new subdivision (iii) immediately after subdivision (ii). The added provisions read as follows:

§ 31.6205–1 Adjustments of underpayments.

* * * * *

(b) *Federal Insurance Contributions Act and Railroad Retirement Tax Act.* * * *

(2) *Underpayment ascertained after return is filed.* * * * (iii) If a return relating to tax under the Federal Insurance Contributions Act is filed although a return relating to tax under the Railroad Retirement Tax Act was required to be filed, or vice versa, and if the amount reported on the return filed and paid to the district director was less than the correct amount which should have been reported on the return required to be filed, the employer shall adjust the underpayment by reporting the additional amount due on an original return for the correct tax for the return period in which the payment of wages or compensation was made, accompanied by an explanation of the adjustment being reported. The reporting of such additional amount on an original return constitutes an adjustment within the meaning of this section only when the original return is filed on or before the last day on which the return for the correct tax is required to be filed for the return period in which the error is ascertained. The amount of each underpayment adjusted in accordance with this subdivision shall be paid to the district director, without interest, at the time fixed for reporting the adjustment. If an adjustment is reported pursuant to this subdivision, but the amount thereof is not paid when due, interest thereafter accrues (see section 6601).

* * * * *

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80–29918 Filed 9–25–80; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 4

Service Contract Act; Labor Standards for Federal Service Contracts; Further Extension of Comment Period

AGENCY: Wage and Hour Division, Labor.

ACTION: Proposed rule; further extension of comment period.

SUMMARY: This document further extends the period for filing comments regarding a proposed rule intended to revise Part 4 of Title 29 of the Code of Federal Regulations (29 CFR Part 4) which concerns Labor Standards for Federal Service Contracts. This action is taken to permit additional comment from interested persons.

DATE: Comments must be received on or before October 24, 1980.

ADDRESS: Comments should be sent to Mrs. Dorothy P. Come, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, Frances Perkins Department of Labor Building, Room S–3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Dorothy P. Come, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, Frances Perkins Department of Labor Building, Room S–3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone: 202–523–8333.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 28, 1979 (44 FR 77036) the Department of Labor published a proposed rule intended to revise 29 CFR Part 4 which concerns Labor Standards for Federal Service Contracts. Interested persons were requested to submit comments on or before February 26, 1980. Extensions of the period for comment, until September 23, 1980, have previously been granted.

Because of the continuing interest in this proposal, the agency believes that it is desirable to grant a further extension of the comment period for all interested persons. Therefore, the comment period for the proposed rule, revising 29 CFR Part 4 (Labor Standards for Federal

Service Contracts), is extended to October 24, 1980.

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

Donald Elisburg,

Assistant Secretary of Labor, Employment Standards Administration.

[FR Doc. 80-30022, Filed 9-25-80; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004E]

Occupational Exposure to Lead; Limited Reopening of Rulemaking Record; Notice of Comment Period and Informal Public Hearing

Note.—This document originally appeared in the **Federal Register** for Wednesday, September 24, 1980. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of reopening of the lead rulemaking record; notice of comment period and informal public hearing.

SUMMARY: This notice reopens the rulemaking record for the lead standard (29 CFR 1910.1025) to receive specific information relating to the feasibility of meeting the permissible exposure limit (PEL) specified in the lead standard through engineering controls and work practices in certain industries. The notice is published pursuant to a Court Appeals remand of the feasibility question as to certain specified industries. This notice also schedules a period for receipt of written comments and an informal public hearing on the question of feasibility.

DATES: Written comments will be received until October 27, 1980. An informal public hearing will be held on November 5, 6, and 7, 1980. All notices of intention to appear at the public hearing and all written testimony and documentary evidence which will be introduced into the hearing record must be received by October 27, 1980.

ADDRESS: Comments should be sent to: Docket Officer, Docket H-004E, Room S6212, U.S. Department of Labor, Washington, D.C. 20210. Notices of intention to appear and written testimony should be sent to: Mr. Clarence Page, OSHA, Division of Consumer Affairs, Room N3635, U.S. Department of Labor, Washington, D.C. 20210. The public hearing will be held in the Auditorium, Frances Perkins Labor Department Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Dr. Robert P. Beliles, Occupational Safety and Health Administration, Room N3718, U.S. Department of Labor, Washington, D.C. 20210, 202-523-7081.

SUPPLEMENTARY INFORMATION: On October 3, 1975, OSHA proposed a standard for occupational exposure to lead (40 FR 45934) to replace the permissible exposure limit which had been adopted from a national consensus standard pursuant to § 6(a) of the Occupational Safety and Health Act (ACT). A lengthy hearing in Washington, D.C. and two regional hearings in St. Louis, Missouri, and San Francisco, California, were held in the spring of 1977. In the fall of the same year, hearings were held for the receipt of additional information on certain specific issues, including medical removal protection. The hearing record was closed in January of 1978. On November 14, 1978, a final standard was published in the **Federal Register** ((43 FR 52952); supplemental attachments published November 21, 1978, (43 FR 54354)) which limited occupational exposure to airborne concentrations of lead to 50 ug/m^3 (micrograms per cubic meter) based on an eight-hour weighted average (TWA). Additional protective provisions included environmental monitoring, recordkeeping, employee education and training, medical surveillance, medical removal protection, hygiene facilities, and other requirements.

Immediately after promulgation, the lead standard was challenged by both industry and labor, in several U.S. Courts of Appeals. All cases were transferred and consolidated in the U.S. Court of Appeals for the District of Columbia Circuit. Simultaneously, various parties sought administrative reconsideration and stays of the regulation, one of which was granted. On March 1, 1979, the D.C. Circuit partially stayed the lead standard by delaying the requirement for installing engineering controls and instituting work practices. However, enforcement of the PEL and provisions for environmental monitoring, recordkeeping, employee education and training, medical surveillance, and medical removal protection was permitted to begin on March 1, 1980.

In a lengthy opinion issued on August 15, 1980, the United States Court of Appeals for the District of Columbia Circuit, per Chief Judge Wright, upheld the validity of OSHA's lead standard in most respects. However, the Court found that OSHA failed to present substantial evidence or adequate reasons to support the feasibility of the standard, with respect to certain industries, and remanded the standard to the Agency for reconsideration of the question of the technological and economic feasibility of the standard for those industries.

With respect to the following industries, the Court found OSHA's analysis of the feasibility of the standard to be adequate and upheld the validity of the entire standard: Primary smelting; secondary smelting; printing; can manufacturing; battery manufacturing; paint and coatings manufacturing; ink manufacturing; wallpaper manufacturing; electronics manufacturing; and gray-iron foundries.

The Court also found that:

"OSHA failed to present substantial evidence or adequate reasons to support the feasibility of the standard for the following industries: nonferrous foundries; pigment manufacture; shipbuilding; auto manufacture; solder manufacture; wire patenting; pottery; brick manufacture; agricultural pesticides manufacture; leather manufacture; pipe galvanizing; gasoline additives manufacture; linoleum-rubber-plastics manufacture; paint spraying; ammunition manufacture; smelting and refining of zinc, silver, gold, platinum, copper, and aluminum; machining; lead burning; glass manufacture; textile manufacture; book binding; steel alloy manufacture; terne metal manufacture; glass polishing and spinning; cutlery manufacture; diamond processing; plumbing; jewlery manufacture; pearl processing; casting; cable coating; electroplating; explosives manufacture; lamp manufacture; sheet metal manufacture; tin rolling; telecommunications; and independent collecting and processing of scrap lead (excluding collecting and processing that is part of a secondary smelting operation)." (*United Steelworkers of America* v. *Marshall*, No. 79-1048, (D.C. Cir. Aug. 15, 1980) slip opinion, pg. 245.)

The Court did not vacate any portion of the lead standard. Rather, it stayed the enforcement of 29 CFR 1910. 1025 (e)(1) (requiring compliance with the PEL through engineering controls and work practices) for those industries for which OSHA failed to present substantial evidence or adequate reasons to support the feasibility of the standard. The Court gave OSHA six months in which to complete its reassessment of the feasibility issue.

Accordingly, OSHA hereby reopens the lead record for the limited and express purpose of soliciting and receiving additional information pertaining to the technological and economic feasibility, including the time necessary for meeting the 50 ug/m^3 PEL solely by engineering controls and work practices for those industries for which the Court ruled OSHA had not adequately determined feasibility or for

any other indutries not ruled upon in the Court's decision. OSHA also expects to put into the record some additional evidence concerning these issues. Evidence previously submitted on these issues will be considered along with any new evidence, and need not be resubmitted. Information is not requested concerning the ten industries for which the standard's feasibility has been upheld or pertaining to issues other than feasibility.

The following questions are considered relevant in determining the feasibility of the PEL for a given industry. Persons possessing or having access to information pertinent to any of the following questions are requested to submit it to OSHA:

1. In which industries, other than those identified above, do exposures to lead occur? In which standard industrial classification (SIC) codes are these industries located?

2. What are the size, age, economic life (plant and equipment), location and number of firms and plants in each of these industries?

3. How many employees are exposed to lead in each of the industries?

4. In what processes do lead exposures occur? What are the sources of exposure?

5. What job classifications or position descriptions are used to describe employees exposed to lead in these processes?

6. What are the chemical and physical characteristics of the lead to which these employees are exposed (e.g., name of compound, aerosol size, solubility)?

7. Does exposure result from the inhalation or ingestion of lead, or both?

8. What is the nature of exposure (air concentrations, duration and frequency)?

9. How many workers are exposed to less than 30 $\mu g/m^3$ of lead as an eight hour TWA?

10. How many workers are exposed to greater than 30 $\mu g/m^3$ but less than 50 $\mu g/m^3$ TWA?

11. How many workers are exposed in excess of 50 $\mu g/m^3$ TWA?

12. What are the blood lead levels for employees exposed in (9), (10), and (11)? Are there any other medical indicators which are useful in assessing environmental conditions?

13. Are there examples of operations or processes where control of exposure to lead to 50 $\mu g/m^3$ has been achieved? Please describe.

14. If control has not been achieved in the industry, which of the following methods are available to achieve such control? Please provide a detailed discussion of the use of these controls and also the time necessary for implementation.

a. Engineering controls, ventilation/collection, isolation/containment, substitution of product or process, modification of process or equipment (e.g., booths, islands, cabs), other.

b. Work practices, housekeeping, administrative controls, employee rotation or scheduling of work operations, other.

15. Are there any unique conditions in the industry which would preclude the use of engineering controls and work practices to reduce exposures?

16. In what operations should personal protective equipment (including respirators) be required?

17. What regulatory activities of State agencies or other Federal agencies affect worker exposure to lead in the industry?

18. Are there other OSHA standards that require the use of engineering controls which would also effect airborne exposure levels to lead?

19. Have there been technological improvements or changes in the industry for the purpose of improving productivity or product quality which have also resulted in reductions in lead exposures?

20. What are the availability, price, and serviceability of substitutes?

21. What were the total annual volume and dollar value of productions, shipments, and inventories for at least the last 5 years?

22. What were the total annual investments categorized as replacement, expansion, modernization, and environmental health and safety related expenditures for at least the last five years?

23. What were the retained earnings, after tax income, total assets, stockholders' equity, net worth, debt-equity ratios, and depreciation charges for at least the last 5 years?

24. What were the rates of return on assets, equity or net worth for at least the last 5 years?

25. What is the degree of market concentration in the industry? (Please give special attention to the role of small businesses and approximate numbers of firms in the industry each year.)

26. What is the geographic dispersion of the industry and its customers?

27. What were the annual volume and dollar value of imports and exports for at least the last 5 years?

28. What were the total annual employment and labor turnover for the industry for at least the last 5 years?

Each employer who has employees exposed to lead is requested to provide specific information related to the above questions concerning his firm or plant. Additionally, the following information should also be provided:

1. Since 1971, what engineering controls and work practices have been implemented to control lead exposure? Provide copies of engineering feasibility studies, cost estimates, exposure records (especially those required to be kept by the new standard) blood lead determinations, cost estimates (capital and operating) and time necessary for implementation.

2. Were any benefits other than reduced lead exposure derived from the implementation of engineering controls and work practices such as increased productivity, product improvement, or reductions in absenteeism?

Public Participation

OSHA is aware of the limited period of time this notice provides for the filing of information and notices of intention to appear. However, the Court of Appeals, in its remand, has given OSHA a timetable of six months to reassess the feasibility issue. OSHA believes that an expedited supplementary rulemaking, with comment period and public hearing, is the most fair and effective means to gather and evaluate the necessary information in so short a period. Accordingly, OSHA cannot grant any requests for extensions.

In addition to the request for written information, which should be submitted to the Docket Office, OSHA is providing an opportunity under section 6(b)(3) of the Act and 29 CFR Part 1911, to submit oral testimony concerning the hearing issues at an informal hearing scheduled to begin at 9:30 a.m., November 5, 1980, in the Auditorium, Frances Perkins Labor Department Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Notice of Intention To Appear and Written Comments

Persons desiring to participate at the hearing must file a notice of intention to appear by October 27, 1980, with Mr. Clarence Page, OSHA, Division of Consumer Affairs, Room N3635, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523–8024. Persons who do not intend to appear at the hearing may submit written comments on the specified issues, by October 27, 1980, to the Docket Office, Room S–6212, Docket H–004E, U.S. Department of Labor, Washington, D.C. 20210. Telephone (202) 523–7894.

The notices of intention to appear, which will be available for inspection and copying at the OSHA Docket Office during business hours, must contain the following information:

1. The name, address, and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation;
4. The specific issues that will be addressed;
5. A detailed statement of the position that will be taken with respect to each issue addressed; and
6. Whether the party intends to submit documentary evidence, and if so, a detailed summary of the evidence to be adduced in support of the position.

Filing of Testimony and Evidence Before Hearing

Any party requesting more than 15 minutes for presentation at the hearing or submitting documentary evidence, must provide, in quadruplicate, the complete text of its testimony, including all documentary evidence to be presented at the hearing, to the OSHA Division of Consumer Affairs, where they will be available for inspection and copying. This material must be received by October 27, 1980. Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear and in light of the very limited time available for the public hearings. In instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Conduct of the Hearings

The hearings will commence at 9:30 a.m., November 5, 1980, with the resolution of any procedural matters relating to the proceeding. The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary and appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911, including the powers:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections, and comparable matters;
3. To confine the presentation to the matters pertinent to the issues raised;
4. To regulate the conduct of those present at the hearing by appropriate means;
5. In the Judge's discretion, to question and permit questioning of any witness; and
6. In the Judge's discretion, to keep the record open for a reasonable stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health.

The question of the feasibility of achieving the PEL through engineering controls and work practice for the industries indicated above will be reviewed in light of all testimony and written submission received as part of this record, including information previously submitted, and a decision will be forthcoming.

This notice was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, Frances Perkins Labor Department Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

(Secs. 6, 8, 84 Stat. 1593–1596, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order 8–76 (41 FR 25059); (29 CFR 1911))

Signed at Washington, D.C., this 22nd day of September 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80–29756 Filed 9–23–80; 10:27 am]

BILLING CODE 4510–26–M

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29 CFR Parts 1910 and 1926

[Dockets Nos. S–012 and S–203]

Locking Out and Tagging of Machines, Equipment Systems and Processes in General Industry and Lockout/Tagout of Machines and Equipment in the Construction Industry; Informal Public Meetings

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of informal public meetings.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is developing proposed standards to protect employees against safety and health hazards related to locking out of machines and equipment. In addition to prior requests for written comment and information from the public, this notice announces that OSHA will hold informal public meetings in New Orleans, Louisiana; Chicago, Illinois; and Washington, D.C. to allow interested parties to make oral presentations.

DATES: Informal public meetings will be held in New Orleans, Louisiana on November 5, 6, and 7, 1980; Chicago, Illinois on November 12, 13, and 14, 1980; and Washington, D.C. on November 19 and 20, 1980. Requests to make presentations at these meetings should be received no later than October 27, 1980.

ADDRESSES: Send written requests to appear to Tom Hall, Division of Consumer Affairs, Room N3635, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone (202) 523–8024.

Locations for each meeting are as follows:

New Orleans, November 5–7

Fountain Bay Club Hotel, Carnival Suite, 4040 Tulane Avenue, New Orleans, Louisiana 70119.
Times: Novermber 5, 1980 at 1:00 p.m. November 6 and 7, 1980 at 9:00 a.m.

Chicago, November 12–14

Best Western/Lakeshore Hotel, Lakeside Room, 600 North Lakeshore Drive, Chicago, Illinois 60611.
Times: November 12, 1980 at 1:00 a.m. November 13 and 14, 1980 at 9 a.m.

Washington, D.C., November 19–20

Frances Perkins Building, U.S. Department of Labor, The Auditorium, 200 Constitution Avenue, N.W., Washington, D.C. 20210.
Times: November 19 and 20, 1980 at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT: Martin B. Newdorf, Office of Construction and Civil Engineering Safety Standards, Room N3457, Telephone (202) 523–8161, or James Scully, Office of Mechanical Engineering Standards, Room N3506, Telephone (202) 523–7207, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

SUPPLEMENTARY INFORMATION: Advance Notices of Proposed Rulemaking (ANPR's) and requests for written comment and information concerning safety and health hazards related to locking out and tagging of machines, equipment, systems and processes for general industry (45 FR 41012) and lockout/tagout of machines and equipment for the construction industry (45 FR 41015) were published on June 17, 1980. The comment periods for responses to both ANPR's closed on September 15, 1980.

By this notice, OSHA is scheduling informal public meetings to allow all interested parties, whether or not they have responded to the ANPR's, to orally state their views, comments, and suggestions for these proposed standards in an informal forum. At each meeting, the first half of the time will be devoted primarily to presentations

pertaining to hazards in general industry and the other half primarily to hazards in the construction industry. Locations for each meeting are as follows:

New Orleans, November 5–7

Fountain Bay Club Hotel, Carnival Suite, 4040 Tulane Avenue, New Orleans, Louisiana 70119.

Chicago, November 12–14

Best Western/Lakeshore Hotel, Lakeside Room, 600 North Lakeshore Drive, Chicago, Illinois 60611.

Washington, D.C., November 19–20

Frances Perkins Building, U.S. Department of Labor, The Auditorium, 200 Constitution Avenue, NW., Washington, D.C. 20210.

The meetings on November 5 and November 12 will begin at 1:00 p.m.; meetings on all other days will begin at 9:00 a.m.

OSHA requests that any person wishing to make an oral presentation at the public meetings notify OSHA in writing. To assure that time is provided for the oral presentation, the request should be received by OSHA no later than October 27, 1980. The request, submitted in quadruplicate if possible, should identify the person and/or organization intending to make the presentation, the amount of time requested for the presentation, the subject matter, a brief summary of the oral presentation, the location at which the presentation will be made and whether the presentation will be directed at general industry or the construction industry.

The request should be addressed to Mr. Tom Hall, Division of Consumer Affairs, Room N3635, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Each meeting will begin as noted above. All persons making timely written requests to speak will have time allotted for oral presentations. Other persons wishing to speak should register at each meeting from 8:30 a.m. to 9:00 a.m. (12:30 p.m. to 1:00 p.m. on November 5 or 12) on the day they wish to speak. As long as time permits, all persons who wish to speak may do so. If time is limited, priority will be given to those who have requested time in advance.

During the meetings, OSHA's representatives and, when time permits, the public, may request that participants clarify their comments or provide additional information.

OSHA's primary concerns in developing standards covering locking out of energy sources were stated in the ANPR's. Various questions were also raised in the ANPR's, such as the definition of terms used in lockout, and evaluation of the effectiveness of current OSHA lockout-related standards. OSHA suggests that interested parties review the questions set forth in the ANPR's before attending the public meetings.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C., 20210.

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655), 29 CFR Part 1911; Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C. this 19th day of September 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80–29898 Filed 9–25–80; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Blue Ridge Parkway, Virginia-North Carolina; Snowmobile Regulations

AGENCY: National Park Service.

ACTION: Proposed rule.

SUMMARY: The proposed regulation set forth below is necessary to designate the location on the Blue Ridge Parkway where snowmobiles may be used for recreational purposes when that portion of the motor road is closed to normal motor vehicular traffic by snow and ice. It is the objective of this proposed regulation to provide for the preservation and enjoyment of the Parkway in a way that is consistent with both the snowmobile policy of the National Park Service and the off-road vehicle policy of the Department of the Interior.

DATES: Written comments, suggestions or objections will be accepted until October 27, 1980.

ADDRESS: Comments should be directed to: Superintendent, Blue Ridge Parkway, 700 Northwestern Bank Building, Asheville, North Carolina 28801.

FOR FURTHER INFORMATION CONTACT: Gary Everhardt, Superintendent, Blue Ridge Parkway, Telephone: (704) 258–2850, Ext. 718.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (Use of Off-Road Vehicles on Public Lands) issued in 1972, directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harassment of wildlife, disruption of wildlife habitat, and, in the case of national parks, not adversely affect scenic, natural and aesthetic values.

In response to Executive Order 11644, the Secretary of Interior issued a Departmental memorandum on May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated 36 CFR 2.34(c)(2) on April 1, 1974, which closed all National Park System areas to snowmobile use except those specifically designated as open by **Federal Register** notice or special regulation.

In order to comply with the requirements of Executive Order 11644 and 36 CFR 2.34(c)(2), the National Park Service developed a Servicewide policy revision which was published in the **Federal Register** on August 13, 1977 (44 FR 47412). This policy provides for the use of snowmobiles in units of the National Park System as a mode of transportation to provide the opportunity for visitors to see, sense, and enjoy the special qualities of the park in the winter. The snowmobiles must be consistent with the Park's natural, cultural, scenic and aesthetic values; safety considerations; park management objectives; and not disturb the wildlife or damage other park resources.

The policy further provides that, where permitted, snowmobiles shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons. Routes and water surfaces to be designated for snowmobile use shall be promulgated as special regulations in the Code of Federal Regulations.

This proposed regulation is necessary to comply with Servicewide policy. Its promulgation also responds to public interest in additional recreational opportunities along a designated portion of the Blue Ridge Parkway when weather conditions are such that the motor road is closed to public automobile travel. The designated route for snowmobiles will be that portion of the motor road lying between U.S. 220, Milepost 121.4 and Adney Gap, Milepost 136.0.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may

submit written comments, suggestions or objections regarding this proposed regulation to the address noted at the beginning of this rulemaking.

Drafting Information

The following persons participated in the writing of this regulation: Gary Everhardt, James H. Parr, and Larry Freeman, Blue Ridge Parkway.

Impact Analysis

The National Park Service has made a determination that the regulation contained in this rulemaking is not significant, as that term is defined in 43 CFR Part 14, nor does it require the preparation of a regulatory analysis pursuant to the provision of this authority. An environmental analysis on this proposed regulation has been prepared and is available at the address noted above.

Authority

Section 3 of the Act of August 25, 1916, 39 Stat. 535, as amended (16 U.S.C. § 3); 245 DM 1 (44 FR 23384); National Park Service Order 77 (38 FR 7478), as amended; and Southeast Region Order No. 6 (43 FR 59428), as amended.

In consideration of the foregoing, it is proposed to amend § 7.34 of Title 36, Code of Federal Regulations by the addition of a new paragraph (a) as follows:

§ 7.34 Blue Ridge Parkway.

(a) *Snowmobiles.* After consideration of existing special situations and depending on local weather conditions, the Superintendent may permit the use of snowmobiles on the paved motor road and overlooks used by motor vehicle traffic during other seasons between U.S. 220, Milepost 121.4 and Adney Gap, Milepost 136.0.

Gary Everhardt,

Superintendent, Blue Ridge Parkway.

[FR Doc. 80-29837 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-70-M

POSTAL SERVICE

39 CFR Part 111

Application Procedures for Special Bulk Third-Class Rates

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend chapter 6 of the Domestic Mail Manual to clarify the Postal Service's administrative practice concerning the application procedures for special (nonprofit) bulk third-class mail rates. The proposed rule would provide, with absolute precision, that a separate application for an authorization to mail at the special bulk third-class rates of postage must be filed at *each* post office where the mailer desires to deposit special rate mailings. The proposed rule also clarifies that a refund of postage paid at the regular bulk third-class rates while a special rate application was pending will only be paid on mailings made at offices where an application was filed. In addition, the proposed rule further clarifies that a cooperative mailing may be made by two or more nonprofit organizations only when each of the cooperating organizations is authorized to mail at the post office where the cooperative mailing is deposited.

DATE: Comments must be received on or before October 27, 1980.

ADDRESS: Written comments should be addressed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 1640, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Lynn M. Martin, Office of Mail Classification, (202) 245-4749.

SUPPLEMENTARY INFORMATION: The Postal Service has a longstanding administrative practice requiring the filing of an application for an authorization to mail at the special (nonprofit) bulk third-class rates of postage at *each* post office where the mailer desires to deposit special rate mailings because the Postal Service handles special rate bulk third-class mailings on a local basis. With more than 30,000 post offices, it is not feasible at the present time to coordinate the filing of special rate applications at the Headquarters level. Therefore, the mailer is responsible for filing a proper application at each office where it desires to deposit special rate matter.

Mailers are not permitted to deposit matter at a post office at the special bulk third-class rates until an authorization to mail at those rates at that office has been issued. From the effective date of the authorization, however, the Postal Service will refund postage paid by the mailer at the regular bulk third-class rates in excess of the special rates on qualified mailings made at the office where the application was filed and the authorization issued. No refunds are paid on mailings made at any other post offices if separate applications were not filed at those offices.

These application and refund provisions are designed to ensure that the Postal Service is able to (1) obtain adequate notice of a mailer's desire to mail at the special rates, (2) receive and process applications in a timely and efficient manner, (3) keep an accounting of mailings which may result in future refunds, and (4) review each mailing which may result in a future refund to ensure that it is not an impermissible cooperative mailing under Domestic Mail Manual § 623.5.

The proposed rule also clarifies that, when two or more qualified nonprofit organizations wish to make a cooperative mailing at the special rates, each of the cooperating organizations must be authorized to mail at the special rates at the post office where the cooperative mailing is to be made. The purpose of this requirement is to ensure that the mailing office has previously determined that each cooperating organization is eligible to mail at the special rates. Cooperative mailings made in behalf of, in conjunction with, or produced for an unauthorized organization may not be sent at the special rates.

We believe that postal regulations on special rate application and refund procedures amended by this proposal will make the Postal Service's administrative practice absolutely clear to all potential special rate mailers. While the Postal Service believes that its present regulations already clearly set forth its administrative practice, recent litigation on this subject indicates that some mailers do not agree. Therefore, the Postal Service proposes to further clarify its regulations so as to remove any possible basis for misinterpretation.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

Part 623—Special Bulk Rates

1. In part 623, amend 623.1 to read as follows:

623.1 Authorization.

Only organizations which meet the requirements of 623.2 or 623.3 and which have received specific authorization from the Postal Service may mail eligible matter at the special bulk rates contained in Exhibit 611.2. (See application procedure in 642.) Before

mailing at the special bulk rates, a mailer must be issued a special rate authorization. A separate authorization is required at each post office where special rate mailings are deposited.

2. In part 623, amend 623.52 to read as follows:

623.5 What May Be Mailed.

* * * * *

.52 Cooperative mailings may be made at the special bulk rates only when each of the cooperating organizations is individually authorized to mail at the special bulk rates at the post office where the mailing is deposited. Cooperative mailings containing any matter prepared by, in behalf of, or produced for an organization not itself authorized to mail at the special bulk rates at the post office where the mailing is deposited must be paid at the applicable regular rate. If customers disagree with a postmaster's decision that the regular rate of postage applies to a particular mailing, they may appeal the decision in accordance with 133. See Form 3602, *Statement of Mailing With Permit Imprints,* or Form 3602–PC, *Statement of Mailing—Bulk Rates,* for the certifications required of special bulk rate mailers for mailings made under this section.

Part 641—Annual Fee—Bulk Rates

3. Amend 641 to read as follows:

641 Annual Fee—Bulk Rates.

An annual bulk mailing fee must be paid once each calendar year by or for any person or organization which mails at the regular or special bulk third-class rates at each post office where mailings will be deposited (see 612.1). Any person or organization which engages a business concern or other individual to mail for them must pay the fee. This fee is separate from the fee that must be paid for a permit to mail under the permit imprint system (see 145.2). The annual bulk mailing fee must be paid at or before the time of the first bulk rate mailing of each calendar year.

Part 642—Application To Mail at the Special Bulk Rates

4. In 642.1 amend .11 to read as follows:

642.1 Application Procedures.

.11 Filing. An application for authorization on Form 3624, *Application to Mail at Special Bulk Third-Class Rates,* must be filed by the organization at each post office where the organization wishes to deposit mailings at the special bulk rates. The applicant must indicate on the application form the qualifying category or categories of organizations under which it seeks authorization. See 623.

5. In 642.4 amend .43 to read as follows:

642.4 Mailing While Application Pending.

* * * * *

.43 Refund. If an authorization to mail at special bulk rates is issued, the postmaster of the issuing office will refund to the mailer the postage paid at that office at the applicable regular bulk third-class rate in excess of the special rate since the effective date of the authorization. Note: No refunds will be made:

a. If the application is denied and no appeal is filed;

b. If postage was paid at first-class or single-piece third-class rates;

c. For the period prior to the effective date of the authorization; or

d. For mailings made at a post office at which a separate application was not filed.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 80–29787 Filed 9–25–80; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1612–8]

Proposed Revision to the State of Idaho State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: On June 24, 1980, EPA published in the **Federal Register** minimum requirements for primary nonferrous smelter orders (NSO) issued pursuant to Section 119 of the Clean Air Act (herein referred to as the Act). EPA will soon propose issuance of a NSO to the Bunker Hill Company. However, before its issuance, a provision regarding protection of the employee for loss of pay must be included in the Idaho State Implementation Plan to satisfy Section 110(a)(6). EPA has been advised that the State of Idaho does not intend to make the necessary SIP revision in order to satisfy this requirement.

Therefore, this Notice solicits public comment on EPA's proposal to promulgate a maintenance of pay provision in the State of Idaho SIP under Section 110(a)(6) as amended.

DATE: Comments must be postmarked no later than October 27, 1980.

ADDRESSES: The materials relevant to this proposed action may be examined during normal business hours at the following locations:

Central Docket Section, (10A–79–4), Environmental Protection Agency, West Tower Lobby, Gallery I, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue M/S 629, Seattle, Washington, 98101

COMMENTS SHOULD BE ADDRESSED TO: Laurie M. Kral, Air Programs Branch M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

FOR FURTHER INFORMATION CONTACT: Kenneth A. Lepic, Air Programs Branch M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442–1125, FTS: 399–1125

SUPPLEMENTARY INFORMATION: Under Section 110(a) and 302(k) of the Clean Air Act as amended, (hereafter referred to as the Act), the national ambient air quality standards (NAAQS) for sulfur dioxide (SO_2) must be attained through use of constant controls which remove oxides of sulfur from gas streams prior to release to the atmosphere. However, Section 119 of the Act allows certain nonferrous smelters that are at present unable to meet required levels of constant SO_2 control to utilize dispersion-dependent techniques, as opposed to constant controls, to attain NAAQS for SO_2 on a temporary basis under terms of a Section 119 nonferrous smelter order (NSO). Such techniques include the use of supplementary control systems (SCS).

Under an SCS, production is curtailed to avoid an NAAQS violation whenever meteorological conditions are not conducive to good dispersion of pollutants. When this occurs production is stopped, shut down or curtailed until favorable meteorological conditions are present. During periods of SCS production shutdown, smelter workers' schedules are often curtailed and worker pay reduced.

In 1977, Congress amended the Act (Pub. L. 95–95) to include Section 110(a)(6), which requires each State Implementation Plan (SIP) which contains provisions allowing a source to use supplemental control to include a requirement that reduction in production will not result in loss of pay to the worker.

On June 24, 1980, EPA published in the **Federal Register** (45 FR 42514) the

minimum requirements for an initial (first) primary nonferrous smelter order (NSO) issued pursuant to Section 119 of the Act. EPA will soon propose issuance of a first NSO to the Bunker Hill Company located in Kellogg, Idaho, in accordance with the Settlement Agreement entered into by the Bunker Hill Company and EPA on June 11, 1979. EPA published a Notice describing the Settlement Agreement in the July 10, 1979 Federal Register (44 FR 40360). EPA then proposed on September 7, 1979 to promulgate the terms of the Settlement Agreement and promulgated the terms on December 13, 1979 (44 FR 27118) as a revision to the Idaho SIP. Before the Bunker Hill Company's first NSO can be issued, however, a provision regarding protection of the employee for loss of pay must be included in the Idaho SIP that satisfies Section 110(a)(6) of the Act.

On May 31, 1972 (37 FR 10842) the Administrator of EPA pursuant to Section 110 of the Act and 40 CFR Part 51, approved with specified exceptions the Idaho State Implementation Plan. In response to the 1977 Amendments, each State is to adopt and submit a revised plan to implement and enforce newly enacted provisions of the Act. On January 15, 1980 the State of Idaho submitted a revised SIP for EPA consideration. Maintenance of pay provisions were not included in the revised SIP. EPA has been advised that the State does not intend to propose to make the SIP revision necessary to satisfy the maintenance of pay requirements of Section 110(a)(6). In view of this, EPA itself is proposing to promulgate a maintenance of pay provision for the Idaho SIP as required by Section 110(a)(6).

Because there is only a short period of time allowed for issuance of an NSO, the impact of this rulemaking is limited only to the State of Idaho, and the public has had adequate notice of guidelines for preparation of State Implementation Plans, we are soliciting public comments for 30 days instead of 60 days.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Interested parties are invited to comment on all aspects of this proposed amendment to the Idaho SIP. Comments should be submitted, preferably in triplicate, to the address listed in the front of this Notice. Public comments postmarked by October 27, 1980, will be considered in any final action EPA takes on this proposal.

(Secs. 110, 172 Clean Air Act (42 U.S.C. 7410(a), 7502))

Dated: September 12, 1980.

Donald P. Dubois,

Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart N—Idaho

Section 52.678 is added as follows:

§ 52.678 Maintenance of pay.

(a) The owner or operator of a source shall not temporarily reduce the pay of any employee by reason of the use of supplemental or intermittent or other dispersion-dependent control systems for the purpose of meeting national ambient air quality standards or the requirements of orders under Section 113(d) or Section 119 of the Clean Air Act, as amended.

[FR Doc. 80-29829 Filed 9-25-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 81

[FRL 1616-6]

Air Quality Control Regions, Criteria and Control Techniques; Attainment Status Designations: Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (the Act). This section directed each State to submit to the Administrator of the USEPA a list delineating the status of the National Ambient Air Quality Standards (NAAQS) (attainment/nonattainment/unclassifiable) for each pollutant for all areas within the State. The Administrator was required to promulgate the State lists, with any necessary modifications.

According to section 107(d), these area designations are subject to revision whenever sufficient data become available to warrant a redsignation.

USEPA is proposing to modify the attainment status designation of Lorain County, Ohio. The proposal is to enlarge both the primary nonattainment area and secondary nonattainment area for total suspended particulates (TSP).

DATE: Comments must be submitted by no later than October 27, 1980.

ADDRESS: Send comments to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the requests for the redesignation, support documents, and the supporting ambient air quality data are available at the address cited above and at:

Publication Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216

FOR FURTHER INFORMATION CONTACT: Henry Onsgard, Technical Analysis Section, Air Programs Branch, United States Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604, (312) 886-6043

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendment of 1977 added section 107(d) to the Clean Air Act (the Act). This section directed each State to submit to the Administrator of the USEPA a list delineating the status of the National Ambient Air Quality Standards (NAAQS) (attainment/nonattainment/unclassifiable) for each pollutant for all areas within the State. The Administrator was required to promulgate the State lists, with any necessary modifications. For Ohio, the Administrator published these lists in the Federal Register on March 3, 1978 (43 FR 8962), and made necessary amendments in the Federal Register on October 5, 1978 (43 FR 45993). According to section 107(d), these area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

Redesignation Request

On February 1, 1980, the Ohio Environmental Protection Agency (OEPA) requested a modification of the October 5, 1978 (43 FR 45993) TSP designation for Lorain County, Ohio. OEPA requested the USEPA to enlarge both the primary and secondary nonattainment areas for TSP. On March 31, 1980, after reviewing the TSP ambient air monitoring data and the proposed redesignation, USEPA requested a clarification of the northeastern primary nonattainment boundry. On June 13, 1980, OEPA revised their original redesignation to read as follows.

1. Primary TSP nonattainment area: The City of Lorain bordered on the west by State Route 58; on the South Route 611, Elyria Avenue and East 28th Street through to East River Road (Sheffield

Elyria Road) and, on the east by East River Road (Sheffield Elyria Road) State Route 611 and Harris Road.

2. Secondary TSP nonattainment area: The City of Lorain, east of Route 58, the incorporated communities of Sheffield, Sheffield Lake, and Avon Lake plus the remainder of Sheffield Township excluding the primary TSP nonattainment area.

3. Attainment area: The remainder of Lorain County.

The TSP ambient air monitoring data was collected during 1978 and 1979 from five TSP ambient air monitors. A review of the monitoring data from the three monitors located in the enlarged primary nonattainment area indicates violations of both the annual primary TSP standard and the 24-hour primary TSP standard. Also, a review of the monitoring data from the two monitors located in the enlarged secondary nonattainment area indicates violations of both the annual secondary TSP guideline standard and the 24-hour secondary TSP standard.

Based upon the USEPA's review of the TSP ambient air monitoring data and the OEPA's request, the USEPA is proposing to approve OEPA's recommended TSP redesignation for Lorain County.

All interested persons are invited to comment on those revision to the Ohio SIP and on USEPA's proposed action. Comments should be submitted to the address listed in the front of this notice. Public comments received on or before October 27, 1980, will be considered in USEPA's final rulemaking. All comments received will be available for inspection at the Region V Air Programs Branch, Chicago, Illinois, 60604.

Under Executive Order 12044, USEPA 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 developmental procedures. USEPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of purposed rulemaking is issued under the authority of section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

Dated: September 19, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-29826 Filed 9-25-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 123

[FRL 1617-1]

North Carolina's Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Notice of public hearing and public comment period.

SUMMARY: Regulations to protect human health and the environment from the improper management of hazardous waste were published in the Federal Register on May 19, 1980 (45 FR 33063). The hazardous waste management program regulations include provisions for authorization of State programs to operate in lieu of the Federal program and for a transitional stage in which States can be granted interim program authorization. This document announces the availibility for public review of the North Carolina application for Phase I interim authorization, invites public comment, and gives notice of a public hearing to be held on the application.

DATE: Comments on the North Carolina interim authorization application must be received by November 4, 1980.

Public hearing: EPA will conduct a public hearing on the North Carolina interim authorization application at 7:00 p.m. on Wednesday, October 29, 1980. The State of North Carolina will participate in the public hearing held by EPA on this subject.

ADDRESSES: Copies of the North Carolina interim authorization application are available at the following addresses for inspection and copying by the public:

Solid Hazardous Waste Management Branch, Room 213, Bath Building, 306 North Wilmington Street, Raleigh, North Carolina 27602; telephone: 919/733-2178.

Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street, NE, Atlanta, Georgia 30365; telephone: 404/881-4216.

Written comments should be sent to: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365; telephone: 404/881-3016.

The public hearing will be held at: McKimmon Center, North Carolina State University, Western Boulevard, Raleigh, North Carolina.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365; telephone: 404/881-3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 Federal Register (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to The Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for issuance of interim authorization, the State hazardous waste program must:

1. Have been in existence prior to August 17, 1980, and

2. Be substantially equivalent to the Federal program.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123 Subpart F (45 FR 33479).

As noted in the May 19, 1980, Federal Register copies of complete State submittals for Phase I interim authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal.

Dated: September 19, 1980.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 80-29811 Filed 9-25-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 9E2233/P144; FRL 1617-4]

O,O-Dimethyl S-[(4-Oxo-1,2,3-Benzotriazin-3(4H)-YL)Methyl] Phosphorodithioate; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for the insecticide O,O-dimethyl S-[(4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl] phosphorodithioate on parsley (roots) at 2.0 parts per million (ppm) and parsley (leaves) at 5.0 ppm. This proposal was

submitted by the Interregional Project No. 4 (IR–4). This amendment will establish a maximum permissible level for residues of the subject insecticide in or on parsley (roots) at 2.0 ppm and parsley (leaves) at 5.0 ppm.

DATE: Comments must be received by October 27, 1980.

ADDRESS: Written comments to: Clinton Fletcher, Registration Division (TS–767), Office of Pesticide Programs, Rm. E–124, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher (202–426–0223).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted a pesticide petition (PP 9E2233) to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of New Jersey.

This petition requested that the Administrator, pursuant to section 408(e) for the Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the subject insecticide in or on the raw agricultural commodities parsley leaves and roots. Permanent tolerances have been previously established for residues of the subject insecticide on a variety of raw agricultural commodities at levels ranging from 0.04 ppm to 10 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The insecticide is considered useful for the purpose for which the tolerances are sought.

The toxicology data considered in support of the proposed tolerances of 2.0 parts per million (ppm) in or on parsley (roots) and 5.0 in or on parsley (leaves) were a two-year dog feeding study with a no-observed-effect level (NOEL) of 5 ppm; a two-year rat feeding study with a NOEL of 5 ppm and indicating no oncogenic potential; a three-generation mouse reproduction study with a NOEL of greater that 5 milligrams (mg)/kilogram (kg) per day; a rabbit teratology study negative at 0.75 mg/kg/day (highest level fed); a report showing that the subject chemical is not a significant teratogen in rat and mouse bioassay; a hen neurotoxicity study negative up to 100 ppm (highest level fed); a National Cancer Institute oncogenic study indicating negative oncogenic potential in B_6C_3F1 mice and inconclusive data in male Osborne-Mendel rats. The acceptable daily intake (ADI) for humans has been calculated to be 0.025 mg/kg of body weight (bw)/day based on the NOEL of the two-year rat feeding study using a 10-fold safety factor. Thus, for a 60 kg human, the maximum permissible intake (MPI) for this chemical is calculated to be 1.5 mg/day. The requested tolerances on parsley roots and leaves will increase the theoretical maximal residue contribution (TMRC) by approximately .0045 percent.

The recently completed oncogenicity study by the National Cancer Institute indicated that the compound had no oncogenic potential in one rodent species while, in a second species, the data was inconclusive and insufficient to judge the potential oncogenicity of the subject pesticide. The results would warrant a retesting in rats to clarify the remaining uncertainty raised by the present study. In a letter of March 3, 1980, Mobay Chemical Company indicated that a mouse oncogenicity study was scheduled and expected to be completed in March 1983. Mobay has also agreed to voluntarily delete the use of the subject insecticide from the label should the results of the study exceed the risk criteria for chronic toxicity in 40 CFR 162.11.

The nature of the residue is adequately understood and an adequate analytical method (meagher colorimetric method) is available for enforcement purposes. There is no reasonable expectations of residues in meat, milk, poultry, and eggs. There are presently no actions pending against the continued registration of this chemical.

Thus, based on the above information considered by the Agency and the insignificance of parsley roots and leaves in the diet, it is concluded that the tolerances of 2.0 ppm in or on parsley (roots) and 5.0 ppm in or on parsley (leaves) established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before October 27, 1980, that the rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "PP 9E2233/P144". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Clinton Fletcher, Room 124, East Tower, from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Note.—Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 408(e), 68 Stat. 561 (21 U.S.C. 346a(e))

Dated: September 19, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by alphabetically inserting the raw agricultural commodities in § 180.154 to read as follows:

§ 180.154 O,O-dimethyl *S*-[(4-oxo-1,2,3-benzotriazin-3 (4*H*)-yl)methyl] phosphorodithioate.

* * * * *

Commodity	Parts per million
* * * * *	
Parsley, leaves	5
Parsley, roots	2
* * * * *	

[FR Doc. 80–29831 Filed 9–25–80; 8:45 am]

BILLING CODE 6560–01–M

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40 CFR Part 180

[PP OE2292/P149; FRL 1617–2]

Thiabendazole; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the fungicide thiabendazole [2-(4-thiazolyl)benzimidazole]. This proposal was submitted by the Interregional Project No. 4 (IR–4). This amendment will establish a maximum permissible level for residues of the subject fungicide on carrots at 10 parts per million (ppm).

DATE: Comments must be received on or before October 27, 1980.

ADDRESS: Clinton Fletcher, Registration Division (TS–767), Emergency Response Section, Rm. E–124, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Clinton Fletcher (202/426–0223) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, has submitted a pesticide petition number OE2292 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Michigan.

This petition requested that the Administrator, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the fungicide thiabendazole [2-(4-thiazolyl)benzimidazole] in or on the raw agricultural commodity carrots at 10 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed tolerance of 10 ppm in or on carrots were a two-year rat feeding study with a no-observable-effect-level (NOEL) of 10 milligrams (mg)/kilograms (kg) and negative oncogenic potential; a two-year dog feeding study with a NOEL of 50 mg/kg; a rat teratology study negative at 80 mg/kg and 80.4 mg/kg; a mouse reproduction study with a NOEL of 150 mg/kg; a rabbit teratology study negative at 800 mg/kg; a mouse oncogenicity study negative at 5,330 ppm, highest level fed.

The acceptable daily intake (ADI), based on the two-year rat feeding study (NOEL of 10 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.10 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 6 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 1.3339 mg/day. The current action will utilize 1.20% of the ADI. Published tolerances utilize 22.23% of the ADI.

The metabolism of thiabendazole is adequately understood and an adquate analytical method (fluorescence) is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, currently established tolerances for meat and milk are adequate to cover any residues resulting from carrots used as animal feed. The tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before October 27, 1980, that this rulemaking proposal be referred to an Advisory Committee in accordance with Section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP OE2292/P149]". All written comments filed in response to this petition will be available for public inspection in the office of Clinton Fletcher from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Note.—Under Executive Order 12444, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

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

Dated: September 19, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by alphabetically inserting the raw agricultural commodity carrots in § 180.242 to read as follows:

§ 180.242 Thiabendazole; tolerance for residues.

* * * * *

Commodities	*Parts per million*
* * * * *	
Carrots	10
* * * * *	

[FR Doc. 80–29830 Filed 9–25–80; 8:45 am]

BILLING CODE 6560–01–M

Notices

Federal Register
Vol. 45, No. 189
Friday, September 26, 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.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Interpreters in Courts of the United States; Announcement of Spanish/English Certification Examination

AGENCY: Administrative Office of the United States Courts.

ACTION: Notice of Spanish/English certification examination for court interpreters.

SUMMARY: The Director of the Administrative Office of the United States Courts announces that the agency will conduct the written portion of the certification examination for individuals who desire to be certified to serve as Spanish/English interpreters in courts of the United States in accordance with the Court Interpreters Act, Pub. L. No. 95–539, 92 Stat. 2040 (1978) (28 U.S.C. 1827). To sit for the examination, an individual must file a written application.

DATES: The agency will administer the written portion of the examination on November 22, 1980 at 9 a.m. The deadline for filing of applications is 4:00 p.m. on October 31, 1980.

ADDRESS: Applicants may sit for the examination at any of the locations identified in the attached schedule.

FILING: To make application for the examination, either *telephone* or *write* the following information:

1. Name
2. Mailing address
3. Date of birth
4. Daytime telephone number
5. Social security number
5. City where you wish to take the written examination
7. Any special arrangements that should be made due to physical disability or keeping of the Sabbath.

You will then receive an admission form to the examination and the specific location of the examination site.

Telephone or mail your application with the above information *to be received not later than 4:00 p.m. on October 31, 1980* to: Court Interpreters Program, Administrative Office of the United States Courts, Washington, D.C. 20544, Telephone: (202) 633–6212.

FOR FURTHER INFORMATION CONTACT: Jon A. Leeth, Personnel Division, Administrative Office of the United States Courts, Washington, D.C. 20544, (202) 633–6212 or (FTS) 633–6212.

SUPPLEMENTARY INFORMATION:

I. Background

The Director of the Administrative Office of the United States Courts is responsible for the establishment of a program to facilitate the use of interpreters in courts of the United States. He must prescribe, determine and certify the qualifications of persons who may serve as certified interpreters in bilingual proceedings and proceedings involving the hearing impaired. 28 U.S.C. 1827(b). Whenever an interpreter is required for a person in any criminal or civil action initiated by the United States, the presiding judicial officer must utilize the services of a certified interpreter, unless no certified interpreter is reasonably available.

The Administrative Office of the United States Courts (AO) will provide the courts with a roster of certified court interpreters selected on the basis of the successful completion of written and oral examinations in English and a foreign language.

II. This Examination

This examination will be a comprehensive written and oral examination for bilingual proficiency in Spanish and English.

The written portion of the examination does not necessarily require the special knowledge of court vocabulary. Each applicant who completes successfully the written portion will be eligible for the oral examination. Successful applicants will receive notice of the time and place of the oral portion of the examination.

The oral portion of the examination will test, in simulated settings, the applicant's ability to: (1) Interpret from Spanish to English, in consecutive, simultaneous, and summary modes; (2) interprets from English to Spanish in consecutive, simultaneous, and summary mode; and (3) perform sight interpretation. The oral portion of the examination does not necessarily require previous experience in court interpreting.

III. Qualifications

There are no formal educational requirements for certification, either in languages or interpreting. However, the difficulty of the examination is at the college degree level of proficiency. Successful completion of the oral portion of the examination normally would require prior training or professional experience in simultaneous, consecutive, and summary interpreting.

IV. Duties

Successful completion of the examination will not necessarily lead to full-time employment. Interpreters satisfy most needs as independent contractors. However, where full-time interpreters are needed, only certified interpreters will be eligible for appointment.

As the Federal Courts require full-time salaried interpreters, the interpreter will be chosen from the eligibility lists. The annual salary range is JSP–10 and JSP–11 ($20,467–$29,236) for full-time salaried interpreters. For certified interpreters who provide services as independent contractors, the fee is $130 per day.

Court interpreters perform all or some of the following duties: (1) interpret verbatim in simultaneous, consecutive, or summary mode a foreign language into English, and vice versa, at arraignments, preliminary hearings, pretrial hearings, trials, and other court proceedings; (2) transcribe from electronic sound recordings; and (3) translate technical, medical and legal documents and correspondence for introduction as evidence.

Issued at Washington, D.C., on September 18, 1980.

William E. Foley,
Director.

Testing Sites

Alabama: Mobile
Arizona: Flagstaff, Phoenix, Tucson
California: Fresno, Los Angeles, Monterey, Sacramento, San Diego, San Francisco
Connecticut: Hartford
Colorado: Denver
Delaware: Wilmington
District of Columbia
Florida: Jacksonville, Miami, Orlando, Pensacola, Tampa, West Palm Beach
Georgia: Atlanta
Illinois: Chicago
Indiana: South Bend
Iowa: Des Moines

Kansas: Kansas City
Kentucky: Lexington
Louisiana: Baton Rouge, New Orleans, Shreveport
Maine: Portland
Maryland: Baltimore
Massachusetts: Boston
Michigan: Detroit
Minnesota: Minneapolis
Mississippi: Jackson
Missouri: St. Louis
Nebraska: Omaha
Nevada: Las Vegas, Reno
New Hampshire: Concord
New Jersey: Newark, Trenton
New Mexico: Albuquerque, Las Cruces, Santa Fe
New York: Manhattan
North Carolina: Greensboro
North Dakota: Bismark
Ohio: Cincinnati, Cleveland, Columbus, Dayton
Oklahoma: Oklahoma City, Tulsa
Oregon: Portland
Pennsylvania: Philadelphia, Wilkes Barre
Puerto Rico: San Juan
Rhode Island: Providence
South Carolina: Charleston
South Dakota: Sioux Falls
Tennessee: Memphis
Texas: Beaumont, Brownsville, Corpus Christi, Dallas, El Paso, Fort Worth, Houston, Laredo, San Antonio
Utah: Salt Lake City
Vermont: Burlington
Virgin Islands: Saint Thomas
Virginia: Norfolk
Washington: Seattle
West Virginia: Charleston
Wisconsin: Milwaukee

[FR Doc. 80-29805 Filed 9-25-80; 8:45 am]
BILLING CODE 2210-01-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on October 14, 1980, at 7:30 p.m., a public information meeting will be held at the city of Raleigh, Municipal Building, Room 315, 110 South McDowell Street, Raleigh, North Carolina.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed replacement of the Boylan Avenue Bridge, Raleigh, North Carolina, an undertaking assisted by the Federal Highway Administration that will adversely affect the Boylan Avenue Bridge, a property eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the property by the Federal Highway Administration and the city of Raleigh.

III. A statement by the North Carolina State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statements to five minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Room 530, Washington, DC 20005, ATTN: Don L. Klima.

Dated: September 22, 1980.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 80-29784 Filed 9-25-80; 8:45 am]
BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Mount St. Helens Planning Unit; Gifford Pinchot National Forest, Cowlitz, Skamania, and Lewis Counties, State of Washington; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement to decide the use and management of the lands and resources of the Mount St. Helens Planning Unit.

A range of alternatives will be considered in reaching a decision for the area. One alternative will be Wilderness designation of the RARE II Further Planning areas in the Planning Unit. Other alternatives will consider managing the volcanic area for public use, education and information, as well as other resource uses within or adjacent to the volcanic blast area. Alternatives will include features outside the National Forest boundary.

The resulting plan for the Mount St. Helens Planning Unit will be a revision of current management plans for the Unit; the plan will meet the requirements for planning as listed in FSM 1920 and National Forest Management Act Regulations to the extent that time and information constraints will permit.

Federal, State, and local agencies, organizations and individuals are being invited to participate in the identification of the issues and concerns to be addressed in the planning process. This is being done by mailings to the public.

Questions about the proposed action and environmental impact statement should be directed to Arvid Ellson, Director, Mount St. Helens Recovery Planning Unit, in the Regional Forester's Office (phone 503/221-6858).

It is anticipated the draft environmental impact statement should be available for public review by January 1981. The final environmental impact statement is scheduled to be completed in July 1981.

Written comments and suggestions concerning this analysis are encouraged. They should be sent to: R. E. Worthington, Regional Forester, P.O. Box 3623, Portland, Oregon 97208.

George D. Breitmeier,
Acting Regional Forester.
September 19, 1980.

[FR Doc. 80-29766 Filed 9-25-80; 8:45 am]
BILLING CODE 3410-11-M

National Forest Land and Resource Management Plan; Tonto National Forest, Gila, Maricopa, Pinal, Yavapai Counties, Arizona; Intent to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental statement for the development of the proposed Land and Resource Management Plan for the Tonto National Forest.

The land and resource planning process will develop a range of alternatives for consideration. One alternative to be considered will be a continuation of current management direction and policy. Other alternatives will consider a range of Forest outputs and management directions.

Early in the process, Federal, State, and local agencies; Indian tribes; Forest permittees; Forest users; adjacent

landowners; and other individuals and organizations who may be interested in or affected by the decision will be invited to participate by: (a) recommending issues to be addressed in the planning process, (b) recommending evaluation criteria to be applied.

Public workshops will also be held to identify issues, concerns and opportunities to be addressed in the plan and to discuss criteria which will be used to select a final plan. The scope of the plan will also be discussed during the workshops. Public workshops will be held as follows:

Date and Place

November 6, 1980—Flagstaff, Arizona
November 10, 1980—Payson, Arizona
November 10, 1980—Globe/Miami, Arizona
November 12, 1980—Tucson, Arizona
November 13, 1980—Phoenix, Arizona
November 18, 1980—Young, Arizona
November 19, 1980—Tonto Basin, Arizona

The planning process is expected to require about 19 months. The draft environmental statement is scheduled to be available for public review in October 1982. The final environmental impact statement is scheduled for completion in June 1983.

Questions regarding the planning process and environmental impact statement should be directed to Philip M. Gilman, Team Leader, Tonto National Forest, 102 South 28th Street, Phoenix, Arizona 85038, (602) 261–3205.

Written comments concerning this planning process should be sent to James L. Kimball, Forest Supervisor, Tonto National Forest, P.O. Box 29070, Phoenix, Arizona 85038, by December 8, 1980.

M. J. Hassell, Regional Forester, Southwestern Region, is the responsible official.

M. J. Hassell,

Regional Forester.

September 18, 1980.

[FR Doc. 80-29802 Filed 9-25-80; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Central Iowa Power Cooperative; Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administrtation (REA) has prepared a Draft Environmental Impact Statement (DEIS) in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with a request for an REA loan guarantee commitment from Central Iowa Power Cooperative (CIPCO), P.O. Box 2517, Cedar Rapids, Iowa 52401. This requested loan guarantee commitment would be used by CIPCO to assist it in obtaining financing for its 23.1 percent ownership of the proposed 650 MW coal-fired steam electric Guthrie County Generating Station and associated transmission facilities located in Guthrie and Dallas Counties of Iowa. Iowa Electric Light & Power Company will be acting as construction agent for the proposed project.

Additional information may be secured on request, submitted to Mr. Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact, from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement are being sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Regulations. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, Room 5829, 12th Street and Independence Avenue, S.W., Washington, D.C. 20250, at the borrower's address, Highway 13 and Bertam Rd., Cedar Rapids, Iowa 52401, or at the Cedar Rapids Public Library.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Frank W. Bennett at the address given above. Comments must be received within forty-five (45) days from the date the Environmental Protection Agency (EPA) announces availability of the document in accordance with 40 CFR 1506.10 to be considered in connection with the proposed financing assistance.

Any financing assistance which may be made pursuant to this proposal will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects. Final action will be taken only after compliance with National Environmental Policy Act of 1969, and other environmentally related statutes, regulations, Executive Orders and Secretary's Memoranda normally considered by REA.

Note.—This Federal Assistance program is listed in the Catalog of Federal Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C. this 23rd day of September, 1980.

Susan T. Shepherd,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 80-29867 Filed 9-25-80; 8:45 am]

BILLING CODE 3410-15-M

Environmental Statement; Metlakatla Indian Community, Finding of no Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) which concludes there is no need for REA to prepare an Environmental Impact Statement in connection with proposed financial assistance by REA to the Metlakatla Indian Community (MIC) for construction of a 2.5 MW hydroelectric generating project on Waterfall Creek, Annette Island, Alaska. The proposed project is near the city of Metlakatla on the west-central shore of Annette Island in southeastern Alaska. It will consist of a rockfill dam, spillway, penstock, powerhouse, and 0.2 miles of 12.5 kV transmission line. The proposed project is needed to meet the current and projected load in MIC's service area. A Borrower's Environmental Report (BER) was prepared by MIC in accordance with REA guidelines. An Environmental Assessment (EA) concerning possible REA financial assistance to MIC was prepared by REA in September 1980.

Federally listed and proposed for listing threatened and endangered species, prime agricultural lands, wetlands, floodplains, archeological and historic sites, and other potential environmental impacts of the proposed project were adequately considered in MIC's and REA's EA.

REA's independent evaluation of the proposed project leads it to conclude that the proposed financial assistance for the project does not represent a major Federal action that will significantly affect the quality of the human environment. Based upon this independent evaluation, the REA's EA and Review of MIC's BER, a FONSI was reached in accordance with Section IV.B and D of REA Bulletin 20–21:320–21.

Alternatives investigated by MIC include: (1) no action; (2) the use of diesel turbines; (3) the use of wind energy; (4) purchase of power from the Ketchikan Public Utilities System; and (5) an alternative hydroelectric site at Triangle Lake, six miles northeast of Metlakatla. The most economic and environmentally acceptable alternative

is the proposed Chester Lake Hydroelectric Project.

Copies of REA's FONSI, REA's EA, and MIC's BER may be obtained on request to Mr. Joe S. Zoller, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. This information is also available in MIC's offices in Metlakatla, Alaska.

Final REA action, with respect to this matter, will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 17th day of September, 1980.

Susan T. Shepherd,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 80-29644 Filed 9-25-80; 8:45 am]

BILLING CODE 3410-15-M

Environmental Statements; Rosebud Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an Environmental Impact Statement in connection with a proposed insured loan by REA for Rosebud Electric Cooperative, Inc. (RECI), Gregory County, South Dakota. The proposed insured loan will provide financial assistance for approximately 41.6 km (26 miles) of 115 kV transmission line and associated substation facilities.

The proposed 115 kV transmission line will commence at the existing Gregory substation and proceed north approximately 4.0 km (2.5 miles) to the proposed North Gregory substation. At this point, two lines will exit from the substation. One line will proceed west approximately 19.2 km (12 miles) culminating at the proposed Colome substation. The other line will extend east 10.9 km (6.8 miles), south 7.5 km (4.7 miles) terminating at the new Burke substation. RECI has prepared a Borrower's Environmental Report (BER) concerning the proposed project. An Environmental Assessment was prepared by REA.

REA has reviewed the cooperative's BER and determined that the proposed project will not adversely impact floodplains, wetlands, Federally listed threatened or endangered species, important farmland, and any historic or archaeological resources.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financial assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of RECI's BER, a Finding of No Significant Impact was reached in accordance with Section IV.B and IV.D.1 of REA Bulletin 20–21:320–21, Part I.

Various alternatives of the proposed transmission line and substation were reviewed by RECI and REA. The alternatives include no action, use of existing facilities and alternative corridors. The most acceptable alternative to deliver power to all existing and future loads of RECI in Gregory County is the proposed project.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and RECI's BER may be reviewed in the office of the Director, Distribution Systems Division, U.S. Department of Agriculture, South Building, Room 3306, Rural Electrification Administration, 14th Street and Independence Avenue, SW, Washington, D.C. 20250, and at the office of the cooperative, Rosebud Electric Cooperative, Inc., P.O. Box 439, Gregory, South Dakota 57533.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 19th day of September 1980.

Susan T. Shepherd,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 80-29706 Filed 9-25-80; 8:45 am]

BILLING CODE 3410-15-M

Science and Education Administration

Joint Council on Food and Agricultural Sciences

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Science and Education Administration announces the following meeting:

NAME: Joint Council on Food and Agricultural Sciences.

DATE: October 14–15–16, 1980.

TIME AND PLACE: October 14, 1980, 1:00–5:00 p.m.; October 15, 1980, 8:30 a.m.–5:00 p.m.; October 16, 1980, 8:30 a.m.–12:00 noon; Rooms Shenandoah D and E, Westpark Hotel, 1900 North Fort Myer Drive, Arlington, Virginia.

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time and space permit.

COMMENTS: The public may file written comments before or after the meeting with the contact person below.

PURPOSE: Discuss suggested revisions of Title XIV; hear updates from the Ad Hoc Committee on Energy and the Committee on Joint Council Strategies; discuss role of the Joint Council Committee on Minority Affairs; hear progress reports on the *Research Facilities Study, New Initiatives in Home Economics,* and the five-year plan of the Joint Council.

CONTACT PERSON: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Department of Agriculture, Room 351–A, Administration Building, Washington, D.C. 20250, telephone (202) 447–6651.

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

James Nielson,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 80-29781 Filed 9-25-80; 8:45 am]

BILLING CODE 3410-03-M

Joint Council on Food and Agricultural Sciences Executive Committee

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Science and Education Administration announces the following meeting:

NAME: Executive Committee of the Joint Council on Food and Agricultural Sciences.

DATE: October 14, 1980.

TIME AND PLACE: 8:30 a.m.–12 noon, Shenandoah C, Westpark Hotel, 1900 North Fort Myer Drive, Arlington, Virginia.

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time and space permit.

COMMENTS: The public may file written comments before or after the meeting with the contact person below.

PURPOSE: Discussion of Title XIV revisions; discuss drafts of the *Research Facilities Study,* the *Areas of Emphasis Report,* and the report of the Committee for Technical Information Systems Planning and Coordination; review proposal regarding the function of the Joint Council Committee on Minority Affairs.

CONTACT PERSON: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351–A,

Administration Building, Washington, D.C. 20250, telephone (202) 447–6651.

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

James Nielson,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 80–29780 Filed 9–25–80; 8:45 am]

BILLING CODE 3410–03–M

CIVIL AERONAUTICS BOARD

[Order 80–9–108; Docket 38728]

Air Halifax Ltd., et al.; Foreign Air Carrier Permits

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: ORDER 80–9–108 (Docket 38278).

SUMMARY: The Board's staff proposes to cancel the foreign air carrier permits held by the following Canadian carriers: Air Halifax Limited (Order 75–2–29); Aircadia Limited (Order 75–1–25); Airspan Flight Charter Limited (Order 75–7–57); Canadian Voyageur Airlines Limited (Order 75–7–127); Cross Canada Flights Limited (Order 75–1–50); J. V. Aviation Limited (Order 75–1–29); Leavens Brothers Limited (Order 75–1–50); and Survair Limited (Order 75–2–25).

Each permit authorizes small aircraft charters between points in Canada and points in the United States.

OBJECTIONS: All interested persons having objections to the staff's tentative finding and conclusion that these foreign air carrier permits should be canceled, as described in the order cited above, shall, no later than October 15, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the carriers, the Department of Transportation, the Department of State, and the Ambassador of Canada in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the staff's tentative finding and conclusion and cancel the permits.

ADDRESS FOR OBJECTIONS: Docket 38728, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION: Contact Nancy L. Pitzer, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board—202–673–5134.

By the Bureau of International Aviation: September 19, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–29892 Filed 9–25–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket 38185]

Lone Star Airways, Inc., Fitness Investigation; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on September 24, 1980 (45 FR 58637, September 4, 1980) is postponed until November 5, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., September 22, 1980.

Joseph J. Saunders,

Chief, Administrative Law Judge.

[FR Doc. 80–29890 Filed 9–25–80; 8:45 am]

BILLING CODE 6320–01–M

[Order 80–9–116; Docket 38500]

Republic Airlines; Application for Certificate Amendment

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80–9–116, Docket 38500.

SUMMARY: The Board is issuing Order 80–9–116 to show cause why it should not make final its tentative findings with respect to Republic's application for route authority filed under our expedited procedures (Subpart Q). Specifically, the Board tentatively finds that it is consistent with the public convenience and necessity to award Republic authority in the Cincinnati-Detroit market. Furthermore, 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 no later than October 24, 1980, 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. In addition, copies of such filings should be served on all persons listed below.

ADDRESSES: Objections should be filed in Docket 38500, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on the mayors of Cincinnati, Ohio and Detroit, Michigan; the airport managers of Greater Cincinnati International Airport and Detroit Metropolitan Wayne County Airport; the Ohio Department of Transportation, Divison of Aviation; the Michigan Aeronautics Commission and Republic Airlines, Inc.

FOR FURTHER INFORMATION CONTACT: Phyllis Solomon, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 80–9–116 is available from our Distribution Section, Room 516, Civil Aeronautics Board, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80–9–116 to that address.

By the Bureau of Domestic Aviation: September 22, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–29891 Filed 9–25–80; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Mammal Permit Applications, Modification Request; National Marine Mammal Laboratory, et al.

Notice is hereby given that the National Marine Mammal Laboratory, Northwest and Alaska Fisheries Center, National Marine Fisheries Service, has requested a modification to Scientific Research Permit No. 303 issued on August 29, 1980, under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act (16 U.S.C. 1531–1543) and the Regulations Governing Endangered Species Permits (50 CFR Parts 217–222).

The National Marine Mammal Laboratory is requesting a modification to authorize the taking and import of up to 90 skin/blubber biopsy samples from the southern right whale (*Eubalaena australis*) and the northern whale (*Eubalaena glacialis*). Samples may be taken from whales in Argentina or from along the U.S. coast. The Permit presently authorizes only the taking and

import of skin/blubber biopsy samples from the bowhead whale (*Balaena mysticetus*).

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, by October 27, 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 a hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this request 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 request are available for review in the following offices:

Assistant Administrator for Fisheries, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: September 22, 1980.

Thomas R. Loughlin,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-29886 Filed 9-25-80; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammal Permit Application; American Tunaboat Association

Notice is hereby given that the American Tunaboat Association, 1 Tuna Lane, San Diego, California, has submitted a complete and adequate application under 50 CFR 216.24(b)(3) to take marine mammals incidentally in the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 and regulations promulgated thereunder. The permit application pertains to Category 2, Encircling Gear, Purse Seining Involving the Intentional Taking of Marine Mammals and was submitted to the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration on March 24, 1980.

Simultaneously with submittal to the Agency, the permit application was introduced by the American Tunaboat Association into the record of the formal rulemaking proceeding conducted by Administrative Law Judge Hugh J. Dolan between March 31, 1980 and May 21, 1980. The permit application has been, and remains, available for public review in Room 412, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Page Building No. 2, 3300 Whitehaven Street, N.W., Washington, D.C.

As part of the record in the formal rulemaking proceeding the permit application and its contents were subject to considerable public review and comment. This notice of receipt satisfies the procedural requirements of the regulations (50 CFR 216.24). Interested parties have until October 27, 1980 to submit written comments with respect to this permit or to request an informal hearing. Comments and requests should be addressed to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235. Any request for an informal hearing will be considered in light of the evidence presented in the formal hearing on the same subject.

Dated: September 22, 1980.

Terry L. Leitzell,

Assistant Administrator for Fisheries, National Marine Fisheries.

[FR Doc. 80-29884 Filed 9-25-80; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Scientific and Statistical Committee, which will meet to discuss minutes of the previous meeting; Lobster and Scallop Fishery Management Plans; value of a reduction of variability in catch and abundance as an objective; groundfish interim plan; and old and new business.

DATES: The meeting, which is open to the public, will convene on Wednesday, October 15, 1980, at approximately 10:30 a.m., and will adjourn at approximately 5 p.m. The meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meeting will take place at the John F. Kennedy Building, Room 307, Government Center, Boston, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

New England Fishery Management Council, Suntaug Office Building, Five Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231-0422..

Dated: September 23, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-29885 Filed 9-25-80; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

National Climate Program Advisory Committee; Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and the Office of Management and Budget Circular A-63 of March 1974, the Secretary of Commerce has determined that the renewal of the National Climate Program Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in May 1979 under the authority of, and as directed by section 5(e)(1) of the National Climate Program Act of 1978, Pub. L. 95-367.

The National Climate Program is designed to assist the Nation and the world to understand and respond to natural and man-induced climate processes and their implications. The purpose of the Advisory Committee is to review all aspects of the Nation's climate activities, and based on its findings, advise and report to the Secretary and the Congress on the conduct and priorities of the Program.

The Committee will continue with a balanced representation which shall not exceed 15 members. The Chairperson shall be appointed by the Secretary from the membership. The Committee will operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's Charter will be filed with appropriate committees of the Congress, and with the Library of Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Dr. Edward Epstein, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852, telephone (301) 443-8646, or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-4217.

Dated: September 17, 1980.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-29764 Filed 9-25-80; 8:45 am]

BILLING CODE 3510-17-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Wool Textiles; Amending the Import Restraint Level for Certain Products From Taiwan

September 23, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Applying partial swing and carryforward to the level of restraint established for wool sweaters in Category 445/446, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), and August 12, 1980 (45 FR 53506).).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products from Taiwan, provides, among other things, for percentage increases in certain categories during the agreement year (swing) and for the borrowing of designated percentages of yardage from the succeeding year's level (carryforward) with the amounts used being deducted during the succeeding agreement year. Under the terms of the bilateral agreement, as amended, the level of restraint established for Category 445/446 is being increased.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 28, 1979, there was published in the **Federal Register** (44 FR 76839) a letter dated December 21, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Taiwan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the level of restraint previously established for Category 445/446.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 23, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 21, 1979 from the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Taiwan.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products from Taiwan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on September 26, 1980, and for the twelve-month period which began on January 1, 1980 and extends through December 31, 1980, to prohibit entry for consumption or withdrawal from warehouse for consumption of wool textile products in Category 445/446, produced or manufactured in Taiwan in excess of the following amended level of restraint:

Category	Amended 12-month level of restraint [1]
445/446	128,747 doz.

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1979.

The actions taken with respect to the authorities in Taiwan and with respect to wool textile products in Category 445/446 from Taiwan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-29888 Filed 9-25-80; 8:45 am]

BILLING CODE 3510-25-M

Man-Made Textiles; Reducing the Import Restraint Level for Certain Fiber Products From the Republic of Korea

September 23, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing the specific level of restraint established for man-made fiber sweaters in Category 645/646, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1980, from 3,009,062 dozen to 2,717,391 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463) and August 12, 1980 (45 FR 53506))

SUMMARY: In implementation of the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, the Government of the Republic of Korea has stated that it will limit its exports of man-made fiber textile products in Category 645/646 to 100 million square yards equivalent (2,717,391 dozen) during the agreement year which began on January 1, 1980 and extends through December 31, 1980, notwithstanding the provisions of the agreement which call for a level of 3,009,062 dozen for the category.

EFFECTIVE DATE: September 24, 1980.

FOR FURTHER INFORMATION CONTACT: William C. Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423)

SUPPLEMENTARY INFORMATION: On December 27, 1979, there was published in the **Federal Register** (44 FR 76573) a letter dated December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain categories of cotton, wool and man-made fiber textile products, including Category 645/646, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began

on January 1, 1980 and extends through December 31, 1980. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements, in accordance with the decision of the Republic of Korea under the bilateral agreement between the Governments of the United States and the Republic of Korea, directs the Commissioner of Customs to reduce the twelve-month level of restraint for Category 645/646 from 3,009,062 dozen to 2,717,391 dozen.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 23, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel the directive of December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 23, 1980 and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 645/646, produced or manufactured in the Republic of Korea, in excess of 2,717,391 dozen.[1]

The action taken with respect to the Government of the Republic of Korea and with respect to imports of man-made fiber textile products from the Republic of Korea has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-29887 Filed 9-25-80; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to account for any imports after December 31, 1979.

COMMITTEE FOR THE PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to Procurement List 1980 a service to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 29, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following service to Procurement List 1980, November 27, 1979 (44 F.R. 67925):

SIC 7349

Janitorial/Custodial Service, U.S. Court House, 40 Foley Square, New York, New York.

C. W. Fletcher

Executive Director.

[FR Doc. 80-29792 Filed 9-25-80; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1980; Proposed deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletion from Procurement List.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1980 a service provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 29, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

It is proposed to delete the following service from Procurement List 1980, November 27, 1979 (44 FR 67925):

SIC 7349

Janitorial/Custodial Services, Department of Energy: Offices at Rogers Hotel and Offices at First Street Bldg., Idaho Falls, Idaho.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-29791 Filed 9-25-80; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Navy (DON).

ACTION: Notice of change of address for systems of records.

SUMMARY: The Department of the Navy's Office of the Judge Advocate General has moved from the Arlington Annex, Washington, D.C. 20370, to the Hoffman Building II, 200 Stovall Street, Alexandria, Virginia 22332, and proposes to correct the addresses listed in the 31 systems it maintains subject to the Privacy Act of 1974. The specific address changes are set forth below.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350, telephone: 202-694-2004.

SUPPLEMENTARY INFORMATION: The Navy systems of records notices as prescribed by the Privacy Act of 1974, Title 5, U.S.C., Section 552a (Pub. L. 93-

579) have been published in the Federal Register as follows:

FR Doc 79-36400 (44 FR 67703) November 27, 1979
FR Doc 79-36798 (44 FR 68947) November 30, 1979
FR Doc 79-37052 (44 FR 74553) December 17, 1979
FR Doc 80-6599 (45 FR 13794) March 3, 1980
FR Doc 80-14965 (45 FR 32037) May 15, 1980
FR Doc 80-15427 (45 FR 33679) May 20, 1980
FR Doc 80-17286 (45 FR 38099) June 6, 1980
FR Doc 80-19603 (45 FR 43841) June 30, 1980
FR Doc 80-20317 (45 FR 43938) July 8, 1980
FR Doc 80-23111 (45 FR 50851) July 31, 1980
FR Doc 80-24237 (45 FR 53508) August 12, 1980
FR Doc 80-26396 (45 FR 57514) August 28, 1980
FR Doc 80-26960 (45 FR 58651) September 4, 1980
FR Doc 80-27976 (45 FR 59938) September 11, 1980

The proposed corrections are not within the purview of the provisions of 5 U.S.C. 552a(O) of the Act which requires the submission of a new or altered system report.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 22, 1980.

Amendments

N00013A

SYSTEM NAME:

N00013A, JAG Manual Investigative Records

SYSTEM LOCATION:

Office of the Judge Advocate General, (Code 21), Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332.

* * * * *

RECORD ACCESS PROCEDURES:

Requests from individuals for access should be addressed to the system manager. The request must include a signed and notarized statement of identity. Personal visits may be made to: Office of the Judge Advocate General (Code 21), Investigations Divisions, Room 8S23, Hoffman Building II, 200 Stovall St., Alexandria, VA 22332.

* * * * *

N00013 O

SYSTEM NAME:

N00013 O, Roster, Naval Reserve Law Companies.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 62), Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

* * * * *

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Personal visits may be made to Reserve Personnel Division, Office of the Judge Advocate General, Room 9S05, Hoffman Bldg. II, 200 Stovall St., Alexandria, VA 22332

* * * * *

N00013 I

SYSTEM NAME:

N00013 I, General Courts-Martial Records of Trial.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, VA 22332. Records, three years old or older, are stored at the Federal Records Center, Suitland, MD 20409.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

NOTIFICATION PROCEDURES:

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e., full name and date of trial of individual concerned). The written request must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Department of the Navy, Room 9S09, Hoffman Bldg II, 200 Stovall St., Alexandria, VA 22332. Individuals making such visits should be able to provide some acceptable identification, e.g., armed forces identification card, driver's license, etc.

* * * * *

SYSTEM NAME:

N00013 11, Determinations on Origins of Disabilities for which Military Members have Retired

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 12), Department of the Navy, 200 Stovall St., Alexandria, VA 22332

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), 200 Stovall St., Alexandria, VA 22332

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager stating the full name of the individual concerned and the approximate date on which relief was requested. Written requests must be signed by the requesting individual. Visits may be made to: Civil Affairs Division (Code 12), Office of the Judge Advocate General, Room 9N11, Hoffman Bldg II, 200 Stovall St., Alexandria, VA 22332. Armed forces identification card or state driver's license is required for identification.

* * * * *

SYSTEM NAME:

N00013 12, Relief of Accountable Personnel from Liability for Losses of Public Funds

SYSTEM LOCATION:

Office of the Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

* * * * *

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager stating the full name of the individual concerned and the approximate date on which relief was requested. Written requests must be signed by the requesting individual. Visits may be made to: Civil Affairs Division (Code 12), Office of the Judge Advocate General, Room 9N11, Hoffman Bldg II, 200 Stovall St., Alexandria, VA 22332. Armed forces identification card or state driver's license is required for identification.

* * * * *

SYSTEM NAME:

N00013 13, Conflicts of Interest and Employment Activities

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 12), Department of the Navy, 200 Stovall St., Alexandria, VA 22332

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager stating the full name of the individual concerned. Written requests must be signed by the requesting individual. Visits may be made to: Civil Affairs Division (Code 12), Office of the Judge Advocate General, Room 9N11, Hoffman Bldg II, 200 Stovall St., Alexandria, VA 22332. Armed forces identification card or state driver's license is required for identification.

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SYSTEM NAME:

N00013 17, Summary Courts-Martial and Non-Bad Conduct Discharge Courts-Martial—Navy and Marine Corps

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332, by written request including the full name of the individual concerned, the type of courts-martial (summary or special), the name of the command which held the courts-martial, and the date of the courts-martial proceedings. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg. II, 200 Stovall St., Alexandria, VA 22332. Individuals making such visits should be able to provide some acceptable identification, e.g., armed forces identification card, driver's license, etc.

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N00013 2

SYSTEM NAME:

N00013 2, Special Courts-Martial Resulting in Bad Conduct Discharges or Concerning Commissioned Officers

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, VA 22332. Records, three years old or older, are stored at the Federal Records Center, Suitland, MD 20409.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332, by written request stating full name, and date of trial of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg. II, 200 Stovall St., Alexandria, VA 22332. Individuals making such visits should be able to provide some acceptable identification, e.g., armed forces identification card, driver's license, etc.

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N00013 3

SYSTEM NAME:

N00013 3, Article 138 Complaint of Wrongs

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, VA 22332. Records, three years old or older, are stored at the Federal Records Center, Suitland, MD 20409.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332. Information may be obtained by written request to the Judge Advocate General stating full name and the approximate date the complaint was submitted for review if known. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Room 9S09, Hoffman Bldg. II, 200 Stovall St., Alexandria, VA 22332. Individuals making such visits should be able to provide some acceptable identification, e.g., armed forces identification card, driver's license, etc.

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N00013 4

SYSTEM NAME:

N00013 4, Article 69 Petitions

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, VA 22332. Petitions three years old or older are stored at the Federal Records Center, Suitland, MD 20409.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg. II, 200 Stovall St., Alexandria, VA 22332. Individuals making such visits should be able to provide some acceptable identification, e.g., armed forces identification card, driver's license, etc.

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N00013 5

SYSTEM NAME:

N00013 5, Courts-Martial Statistics

SYSTEM LOCATION:

Magnetic tape held at Naval Command Systems Support Activity, Production Code 60.1, Room 4002,

Building 196, Washington Navy Yard, Washington, D.C. 20360. Source document (NAVJAG 5813/1) held in Promulgation and Statistics Branch, Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Navy Department, 200 Stovall St., Alexandria, VA 22332. Information may be obtained by written request to the Judge Advocate General stating full name, date of trial (if known), date of discharge and type of discharge of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to: The Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg II, 200 Stovall St., Alexandria, VA 22332. Individuals must be also to provide some acceptable identification, e.g., armed forces identification card, driver's license, etc.

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N00013 6

SYSTEM NAME:

N00013 6, Ethics File

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General Department of the Navy, 200 Stovall St., Alexandria, VA 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg II, 200 Stovall St., Alexandria, VA 22332. Individuals making such visits should be able to provide some acceptable identification, e.g., armed forces identification card, driver's license, etc.

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N00013 7

SYSTEM NAME:

N00013 7, Litigation Case File

SYSTEM LOCATION: OFFICE OF THE JUDGE ADVOCATE GENERAL, DEPARTMENT OF THE NAVY, 200 STOVALL ST., ALEXANDRIA, VA 22332.

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SYSTEM MANAGER(S) AND ADDRESS: JUDGE ADVOCATE GENERAL, DEPARTMENT OF THE NAVY, 200 STOVALL ST., ALEXANDRIA, VA 22332.

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N00013B,

SYSTEM NAME:

N00013B, Article 73 Petitions for New Trial

SYSTEM LOCATION: I11OFFICE OF THE JUDGE OF THE JUDGE ADVOCATE GENERAL (CODE 20), DEPARTMENT OF THE NAVY, 200 STOVALL ST., ALEXANDER, VA 22332.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy 200 Stovall St., Alexandria, VA 22332. Information may be obtained by written requests stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg II, 200 Stovall St., Alexandria, VA 22332. Individuals should have the following items of identification: driver's license or military identification card.

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N00013C

SYSTEM NAME:

N00013C, Legal Assistance Card Files

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013D

SYSTEM NAME:

N00013D, Federal Tort Claims Files

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013E

SYSTEM NAME:

N00013E, Affirmative Claims Files

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013F

SYSTEM NAME:

N00013F, Foreign Claims Files

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013G

SYSTEM NAME:

N00013G, Military Claims Files

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013H

SYSTEM NAME:

N00013H, Nonscope Claims Files

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013I

SYSTEM NAME:

N00013I, Military Personnel and Civilian Employees; Claims

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013J

SYSTEM NAME:

N00013J, Admiralty Claims Files

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013L

SYSTEM NAME:

N00013L, U.S. Postal Service Indemnity Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 15), Department of the Navy, 200 Stovall St., Alexandria, VA 22332, and the Federal Records Center, Suitland, MD 20409.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013M

SYSTEM NAME:

N00013M, Military Justice Correspondence File

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg II, 200 Stovall St., Alexandria, VA 22332. Individuals making such visits should be able to provide some acceptable indentification, e.g., armed forces identification card, driver's license, etc.

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N00013N

SYSTEM NAME:

N00013N, Personal Injury and Illness Reports on Civilian and Govt Service Seaman Employed on MSC Ships

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 11), Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013BP

SYSTEM NAME:

N00013P, Reservists Reporting for Active Duty for Training, Background Questionnaires

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 62), Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013Q

SYSTEM NAME:

N00013Q, Naval Reserve Law Program Officer Personnel Information

SYSTEM LOCATION:

Office of the Judge Advocate General, (Code 62), Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Office of the Judge Advocate General (Code 62), Department of the Navy, Room 9S05, Hoffman Bldg II, 200 Stovall St., Alexandria, VA 22332. Written request must be signed by the requesting individual and for personal visits, the individual should be able to provide some acceptable identification, e.g. armed forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Judge Advocate General (Code 62), Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013S

SYSTEM NAME:

N000013S, Directory of Retired Regular and Reserve Judge Advocates

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 61), Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013T

SYSTEM NAME:

N00013T, Office of the Judge Advocate General, Reporting Questionnaire

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 61), Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N00013X

SYSTEM NAME:

N00013X, Fiduciary Affairs Records

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 12), Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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N0001310

SYSTEM NAME:

N0001310, Physical Disability Evaluation Proceedings

SYSTEM LOCATION:

Director, Naval Council of Personnel Boards, 801 N. Randolph St., Arlington, VA 22203.

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RETENTION AND DISPOSAL:

Records are permanent. They are retained by the Naval Council of Personnel Boards for six years. After that time, they are sent to the Federal Records Center, Suitland, MD.

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SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, 801 N. Randolph St., Arlington, VA 22203.

NOTIFICATION PROCEDURE:

Information may be obtained from the Naval Council of Personnel Boards, 801 N. Randolph St., Arlington, VA 22203. Written requests for information should contain the full name of the individual, military grade or rate, and date of birth. Written requests must be signed by the requesting individual. For personal visits, the individual should be able to provide some acceptable identification, such as a military identification card (active duty or retired) or a driver's license.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: The Director, Naval Council of Personnel Boards, 801 N. Randolph St., Arlington, VA 22203.

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N0001314

SYSTEM NAME:

N0001314, JAG Corps Officer personnel Information

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 61), Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from: Judge Advocate General (Code 61), Department of the Navy, Room 9S25, Hoffman Bldg II, 200 Stovall St., Alexandria, VA 22332, telephone: 202–325–9830. Written request must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g., armed forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: Judge Advocate General (Code 61), Department of the Navy, 200 Stovall St., Alexandria, VA 22332. Personal visits may be made to the JAG Personnel Office, Room 9S25, Hoffman Bldg II, 200 Stovall St., Alexandria, VA 22332.

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N31708NDRB

SYSTEM NAME:

N31708NDRB, Navy Discharge Review Board Proceedings

SYSTEM LOCATION:

Navy Discharge Review Board, Room 1132, Ballston Tower No. 2, 801 N. Randolph St., Arlington, VA 22203.

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NOTIFICATION PROCEDURE:

Information may be obtained from the Navy Discharge Review Board, Room 1132, Ballston Tower No. 2, 801 N. Randolph St., Arlington, VA 22203.

[FR Doc. 80-29774 Filed 9-25-80; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary, per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 95. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 95 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: 16 September 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick W. Weiser, 325–9330.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective 1 June 1979. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel per Diem Bulletin Number 95

To the Heads of Executive Departments and Establishments

Subject: Table of maximum per diem rates in lieu of subsistence for United States Government civilian officers and employees for official travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and Possessions of the United States.

1. This bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense dated 17 August 1966, Subject: Executive Order 11294, August 4, 1966, "Delegating Certain Authority of the President to Establishment Maximum Per Diem Rates for Government Civilian Personnel in Travel Status" in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702 (a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and

possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 94 except in the cases identified by an asterisk which rates are effective on the date of this Bulletin. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak [1]	$9.65
Anaktuvuk Pass	140.00
Anchorage	72.00
Barrow	111.00
Bethel	93.00
Cold Bay	74.00
College	67.00
Cordova	84.00
Deadhorse	94.00
Dillingham	83.00
Dutch Harbor	82.00
Eielson AFB	67.00
Elmendorf AFB	72.00
Fairbanks	67.00
Ft. Richardson	72.00
Ft. Wainwright	67.00
*Juneau	83.00
*Ketchikan	71.00
Kodiak	84.00
Kotzebue	91.00
Murphy Dome	67.00
Noatak	91.00
Nome	90.00
Noorvik	91.00
*Petersburg	71.00
*Prudhoe Bay	94.00
Shemya AFB [1]	11.00
Shungnak	91.00
*Sitka-Mt. Edgecombe	71.00
*Skagway	71.00
Spruce Cape	84.00
Tanana	90.00
Valdez	70.00
Wainwright	79.00
*Wrangell	71.00
All Other Localities	62.00
American Samoa	65.00
Guam, M.I.	60.00
Hawaii:	
Oahu	70.00
All Other Localities	60.00
Johnston Atoll [2]	15.50
Midway Islands [1]	9.65
Puerto Rico:	
Bayamon:	
12-16—5-15	102.00
5-16—12-15	75.00
Carolina:	
12-16—5-15	102.00
5-16—12-15	75.00
Fajardo:	
12-16—5-15	102.00
5-16—12-15	75.00
Ft. Buchanan (Incl. GSA Service Center, Guaynabo):	
12-16—5-15	102.00
5-16—1215	75.00
Ponce (Incl. Ft. Allen NCS)	68.00
Roosevelt Roads:	
12-16—5-15	102.00
5-16—12-15	75.00
Sabana Seca:	
12-16—5-15	102.00
5-16—12-15	75.00
San Juan (Incl. San Juan Coast Guard Units):	
12-16—5-15	102.00
5-16—12-15	75.00
All Other Localities	63.00
Virgin Islands of U.S.:	
12-1—4-30	89.00
5-1—11-30	65.00
Wake Island [2]	17.00
Other Localities	15.00

[1] Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the travelers.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meal and incidental expenses.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 18, 1980.

[FR Doc. 80-29767 Filed 9-25-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Education Appeal Board; Conference

AGENCY: Department of Education.

ACTION: Notice of Education Appeal Board proceeding scheduled for September 1980.

SUMMARY: This notice advises readers that the Education Appeal Board has scheduled a prehearing conference in the *Appeal of the State of Colorado,* Docket No. 6-(42)-78, for September 25, 1980. This notice also advises readers that interested third parties may apply to intervene in the appeal proceedings.

FOR FURTHER INFORMATION CONTACT:

Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, S.W. (Room 2141, FOB-6), Washington, D.C. 20202. Telephone (202) 245-7835.

SUPPLEMENTARY INFORMATION: Under the Education Amendments of 1978 (20 U.S.C. 1234), the Education Appeal Board has authority to conduct (1) audit appeal proceedings, (2) withholding, termination, and cease and desist proceedings initiated by the Secretary of Education, and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board. For information concerning the Board and its procedures, see the Board's final regulations as published in the **Federal Register** on April 3, 1980 (45 FR 22634).

Prehearing Conference

The Education Appeal Board has scheduled a prehearing conference in the *Appeal of the State of Colorado,* Docket No. 6-(42)-78. The prehearing conference is scheduled for September 25, 1980, in Room 3000, 400 Maryland Avenue, S.W., Washington, D.C. The conference will begin at 11:00 a.m.

In its appeal, Colorado is contesting final audit determinations made by the Deputy Commissioner for Elementary and Secondary Education (now the Assistant Secretary for Elementary and Secondary Education). The Deputy Commissioner found that in fiscal year 1973, the Denver Public Schools improperly used Federal funds under Title I of the Elementary and Secondary Education Act of 1965 to support a Follow Through program because the school district did not include a description of the project or identify eligible children and services in its Title I application or provide information that Title I funds were expended only on Title I-eligible children and services. The Deputy Commissioner also found that during fiscal year 1973, the Pueblo School District improperly used Title I funds to pay an occupational training aide who served children from throughout the Pueblo school district rather than a designated Title I project area, and whose activities were not described in the school district's Title I application. The Deputy Commissioner requested a refund of $44,837.00 from the State.

Intervention

Section 100d.43 of the final regulations establishing procedures for the Education Appeal Board provides that an interested person, group, or agency may, upon application to the Board Chairperson, intervene in appeals before the Education Appeal Board, including the *Appeal of the State of Colorado,* Docket No. 6-(42)-78.

An application to intervene must indicate to the satisfaction of the Board Chairperson or, as appropriate, the Panel Chairperson, that the potential intervenor has an interest in and information relevant to the specific issues raised in the appeal. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

All such applications or questions should be addressed to Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, S.W. (Room 2141, FOB-6), Washington, D.C. 20202, telephone (202) 245-7835.

(20 U.S.C. 1234)

(Catalog of Federal Domestic Assistance Number not applicable)

Dated: September 23, 1980.

Shirley M. Hufstedler,

Secretary of Education.

[FR Doc. 80-29821 Filed 9-25-80; 8:45 am]

BILLING CODE 4000-01-M

Office of Elementary and Secondary Education

Title I, Elementary and Secondary Education Act; Compliance in Puerto Rico; Hearing

AGENCY: Department of Education.

ACTION: Notice of public hearing in Puerto Rico.

SUMMARY: Notice is hereby given that the U.S. Department of Education will conduct a hearing concerning whether or not it is feasible for the Puerto Rico Department of Education (PRDE) to comply immediately with five Title I, ESEA requirements that are identified in PRDE's August 22, 1980 request for a compliance agreement with the U.S. Secretary of Education. This notice announces the date, time, and place for this hearing and specifies the procedures that will be followed at the hearing.

DATE: October 2, 1980; 1:00 p.m. to 9:00 p.m.

ADDRESS: San Cristobal Room, San Cristobal Annex, Roberto Clemente Coliseum, Franklin Delano Roosevelt Avenue, Hato Rey, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Dr. Harry J. Hogan, c/o Dr. Sarach G. Bishop, Office of the Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 2181A, Washington, D.C. 20202, telephone 202-245-7881.

SUPPLEMENTARY INFORMATION:

A. PRDE's Request for a Compliance Agreement

Under the terms of Section 186(c) of the Title I, ESEA statute, the Puerto Rico Department of Education (PRDE) has submitted a request for a compliance agreement with the U.S. Secretary of Education. In that request, dated August 22, 1980, the PRDE asserts that it cannot come into immediate full compliance with certain aspects of the requirements that are contained in, or based upon, the following sections of the Title I statute:

Sec. 126(e)—Comparability of instructional services

Sec. 122(a)—Identification and selection of project areas

Sec. 124(b)—Assessment of educational need

Sec. 124(e)—Allocation of Title I funds on the basis of need

Sec. 125(a)(1) and (2)—Establishement of advisory councils

The Title I statute requires that, upon receiving a request for a compliance agreement, the Department must conduct a hearing concerning whether or not it is feasible for the agency requesting the agreement to comply immediately with the Title I requirements for which the agency is seeking a compliance agreement. If it is feasible for the agency to comply immediately and fully with a particular requirement, there would be no reason to include that requirement in a compliance agreement. A compliance agreement permits an agency that is not in full compliance with Title I requirements to continue to receive Title I funds, if the U.S. Secretary of Education:

(a) Determine that immediate compliance is not feasible; and

(b) Enters into an agreement with the agency to accept phased-in compliance over a reasonable period of time.

B. Hearing Procedures

In order to fulfill the responsibilities of the Secretary under Section 186(c)(3) of the Title I statute, Dr. Harry J. Hogan has been designated to hold a public hearing on the issue of whether or not it is feasible for the PRDE to comply immediately with the Title I requirements that are listed in the PRDE's August 22, 1980 request for a compliance agreement. The public hearing will be held in the San Cristobal Room, San Cristobal Annex, Roberto Clemente Coliseum, Hato Rey, Puerto Rico on October 2, 1980, and will be conducted in accordance with the following procedures:

1. The hearing will be held between the hours of 1:00 p.m. and 9:00 p.m.

2. The hearing will be open to any interested members of the public, including members of the press.

3. The hearing officer, Dr. Harry J. Hogan, will make a brief opening statement describing the purpose of the hearing and the procedures that will be followed.

4. A court reporter will be employed to record the testimony that is presented at the hearing.

5. The hearing officer will make copies of the August 22, 1980 request for a compliance agreement and these procedures available to interested persons at the time of the hearing.

6. Testimony is invited regarding the feasibility of PRDE complying immediately with the five requirements of Title I, ESEA which PRDE has listed in its request for a compliance agreement.

7. All persons, or organizations, who desire to present testimony at the hearing must make that desire known and state how much time they would like to the hearing officer either by signing in at the entrance to the hearing room on the date of the hearing, or by contacting the hearing officer in advance at the following address: Dr. Harry J. Hogan, c/o Dr. Sarah G. Bishop, Office of the Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 2181A, Washington, D.C. 20202, telephone 202-245-7881.

8. Copies of the PRDE request for a compliance agreement, and the hearing procedures will be available at the hearing, and in advance from the hearing officer, and from the HHS Audit Agency, Room 233 Federal Building, Carlos Chardon Avenue, Hato Rey, Puerto Rico, Monday through Friday, between 9:00 a.m. and 4:00 p.m.

9. The hearing will be conducted in Spanish. Oral testimony will be accepted in English or Spanish.

10. The PRDE and any interested persons may present written statements in support of their position. Any written material should be presented to the hearing officer prior to, or at the time of, the hearing, and preferably in English. However, at the hearing officer's discretion, written statements may be accepted and considered if they are postmarked on or before October 6, 1980 and sent to the address given in paragraph 7.

11. Since the PRDE has the burden of demonstrating that immedate compliance is not feasible, the PRDE's official representatives will be given time at the beginning of the hearing to present testimony.

12. Following the PRDE's initial presentation, other individuals or organizations who desire to speak will be given time for their presentation.

13. The hearing officer will determine the order of all presentations following the PRDE's testimony, and he will determine how much time will be allotted for each presentation. He will take into account the order in which presenters contacted him or signed in at the entrance to the hearing room. However, the hearing officer has the authority to hear presenters out of order if he judges that there is a good reason for doing so.

14. After all interested persons have made their presentations, the PRDE may present additional testimony.

15. The hearing officer may, at his discretion, give other presenters an

opportunity to present additional testimony, and may impose time limits on such presentations.

16. No persons will be permitted to raise legal or procedural objections or otherwise interrupt the presentations being given by other persons.

17. All testimony should be relevant to the feasibility of PRDE complying immediately with the identified five requirements of Title I. The hearing officer may decline to accept testimony or evidence that is irrelevant, immaterial, or unduly repetitious. He will disregard irrelevant information in making any recommendation on the issues involved.

18. The hearing officer may interrupt any presentation to ask questions or seek clarification.

19. The hearing officer is responsible for maintaining order at the hearing and may establish whatever procedures that he considers to be appropriate to carry out that responsibility.

20. Other than these procedures, no formal rules of evidence or procedure apply to this hearing.

21. The hearing officer will present written recommendations to the Secretary regarding the feasibility of immediate compliance with each Title I requirement that is identified in the PRDE's request for a compliance agreement. The hearing officer must identify the testimony upon which he bases each of his recommendations.

22. If the Secretary determines, on the basis of all the facts, that immediate compliance with one or more requirements is not feasible, she will make written findings to that effect before entering into a compliance agreement with the PRDE. An announcement of the findings concerning the feasibility of immediate compliance and a copy of those findings will be sent to each person, or organization, who either submits a written statement or presents testimony at the hearing and requests that notification.

(Catalog of Federal Domestic Assistance No. 13.428, Educationally Disadvantaged Children, Local Educational Agency. Part I of OMB Circular A-95 does apply to this program)

Dated: September 24, 1980.

Shirley M. Hufstedler,

Secretary of Education.

[FR Doc. 80-29062 Filed 9-25-80; 8:45 am]

BILLING CODE 4000-01-M

Women's Educational Equity Act Program; Proposed Annual Program Priorities

AGENCY: Department of Education.

ACTION: Notice of proposed annual program priorities.

SUMMARY: The Secretary of Education proposed to select certain program priorities for grants awarded under the Women's Educational Equity Act Program in Fiscal Year 1981. These priorities would apply to general and small grants awarded under the Women's Educational Equity Act Program, Projects of General Significance. The proposed priorities are: (a) Model projects on Title IX compliance, (b) model projects on educational equity for racial and ethnic minority women and girls, (c) model projects on educational equity for disabled women and girls, and (d) model projects to influence leaders in educational policy and administration.

DATE: Comments must be received on or before October 27, 1980.

ADDRESS: Comments should be addressed to Dr. Leslie R. Wolfe, Director, Women's Educational Equity Act Program, 400 Maryland Avenue, SW., 1100 Donohoe Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Leslie R. Wolfe, telephone (202) 245-2181.

SUPPLEMENTARY INFORMATION: Final regulations governing grants under the Women's Educational Equity Act (WEEA) Program were published in the Federal Register on April 3, 1980 (45 FR 22730). The regulations include five priorities for general grants to ensure that available funds are awarded to projects that are likely to achieve the purpose of the Act most effectively. The priorities are described in § 160f.23-§ 160.27 of the regulations.

Each year, the Secretary selects one or more of these priorities to apply to general grants and determines whether priorities will be applied to small grants. A percentage of available grant funds is allocated to each priority selected. In addition, funds may be allocated to support projects that are not included under any priority but are within the scope of the authorized activities described in § 160f.20 of the regulations.

The preamble to the final regulations expresses the WEEA Program's "commitment to public involvement in determining the Program's policy and programmatic strategies for achieving the purposes of the Act. The knowledge and experience of educators, students, the members of the National Advisory Council on Women's Educational Programs, feminist organizations, and other constituents are valuable resources for the WEEA Program." This is the basis for the Secretary's decision to seek public comment each year on which priorities should be selected for funding and on the amount of funds to be allocated to each selected priority.

The Secretary proposes to select the priorities in the following paragraphs in Fiscal Year 1981. The priorites will apply to both general and small grants. Of the funds available for new general and small grants, the Secretary proposes allocations to each of these priorities, and to other authorized activities, in the percentages behind each priority. The Secretary requests public comment on both the proposed selection of these priorities and on the proposed allocation of funds. The final selection of priorities and allocation of funds will be based on careful review of public comments and will be announced in the application notice to be published in the Federal Register.

The proposed priorities and allocation of funds for FY 1981 are as follows:

§ *160f.23—Priority for model projects on Title IX compliance: 30%* The Secretary is particularly interested in continuing the development of much needed model programs and educational materials for use by school districts, institutions of higher education, and other educational agencies and institutions in their efforts to meet the requirements of Title IX of the Education Amendments of 1972. These model projects will be available to applicants for grants under the new WEEA program of projects of local significance.

§ *160f.24—Priority for model projects on educational equity for racial and ethnic minority women and girls: 40%* The Secretary intends to focus important resources on addressing those serious issues of double discrimination, bias, and stereotyping which affect racial and ethnic minority women and girls throughout the educational system. The Secretay recognizes that limited funds have been available for these projects in the past and therefore proposes to increase funding for these activities under this priority in FY 1981.

§ *160f.25—Priority for model projects on educational equity for disabled women and girls: 15%* The Secretary intends to increase funding for projects under this priority, which addresses issues of double discrimination which affect disabled women and girls. Very little attention has been given to these "double jeopardy" issues in the past; the Secretary is particularly interested in developing model programs and materials which will be of use to disabled women, to community groups, and to educational institutions as they implement both Title IX and Section 504 of the Rehabilitation Act of 1973 (Non-

discrimination on the Basis of Handicap).

§ *160f.26—Priority for model projects to influence leaders in educational policy and administration: 10%* This priority focuses on changing institutional policies and practices through influencing the attitudes and behaviors of the current leaders of educational institutions, rather than through providing additional management training for women who then could be considered for administrative positions. The purpose of this priority is to assist the actual decisionmakers in educational institutions to take positive steps to ensure compliance with Title IX and full educational equity for women and girls. As the preamble to the final regulation states, the Secretary "believes that true institutional change can occur only when commitment to it comes from the institution's leaders and is conveyed effectively as a priority for the institution." This priority is designed to assist educational leaders to develop mechanisms for conveying their support for educational equity for women in concrete ways.

§ *160.20—Other Authorized Activities: 5%* The Secretary proposes to continue funding projects which do not fall under any of the priorities, to enable the WEEA Program to support additional unique and important activities.

Interested persons are invited to submit written comments and recommendations on these proposed priorities and fund allocations to the address listed at the beginning of this notice.

Dated: September 23, 1980.

(Catalog of Federal Domestic Assistance No. 84.083, Women's Educational Equity Act Program Part I of OMB Circular A-95 does not apply to this program.)

F. James Rutherford,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 80-29897 Filed 9-25-80; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-80-009, OFC Cases Nos. 63002-9102-01-12 and 63002-9102-02-12]

Exemptions From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting exemptions from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On February 8, 1980, Hooker Chemicals and Plastics Corp. (HCPC) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order which would grant a permanent fuels mixture exemption for two new major fuel burning installations (MFBI's) from provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*), which prohibit the use of petroleum or natural gas as a primary energy source in certain new MFBI's. Interim Rules establishing criteria for petitioning for exemptions from the prohibitions of FUA were published by ERA on May 15 and 17, 1979 (10 CFR, Part 500, *et. seq.*) (44 FR 28530 and 44 FR 28950) (Interim Rules). ERA published a Final Rule relating to new facilities on June 6, 1980 (45 FR 38276 and 38302) which became effective August 5, 1980.

HCPC requested a permanent fuels mixture exemption under 10 CFR 505.28 for two field-erected boilers (identified as boilers No. 1 and No. 2) to be constructed at its Niagara Energy-From-Waste Facility in Niagara Falls, New York, in order to use a mixture of refuse derived fuel (RDF), coal, and hydrogen and petroleum (No. 6 fuel oil) or natural gas as its primary energy source. The MFBI's will have a design heat input rate of 407 million Btu's per hour and a steam generating capacity of 300,000 pounds per hour.

Preceding this determination and the issuance of this order, and in accordance with the procedural requirements of FUA and ERA's implementing Interim Rules, ERA accepted HCPC's petition on March 7, 1980 (45 FR 15975). The Notice of Acceptance provided a 45-day comment period during which interested persons could submit written comment on the petition for exemption and could request a public hearing. As required by Sections 701(f) and (g) of the Act, ERA also provided a copy of HCPC's petition to the Environmental Protection Agency and the Federal Trade Commission for their comments. Four comments were received by ERA, all endorsing HCPC's petition for permanent exemption. No hearing was requested. On August 15, 1980, ERA published in the Federal Register a Notice of Availability of a Tentative Staff Determination made on HCPC's petition and provided a 14-day period for interested persons to submit written comment or request a hearing (45 FR 54408). No comments were received. No hearing was requested.

Pursuant to Section 212(d) of the Act, and subject to specified terms and conditions stated herein, this order grants a permanent fuels mixture exemption to HCPC to permit the use of No. 6 fuel oil or natural gas in a mixture with RDF, coal and hydrogen in Boilers No. 1 and No. 2. As specified in the terms and conditions, the amount of petroleum or natural gas to be used in the exempted units shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources to be used in each of the two units.

In accordance with Section 702(a) of the Act, this order shall not take effect earlier than November 25, 1980.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone (202) 653-4226.

Terri L. Hamrick, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone (202) 653-4132.

Douglas F. Mitchell, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW, Room 6G-087, Washington, D.C. 20585, Phone (202) 252-2967.

The public file containing a copy of all documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW, Washington, DC, Monday through Friday, 8:00 am-4:30 pm.

SUPPLEMENTARY INFORMATION: ERA published Interim Rules on May 15 and 17, 1979, (10 CFR Parts 500 *et seq.*) (44 FR 28530 and 44 FR 28950) to implement provisions of Title II of FUA. ERA published a Final Rule relating to new facilities on June 6, 1980, (45 FR 38276 and 45 FR 38302), which became effective August 5, 1980. Title II of FUA prohibits the use of natural gas or petroleum in certain new MFBI's unless an exemption for such use has been granted.

Hooker Chemicals and Plastics Corp. (HCPC) installed at its Niagara Energy-From-Waste Facility in Niagara Falls, New York, two new identical field-erected boilers. Each unit has a design heat input rate of 407 million Btu's per hour with a steam generating capacity of 300,000 pounds per hour and is capable of burning refuse derived fuel (RDF), coal, small amounts of hydrogen, No. 6 fuel oil, or natural gas as its primary energy sources.

On February 8, 1980, in accordance with Section 505.28 of the Interim Rules

(now Final Rule Section 503.38), HCPC filed a petition with ERA requesting permanent fuels mixture exemptions for the two subject units in order to burn a mixture of coal, RDF and small amounts of hydrogen, with not more than 25 percent petroleum (No. 6 fuel oil) or natural gas. HCPC has certified that the total amount of No. 6 fuel oil or natural gas proposed to be used in each of the two units will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each of the two units.

ERA's staff reviewed the information contained in the record of this proceeding and based on that review made a Tentative Staff Determination on August 8, 1980, which recommended that an order be issued which would grant permanent fuels mixture exemptions to HCPC to permit the use of No. 6 fuel oil or natural gas in a mixture with RDF, coal and hydrogen in Boilers No. 1 and No. 2, provided that the total amount of No. 6 fuel oil or natural gas used in the units does not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each unit. A Notice of Availability of the Tenative Staff Determination was published in the **Federal Register** on August 15, 1980 (45 FR 54408). A 14-day period providing for public comment and opportunity to request a public hearing expired on August 29, 1980. No comments were received and no hearing was requested.

Based upon its analysis of the entire record of this proceeding, including HCPC's demonstration that it will use a mixture of RDF, coal, small amounts of hydrogen and No. 6 fuel oil or natural gas as the primary energy sources in the Boilers No. 1 and No. 2 as well as its certification that the amount of No. 6 fuel oil or natural gas to be used will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each unit, ERA has determined that HCPC has satisfied the requirements of Sections 212(d)(1)(A) and (B) of the Act.

Pursuant to Section 212(d) of the Act, and subject to the terms and conditions stated below, ERA hereby grants HCPC a permanent fuels mixture exemption to permit the use of petroleum or natural gas in a mixture with RDF, coal and hydrogen in Boilers No. 1 and No. 2. As specified in the terms and conditions, the total amount of petroleum or natural gas used in the exempted units shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in each unit. In granting this exemption, ERA has taken into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption is to be used, i.e., to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Accordingly, ERA will not exclude from the definition of primary energy source any fuel used in Boilers No. 1 and No. 2 for the purposes of unit ignition, start-up, testing, flame stabilization and control.

Terms and Conditions: Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Based upon analysis of the information contained in the record of this proceeding, this order is granted subject to the following terms and conditions:

1. The amount of petroleum or natural gas used in Boilers No. 1 and No. 2 shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in each of the units.

2. In accordance with the reporting requirement in Section 503.38(g) of the Final Rule, HCPC will submit an annual report to the Economic Regulatory Administration (ERA), Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, DC 20461, each year on the anniversary of the effective date the boilers are placed in service containing the following:

A certified statement of the percentage of petroleum and natural gas used in Boilers No. 1 and No. 2 by identifying the actual quantities of coal and RDF (in tons), petroleum (in Bbls), hydrogen and natural gas (in Mcf) used in each of the two boilers, as well as the higher heating value (in Btus per lb., per Mcf) of those fuels. The following report format shall be used for each unit:

Fuel type	Amount used (tons) (MCF)	Btu equivalent	Percent of annual fuel consumptions

The certification must be executed by a duly authorized representative of HCPC. The exemption granted by this order shall not become effective earlier than November 25, 1980.

Pursuant to Section 702(c) of the Act, any person aggrieved by this order may at any time before November 25, 1980, petition for judicial review in accordance with the procedures outlined in 10 CFR 501.69.

Based upon information provided by HCPC, ERA has conducted an analysis which has been reviewed by the DOE's Office of Environment, with consultation from the Office of the General Counsel, and DOE has concluded that the granting of this exemption will not be a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969. Accordingly, neither an environmental impact statement nor an environmental assessment is required.

Issued in Washington, D.C., on September 22, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-29896 Filed 9-25-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Cases Nos. 52879-0646-01-82, 52879-0646-02-82, 52879-0646-03-82, and 52879-0646-04-82]

Extension of Public Comment Period on Proposed Prohibition Orders Issued Pursuant to Sections 301 and 701 of the Powerplant and Industrial Fuel Use Act of 1978; Tampa Electric Co., Tampa, Fla., F. J. Gannon Stations (Units 1, 2, 3, and 4)

The Economic regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice, pursuant to Section 701(b) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), 42 U.S.C. 8301 *et seq.*, and 10 CFR 501.31, that the initial three month public comment period relating to four proposed prohibition orders published June 30, 1980 (45 FR 43843), is extended to November 28, 1980.

The notice of proposed prohibition orders issued to four powerplants (F. J. Gannon 1, 2, 3 and 4) owned by Tampa Electric Company provided for an initial public comment period of three months. The utility has requested and set forth the following reasons for extending the public comment period:

1. The utility is seeking a revision to the Clean Air Act State Implementation Plan (SIP) applicable to the four powerplants in order to burn coal more economically.

2. The State of Florida will hold a hearing on the proposed SIP revision in late October 1980 with a final decision anticipated by early November.

3. If the State rejects the proposed SIP revision, Tampa Electric Company has indicated it will need additional time to reevaluate its options with respect to the proposed prohibition orders and may choose to identify exemptions for which it may qualify.

Extension of Comment Period

In view of the Utility's request, ERA hereby extends the intial comment period with respect to the Proposed

Prohibition Orders for Gannon Units 1, 2, 3 and 4 until November 28, 1980.

For Further Information Contact

William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, (202) 653-4055.

Elmer Lee, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3302, Washington, D.C. 20461, (202) 653-4200.

Douglas F. Mitchell, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6G-087, Washington, D.C. 20585, (202) 252-2967.

Issued in Washington, D.C., September 19, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuel Conversion, Economic Regulatory Administration.

[FR Doc. 80-29850 9-25-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-R-80-33]

Report to the Department of Energy on "Designing Methods for Distributing Petroleum During a Shortage and Selecting Standby Distribution Mechanisms"

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of availability of report, public hearing, and request for comments.

SUMMARY: The Economic Regulatory Administration of the Department of Energy announces the availability of a report entitled "Designing Methods for Distributing Petroleum During a Shortage and Selecting Standby Distribution Mechanisms." The report was prepared for ERA's Office of Regulatory Policy by Resource Planning Associates, Inc., of Cambridge, Massachusetts. The report was prepared to provide analyses as background for possible revisions of DOE's standby petroleum product allocation regulations. Based on analyses of the economic impacts of all major national economic sectors, the report concludes that changes in the categories and priorities of consuming sectors would provide a better means of distributing petroleum products during a shortage situation to maximize economic efficiency and minimize economic disruption. DOE is scheduling public hearings and is requesting comments on this aspect of the report, copies of which can be obtained upon request. An Executive Summary of the report is set forth in the Appendix to this notice.

DATES: Written comments by November 21, 1980, 4:30 p.m., Requests to speak, New York hearing by October 10, 1980; Chicago hearing by October 20, 1980; Washington, D.C. hearing by October 28, 1980; Hearing Dates: New York Hearing October 21, 1980; Chicago Hearing October 29, 1980; Washington, D.C. Hearing November 13, 1980.

ADDRESSES: Requests for copies of the report to: Office of Public Information, Room B110, 2000 M Street, NW., Washington, D.C. 20461. All comments to: Economic Regulatory Administration, Office of Public Hearing Management, Docket No. ERA-R-80-33, Room B210, 2000 M Street, NW., Washington, D.C. 20461. Requests to speak: New York hearing, Eugene Hennessy, DOE, 26 Federal Plaza, New York, New York 10278, telephone (212) 264-8051; Chicago hearing, Vivian Holman, DOE, 175 W. Jackson Blvd., Chicago, Illinois 60604, telephone (312) 353-8778; Washington, D.C. hearing, Office of Public Hearing Management, Docket No. ERA-R-80-33, Room B210, 2000 M Street, NW., Washington, D.C. 20461.

Hearing Locations: New York hearing, Room 305B, Federal Building, 26 Federal Plaza, New York, New York; Chicago hearing, Room 280, Dirksen Building, 219 South Dearborn, Chicago, Illinois; Washington, D.C. hearing, Room 2105, 2000 M Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Lorraine Hall (Office of Public Hearing Management), Economic Regulatory Administration, Room B210, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3971.

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-4055.

William E. Caldwell (Office of Regulatory Policy), Economic Regulatory Administration, Room 7202, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3256.

Joel Yudson (Office of General Counsel), Department of Energy, Room 6A127, 1000 Independence avenue, S.W., Washington, D.C. 20585, (202) 252-6744.

SUPPLEMENTARY INFORMATION: The existing standby petroleum product allocation regulations were issued on January 18, 1979 (44 FR 3928). The preamble to those regulations indicated that we would review the standby regulations at appropriate intervals in the future.

In making this report available to the public, we do not endorse any of the analysis or conclusions contained therein, expecially the conclusions concerning rationing and the free market response to a shortage. Rather DOE is publishing the report to obtain public comment on the analysis and conclusions in the report concerning rearrangement of priorities for consuming sectors by economic criteria.

The allocation regulations which have been in place, in active or standby status, since January 1974 are not discriminating in their treatment of industrial and commercial enterprises. Generally, all industrial use (or commercial use) is given the same allocation level regardless of the nature of its product or contribution to the national economy. Some industries, such as petrochemicals and energy producing companies, have been given special treatment because they were identified as priority users in the Emergency Petroleum Allocation Act or related legislative history. However, among the other economic enterprises grouped as industrial or commercial are a wide variety of activities which produce goods and services ranging from basic essentials to luxury items. These activities contribute in varying degrees to the national economic picture, as measured by indicators such as contribution to the gross national product, employment, and inter-industry multiplier effect. The analysis in the report quantifies these factors to arrive at an objective measure of the economic priority of 100 producing sectors and places these sectors into five allocation priority levels.

DOE is seeking a detailed, critical review of the analysis and conclusions regarding the reclassification of economic activities and regrouping them in the priority levels outlined in the report. Interested persons are requested to address themselves both to the general concept of revising priorities in the interest of economic efficiency, and to the detail of the report's method of doing so.

Written Comments and Public Hearings Procedure

A. Written Comments:

You are invited to participate in this proceeding by submitting data, views or arguments with respect to the matters contained in this notice. Comments should be submitted by 4:30 p.m., local time, on the date and to the address indicated in the "Dates" and "Addresses" sections of this notice. Comments should be identified on the outside envelope and on the document with the docket number and the

designation: "Report to the Department of Energy on Designing Methods for Distributing Petroleum During a Shortage and Selecting Standby Distribution Mechanisms."

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. Public Hearing.

1. Procedure for Requests to Make Oral Presentation. If you have any interest in the matters discussed in the notice, or represent a group or class of persons that has an interest, you may make a written request for an opportunity to make oral presentation at the hearing by 4:30 p.m., local time, on the date set forth in the "Dates" section of this notice. You should also provide a telephone number where you may be contacted through the day before the hearing.

If you are selected to be heard at the New York hearing, we will notify you before 4:30 p.m., October 15, 1980. If you are selected to be heard at the Chicago hearing, we will notify you before 4:30 p.m., October 23, 1980. If you are selected to be heard at the Washington hearing, we will notify you before 4:30 p.m., November 3, 1980. You will be required to submit 100 copies of your statement on the morning of the hearings for the New York and Chicago hearings at the respective hearing locations and to Room 2313, 2000 M St., N.W., Washington, D.C. 20461 by 4:30 p.m., November 10, 1980; for the Washington, D.C. hearing.

2. Conduct of the Hearing. We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing. It will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given an opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing by submitting the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer. The question will be asked of the witness by the presiding officer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room GA-152, James Forrestal Building, 1000 Independence avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase copies of the transcript of the hearing from the reporters.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 et seq., Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 et seq., Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 et seq., Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, 42 U.S.C. § 7101 et seq., Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

Issued in Washington, D.C. September 19, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

Appendix.—Executive Summary

Current standby regulations do not adequately address the continued, overall economic and social vulnerability of the United States to a severe petroleum shortage for several reasons:

- Present distribution plans are based on conflicting, redundant, or inappropriate EPAA objectives.
- Current shortage scenarios used by DOE may underestimate the probable severity of a petroleum shortage resulting from embargo, political conflict, or problems in extraction or transportation.
- The current standby mechanisms for allocating petroleum have not been evaluated against criteria for determining how desired distribution in a shortage situation can best be compatible with national objectives.

To address these problems, Resource Planning Associates, Inc. (RPA), has designed methods for assessing the desired distribution in a shortage and for selecting a mechanism to achieve it. Of primary importance is the scheme for a more precise priority ranking of the industrial/commercial sector by individual firms and by type of fuel used than is incorporated in the present allocation program.

Designing a Distribution Plan

A plan for distributing petroleum during a shortage must incorporate five elements to minimize the adverse impacts of a petroleum interruption:

1. Reconciliation of specific EPAA objectives:
   - Maximize economic efficiency
   - Minimize economic disruption
   - Equitably distribute crude oil, residual fuel oil, and refined petroleum products.
   - Protect the public health, safety, and welfare, and maintain national defense.
2. Specific criteria for measuring the extent to which each objective can be attained:
   - Minimal GNP loss
   - Minimal GNP loss and unemployment
   - Minimal output loss in each industrial sector
   - Minimal petroleum loss in the government sector.
3. Realistic scenarios projecting probable ranges of net petroleum shortfall:
   - Current Congressional Budget Office scenarios are based on shortfalls of 8-, 11-, 13-, and 16-percent reductions in supply.
   - EIA and SPR scenarios based on OAPEC embargos posit mild, medium, and severe shortfalls of 5, 9, and 18 percent (the assumptions used in this analysis).
   - However, lower-than-expected SPR availability and potentially more severe interruptions resulting from military/political conflicts may realistically extend the potential upper boundary of the shortfall.
4. A method of linking petroleum use to economic performance:
   - This report suggests a parametric programming framework to define the relationships between petroleum reduction and economic performance by linking use criteria and shortfall scenarios.
   - The model used in this report attempts to ensure that the highest possible level of GNP or employment, or a specified combination of both, is attained.

   —The model includses three types of constraints: input/output balance equations, supply constraints (i.e., shortfall scenarios), and demand constraints (i.e., possible distribution plans).

   —It recommends extending the model by incorporating updated and regionally disaggregated information to better simulate the effects of pertroleum shortages. Specifically, the report recommends:

   a. Use of the 1980 BLS 162-sector input/output table, which was not available for our analysis.

   b. Use of the new energy-disaggregated input/output table developed by DOE and BLS, which was not available for our analysis.

   c. Use of the new regionally disaggregated DOE input/output table to ensure equitable distribution of available supplies throughout the United States.

   d. Estimates of potential energy savings resulting from fuel-switching and conservation measures in all economic sectors currently being developed by ERA.
5. A method for determining the relative importance of each national objective, because no plan can meet all four (item 1) distribution plan objectives at the same time. This procedure provides quantifiable

estimates of the probable consequences of any combination of objectives. This requires two steps:

• Developing a framework for understanding the interrelationships among objectives.

• Quantifying the results of trade-offs among various objectives, using the model developed in the previous step.

These steps yield several major implications for deciding the relative importance of objectives:

• The overall economic impacts of a petroleum shortage become *progressively* more severe as the severity of the shortage increases (e.g., GNP loss during an 18-percent shortage is 131.6 percent greater than during a 9-percent shortage.)

• The relative weights given to GNP loss and employment loss (the two economic objectives) create increasingly less significant differences in GNP loss and employment loss as the severity of the shortage increases.

• The nation would have to pay disproportionately higher costs (i.e., losses in GNP and employment) to achieve equitable distribution as the severity of the shortage increases.

As a result of this analysis, it is recommended that DOE consider two factors in making the trade-off between equitable distribution and the two economic objectives:

• Inequities in distribution to certain economic sectors might be necessary to minimize overall economic impacts. In compensation for disproportionate cutbacks in supply to these sectors, the government could use other mechanisms (e.g., tax breaks) to equalize the impact of the shortage.

• Equitable treatment by the government is a paramount concern of both the public and industry. The greater any perceived or actual inequities, the less cooperative the public's compliance with government regulations will be.

Determining the Necessary Mechanisms To Achieve Distribution Objectives

Three major options are available to achieve the planned distribution of petroleum and petroleum products during a shortage:

1. "Free market" distribution, under which cutback in supply would be absorbed by those unable or unwilling to pay the increased prices that traditionally keep decreased supply in equilibrium with demand.
2. Rationing.
3. Allocation.

On the basis of the analysis of each of the above options, it is concluded that rationing would be the preferred distribution mechanism for the following reasons:

• Achieving the necessary mix of the various types and quantities of petroleum products needed to meet the objectives of a petroleum distribution plan is unlikely under free-market mechanisms because of industry's normal profit-maximizing behavior.

• Although administrative costs associated with an allocation mechanism may be lower than those required to implement a rationing system, allocation would not satisfy the distribution objectives as well because:

—GNP and employment loss would be higher. It is estimated that government costs of administering a rationing program would be 1–2 billion dollars. However, rationing would decrease employment and GNP loss to the nation on the order of tens of billions of dollars.

—Rationing would allow the government to develop a better base period and a better priority classification system (both distribution elements are mandated by the EPAA).

—Rationing would also permit buyers to select their own suppliers as in a competitive, open market, whereas the allocation mechanisms require fixed supplier/purchaser relationships.

—Although allocation would require lower governmental administrative costs, it would result in higher costs of compliance to suppliers and to the public.

To evaluate the various mechanism for distributing petroleum during an emergency shortage, the report describes and ranks various options that could be used to implement each of the three major components of mandatory distribution plans (i.e., base period requirements, priority classification system, and supplier/purchaser relationships) in terms of whether rationing or allocation is the more efficient, economical mechanisms for regulating distribution.

Base Period

A base period is a reference for determining the quantities of petroleum to be distributed to purchasers and supplier/purchaser relationships. The base period must reflect realistic nonshortage requirements to ensure a correct relationship between fuels needed and economic output and employment. Four different base period options are ranked in the following order of preference.

1. Estimating current requirements at the time of the shortage
2. Selecting base period(s) at the time of the shortage
3. Using a rolling year
4. Using one historic year.

The report concludes that, although constrained by timely consumption data, option 1 is the best base period option because it allows DOE to better incorporate actual economic conditions and petroleum usage in determining how much petroleum is required by different industries.

Priority Classification

The objective in designing a priority classification program should be to ensure that the sectoral petroleum reductions match the reductions specified in the desired distribution plan to maximize the benefits of a limited amount of petroleum. Three types of priority classifications are ranked in the order of how well each would achieve the desired distribution.

1. A nonlinear, multiple-class, priority-changing classification system
2. A 7-class priority system based on a desired distribution and on clustering techniques
3. The existing 6-class system, based on ranking classes directly by EPAA objectives.

Option 1, coupled with rationing, seems to provide the best guarantee of meeting the objectives of a desired distribution plan in any but a mild shortage.

Supplier/Purchaser Relationships

These relationships, which are predicated on petroleum use during a specified base period, are implemented during a petroleum shortfall to ensure that each purchaser has access to a relatively equitable share of the available petroleum. Although current regulations would impose fixed supplier/purchaser relationships during a petroleum shortage, the EPAA does not mandate such a freeze nor do all market conditions seem to justify fixed relationships.

It is recommended that revised shortage regulations do not freeze supplier/purchaser relationships for the following reasons:

• Fixed or frozen relationships may lock purchasers to suppliers with less competitive prices.

• Coupled with a rationing system, non-fixed relationships offer a simpler, less administratively burdensome method for suppliers to determine purchasers' requirements and reduces industries' cost of compliance.

Energy Emergency Management Information System

Finally it is recommended that rationing be coupled with a sophisticated, computerized energy management information system (MIS), to ensure that the desired distribution of petroleum is achieved equitably with minimal economic and social disruption. An energy MIS offers several benefits:

• It would allow DOE to monitor changing levels of available petroleum and petroleum requirements of industrial sectors, including their fuel-switching ability.

• It would allow DOE to better incorporate actual economic conditions and current requirements in determining distribution.

• It would allow the use of the most complex type of priority system that achieves lower economic losses, including:

—Priority systems with more classes

—Nonlinear reductions to classes, depending on the severity of the shortage

—Reclassification of sectors, depending on the severity of the shortage.

[FR Doc. 80-29849 Filed 9-25-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1617-6]

Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for an Equivalent Method Determination; Lear Siegler, Inc.

Notice is hereby given that on August 20, 1980, the Environmental Protection Agency received an application from Lear Siegler, Inc., Englewood, Colorado, to determine if its Model AM 2020 Ambient SO_2 Monitor should be designated by the Administrator of the EPA as an equivalent method under 40 CFR Part 53 (40 FR 7044, 41 FR 11255). If, after appropriate technical study, the Administrator determines that this

method should be so designated, notice thereof will be given in a subsequent issue of the **Federal Register.**

September 22, 1980.

Stephen J. Gage,

Assistant Administrator for Research and Development.

[FR Doc. 80-29801 Filed 9-25-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-00015; FRL 1617-5]

Gene-Tox Program; Conference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Office of Pesticides and Toxic Substances (OPTS), EPA, is sponsoring a conference on the Gene-Tox Program to review and evaluate selected *in vitro* and *in vivo* methods for the detection of chemical mutagens and genotoxic agents.

DATES: December 3–5, 1980. Time: 8:30–5:00.

ADDRESS: The conference will be held at: National Academy of Sciences Auditorium, 2101 Constitution Ave., NW, Washington, DC 20418.

FOR FURTHER INFORMATION CONTACT: Karen Whitby-Logan, 202/755–4863, or Angela Auletta, 202/472–3095, Office of Pesticides and Toxic Substances (TS–792), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The EPA is sponsoring a conference on the Gene-Tox Program to review and evaluate selected *in vitro* and *in vivo* methods for the detection of chemical mutagens and genotoxic agents. The conference will present the results of Phase 1 of the EPA 's Gene-Tox Program which is a review and evaluation of 23 *in vitro* and *in vivo* assays for gene mutation, chromosomal aberrations, DNA damage and repair, and oncogenic transformation. Each assay will be discussed in regard to its ability to discriminate between mutagens and nonmutagens and/or carcinogens and noncarcinogens; its utility in a mutagenicity screening program; and its likely role in hazard identification and/or risk estimation.

Subjects for Discussion

Gene Mutation:
- Bacteria
- Yeast
- Fungi
- Plants
- Mammalian Cells in Culture
- Drosophila Sex-Linked Recessive Lethal Test
- Mouse Spot Test
- Mouse Specific Locus Test

Chromosomal Aberrations:
- *In Vitro* and *In Vivo* Cytogenetics
- Plant Cytogenetics
- Sister Chromatid Exchange
- Yeast
- Drosophila
- Dominant Lethal Assay
- Micronucleus Test
- Heritable Translocation Test in Mice

DNA Damage and Repair:
- Bacteria
- Human and Rodent Cells in Culture
- *In Vivo*

Oncogenic Transformation of Cells in Culture

Sperm Morphology

Host Mediated Assay and Body Fluid Analysis

A preregistration will be required to attend the conference (no registration fee is required). To register, *call* either one of the contact persons at the telephone numbers provided. Attendance at this conference will be limited to the first 450 applicants.

Dated: September 22, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-29804 Filed 9-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1615-8]

Water Quality Standards, Navigable Waters of the State of Wyoming

AGENCY: Environmental Protection Agency.

ACTION: Notice of state water quality standards approval.

SUMMARY: The Environmental Protection Agency has approved the water quality standards amendments adopted by the State of Wyoming. These amendments become part of the States' water quality standards contained in the documents, "Water Quality, Rules and Regulations, Chapter I, Quality Standards for Wyoming Surface Waters" and "1978–1979 Stream Classification in Wyoming".

FOR FURTHER INFORMATION CONTACT: Tom Willingham, Water Division, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837–3914.

SUPPLEMENTARY INFORMATION: On June 23, 1980, EPA, Region VIII approved the water Quality standards amendments to the quality Standards for Wyoming Surface Waters adopted by the State on June 27, 1979. The format of the standards was changed, the coverage of numerical criteria was increased and a number of streams were moved from an unclassified status to a classification by use. Approval does not extend to Section 31 pertaining to salinity standards. This action was taken in accordance with section 303(c) of the Clean Water Act. These amendments are consistent with the Clean Water Act as interpreted in the Agency's water quality standards regulations at 40 CFR 35.1550.

AVAILABILITY: Copies of the Quality Standards for Wyoming Surface Waters may be obtained from the Wyoming Department of Environmental Quality, Hathaway Building, Cheyenne, Wyoming, 82002

(Sec. 303(c) of the Clean Water Act as amended [33 U.S.C. 1313 (c)])

Dated: September 18, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-29806 Filed 9-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1618-2]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A–104) U.S. Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the council on environmental quality's regulations (40 CFR Part 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of September 15, 1980 to September 19, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from September 26, 1980 and will end on November 10, 1980. The 30-day review period for final EIS's as calculated from September 26, 1980 will end on October 27, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. This notice wil give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the office of environmental review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

FOR PUBLIC AVAILABILITY AND/OR HARD COPY REPRODUCTION OF EIS'S FILED PRIOR TO MARCH 1980: Environmental

Law Institute, 1346 Connecticut Avenue NW., Washington, DC 20036.

FOR HARD COPY REPRODUCTION OR MICROFICHE: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558–8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A–104), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 245–3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ regulations became effective. Pursuant to section 1506.10(a), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of September 15, 1980 to September 19, 1980 the 30-day review period will be calculated from September 26, 1980. The review period will end on October 27, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of September 15, 1980 to September 19, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the states(s) and county(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, state(s) and county(ies) of the EIS, the date EPA announced availability of the EIS in the Federal Register and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous notices of availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal Agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: September 23, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A–104).

Appendix I—EIS's Filed With EPA During the Week of: September 15, 1980, through September 19, 1980

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A, Admin. Building, Washington, D.C. 20250, (202) 447–3965.

Forest Service

Draft

Mount Henry/Taylor-Hilgard/West Pioneer Wilderness, several counties in Mont., Sept. 19: Proposed is the Wilderness designation of 128,472 acres of land in the Beaverhead and Gallatin National Forests in the Counties of Lincoln, Gallatin, Madison and Beaverhead Counties, Montana. These areas are known as Mount Henry, Taylor-Hilgard and West Pioneer. The alternatives consider: 1) no action, 2) maximum wilderness, and 3) five variations of modified wilderness. The BLM is a cooperating agency. (EIS order No. 800716.)

Rural Electrification Administration

Draft

Guthrie County Generating Station and Transmission, Guthrie and Dallas Counties, Iowa, April 19: Proposed is the approval of loan guaranteed funds to the Central Iowa Power Cooperative, toward financing its share of the proposed construction of a 650 mw coal fueled steam-electric power generating station near Panora, Guthrie County, Iowa. The proposal includes the construction of some associated 55 miles of 161 kv and 22 miles of 345 kv transmission lines and facilities all to be within Guthrie and Dallas Counties. Cooperating agencies include: COE, EPA and USDI/FWS. (USDA–REA–(ADM) 80–9–D) (EIS order No. 800720.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of the Chief of Engineers, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272–0121.

Draft

Lower Rio Grande Basin Flood Control and Drainage, Willacy and Hidalgo Counties, Tex., Sept. 15: Proposed is a flood control and major drainage plan for the lower Rio Grande Basin in Willacy and Hidalgo Counties, Texas. The plan would consist of 1) three major outlet channels referred to as the Raymondville drain, the south channel, and the Arroyo Colorado; and 2) flood protection projects in the cities of Edinburg, Mcallen, Raymondville, Edcouch, La Villa and Lyford. Flood protection to the Raymondville and Lyford areas would involve levee and channel works with additional nonstructural measures at Lyford. Bank erosion protection works would be required on the Arroyo Colorado in the city of Harlingen. (Galveston District) (EIS order No. 800697.)

Final

Middle Rio Grande Valley Flood Protection, Bernalillo, Valencia, and Sandoval, N. Mex., Sept. 17: Proposed is a flood protection plan for areas of the Rio Grande Valley extending from the vicinity of Belen in the Counties of Bernalillo, Valencia, and Sandoval, New Mexico. The plan would be achieved largely by rehabilitating and/or raising the existing levee system and installing additional bank protection works. Mitigative and compensatory measures are also included. (Albuquerque District) Comments made by: EPA, USDA, DOI, HUD, State agencies, groups and individuals. (EIS order No. 800702.)

DEPARTMENT OF COMMERCE

Contact: Dr. Robert T. Miki, Acting Deputy Assistant Secretary for Regulatory Policy, Room 7614, Department of Commerce, Washington, D.C. 20230, (202) 377–2482.

Economic Development Administration

Draft

City of Oxnard, Eastern Industrial Trunk Sewer, Ventura County, Calif., Sept. 15: Proposed is issuance of funding to the city of Oxnard, Ventura County, California, for the construction of an eastern industrial trunk sewer. The preferred alignment would be principally along Rice Avenue between the Ventura Freeway and Wooley Road. The alternatives consider: 1) no action, 2) development of Rose Avenue Trunk, 3) development of trunk line and industrial tracts in other areas of the city and/or county, 4) a reduction in line capacity or shortening of the length of the trunk, 5) increase to the ultimate capacity for the eastern industrial area. (EIS order No. 800698.)

Final

Hope City Regional Water System, Little River, Hempstead County, Calif., Sept. 18: Proposed is the awarding of a EDA grant for the development of a regional water system for the City of Hope in Hempstead County, Arkansas. The plan would consist of a raw sewer intake structure and pump station located on Little River. A 30-inch raw water line would run along Allen's Ferry Road to a 5.3 MGD water treatment plant located near Fulton. The finished water would be pumped via a 30 inch line to a booster pumping station and then into 24 and 18 inch lines connecting into the existing distribution system. The cooperating agency is FHA. Comments made by: USDA, EPA, DOI, COE, HUD, AHP, FEMA, State agencies. (EIS order No. 800705.)

NAT'L OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Groundfish FMP, Bering Sea and Aleutian Islands, Pacific Ocean, Alaska, Sept. 19: Proposed is a fishery management plan for the groundfish fishery in the Bering Sea and

Aleutian Islands area off the coast of Alaska. Individual proposals and alternatives are considered for the following: (1) permissable catch levels, (2) management measures, (3) timing of approval and implementation, (4) optimum yield concept, and (5) measures for the conservation of prohibited species. (EIS order No. 800715.)

Final

North Pacific Fur Seals, Conservation Convention, Pacific Ocean, Sept. 18: Proposed is an interim convention for the conservation of the North Pacific Fur Seals. The convention now in effect will expire in October of 1980. The alternatives considered: (1) termination of the convention, with treaties managing the seals internationally; (2) renegotiation of the convention to incorporate the concept of optimum sustainable population; and (3) extension of the convention to continue the present international management program predicated on maximum sustainable productivity, ecosystem consideration, and human controlled harvest practices. The cooperating agency is the Department of State. Comments made by: DOI, groups, individuals and businesses. (EIS order No. 800706.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Jhn Hagan, Region IV, Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30308, (404) 881-7458.

Draft

Crystal River Units 4 & 5, NPDES Permit, Citrus County, Fla.: Proposed is the issuance of a NPDES permit for the construction and operation of two coal-fired steam electric generating plants at the existing Crystal River complex located in Citrus County, Florida. Components of the facility would include: (1) two 440 feet tall natural draft salt water cooling towers, (2) two 660 feet tall chimneys, (3) a wastewater treatment system, (4) a coal storage area, and (5) a residuals disposal area. Alternatives are considered concerning: (1) management, (2) energy source, (3) siting, (4) plant location, (5) cooling systems, (6) water source and intake, (7) wastewater treatment, (8) emissions, (9) waste disposal, (10) transmission, and (11) no action. (EIS order No. 800701.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6300.

Draft

Minimum Property Standards, 1 & 2 Family Dwellings, Regulatory, Sept. 17: Proposed is revision of Minimum Property Standards (MPS) for one and two family dwellings. The revisions would include: (1) incorporating portions of the model one and two family dwelling code; (2) removal of criteria not bearing on health, life safety, durability or legislation; and (3) provisions for a basic measure or workmanship. The alternatives consider: (1) no change, (2) elimination of all HUD standards for one and two family dwellings, (3) location of livability and marketability criteria in the manual of acceptable practices to the MPS, and (4) preparation of more suitable livability criteria for use in in the MPS. (EIS order No. 800704.)

Fairfield Subdivision Mortgage Insurance, Tarrant County, Tex., Sept. 16: Proposed is the issuance of HUD Home Mortgage Insurance for the Fairfield addition subdivision in Arlington, Tarrant County, Texas. When completed the subdivision will consist of 1,363 single family homes on 350 acres of the 510 acre site. The development will also include a 10 acre school site and a 12 acre park site. (EIS order No. 800700.)

Final

Countryside Subdivision Mortgage Insurance, Pima County, Ariz., Sept. 19: Proposed is the issuance of HUD Home Mortgage Insurance for the Countryside Subdivision in Tucson, Pima County, Arizona. The development will include 2,505 units on 640 acres of which, 88 acres have been dedicated as open space. The subdivision will consist of both single and multiple family units. (HUD-RO9-EIS-80-2F.) Comments made by: EPA, COE, State and local agencies. (EIS order No. 800712.)

Final

Pinelake Subdivision, Mortgage Insurance, Harris County, Tex., Sept. 15: Proposed is the issuance of HUD Home Mortgage Insurance for the Pinelake Subdivision in Harris County, Texas. The subdivision encompasses approximately 1,786 acres and is expected to consist of approximately 7,650 dwelling units. The proposed project will also include shopping facilities and recreation facilities. (HUD-RO6-EIS-80-5F.) Comments made by: USDA, COE, EPA, HEW, DOI, DOT, State and local agencies. (EIS order No. 800696.)

The following is a community development block grant statement prepared and circulated directly by applicants pursuant to Section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Gilbert Lindsay Village Green, Los Angeles, Los Angeles County, Calif., Sept. 19: Proposed is an application to HUD for CDBG funds to be used by Los Angeles to allow for the construction of approximately 996 housing units, an approximately 2.5 acre park and a shopping center of 30,000-40,000 square feet. The project is within the south central area of Los Angeles, California. Of the total amount of residential housing, 300 would be for the elderly and 696 would be single-family condominiums. (EIS order No. 800719.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

Heritage Conservation and Recreation Service

Draft

NJ Pinelands National Reserve Management Plan, several counties in New Jersey, September 18: Proposed is a comprehensive management plan for the Pinelands National Reserve in the counties of Altantic, Burlington, Camden, Cumberland, Gloucester and Ocean, New Jersey. The reserve encompasses 1.1 million acres. The plan would condition, restrict or prohibit some uses in parts of the reserve while encouraging development and uses in other parts, and consists of numerous polices and proposed regulations to be enforced by various State and local laws, and private action. The Alternatives consider: (1) No action, (2) preservation/development oriented plans, and (3) a Federal/State management approach. The cooperating agencies are NPS and FWS. (DES-80-61.) (EIS Order No. 800709.)

Bureau of Indian Affairs

Draft

Ute Mountain Strip Coal Mine Lease, San Juan County, N. Mex., September 19: Proposed is the leasing of the Ute Mountain Ute tribal lands in San Juan County, New Mexico for the purposes of coal mining. The area encompases 1,320 acres and would involve a 10 year lease with an option to renew for 10 years. Exploration has indicated that approximately 8 to 10 million tons of coal could be mined. The alternatives consider: (1) non-development, and (2) alternative mining methods. The exact type of mine operations have not been determined. (DES-80-60.) (EIS Order No. 800717.)

Bureau of Land Management

Final

Johnson Valley to Parker Motorcycle Race, San Bernardino County, Calif., September 19: Proposed is the issuance of a permit for a point-to-point mortorcycle race. The course runs approximately 235 miles starting in the Johnson Valley open area and ending at the start/finish of the Parker score 400 course in San Bernardino County, California. The alternatives consider: (1) The Patten's Trail, (2) a public comment alternative consisting of 8 specific course realignments and (3) no race. Comments made by: DOT, EPA, DOI, local agencies, groups, individuals, and businesses. (EIS Order No. 800711.) A conditioned waiver has been granted for the above EIS. (See appendix II.)

Owyhee Grazing Management Program, Owyhee County, Idaho, and Malheur County, Oreg., September 18: Proposed is the implementation of a range management program on 1,014,296 acres of public land in Owyhee County, Idaho and Malheur County, Oregon. The alternatives considered are: (1) No livestock grazing, (2) no action, (3) maximize wildlife and watershed conditions, (4) sixty percent use levels, and (5) maximize livestock use. The preferred action includes: (1) Reduction of aums from 113,122 to 78,336, (2) management of wild horses, (3) allocation of vegetation for consumptive use, and (4) levels of management intensity. (EES-80-35.)

Comments made by: DOI, USDA, EPA, State, and local agencies, groups, individuals, and businesses. (EIS Order No. 800707.)

Final

Tonopah Resource Area Livestock Grazing Management, Nye County, Nev. September 18: Proposed is the Implementation of a livestock grazing management program for the Tonopah resource area in Nye County, Nevada. The area encompasses approximately 3.6 million acres of public, private, State and other lands. Components of the proposed action will include: (1) A vegetation allocation program, (2) levels of grazing management, (3) livestock support facilities, (4) a general implementation schedule, (5) standard operating procedures, and (6) interrelations. The alternatives consider: (1) No action, (2) no livestock grazing, and (3) livestock reduction/maximizing wild horses. (INT–FEIS–80–34.) Comments made by: AHP, USDA, USAF, DOE, DOI, EPA, State agencies, groups, and individuals. (EIS Order No. 800708.)

Mountain Valley/Sevier River Grazing Mgmt., several counties in Utah, September 19: Proposed is a grazing management program for the Sevier River resource area, within the mountain valley planning area, located in Piute, Sevier, Sanpete and Wayne Counties, Utah. The area encompasses approximately 499,972 acres. The alternatives under consideration are: (1) Optimize nonlivestock resources, (2) optimize livestock grazing, (3) rangeland management recommendation, (4) eliminate livestock grazing, (5) continuation of present management, and (6) adjust spring livestock use. (FES–80–36.) Comments made by: DOI,. AHP, EPA, USDA, State and local agencies, groups individuals, and businesses. (EIS Order No. 800713.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

Federal Highway Administration

Draft

A–C Couplet, a Street South From Sixth, Anchorage, Alaska, September 19: The proposed project involves constructing a street as the north-bound leg of the proposal and converting the existing C street into the south-bound leg in the city of anchorage, Alaska. A street construction will be about 2 miles long between 6th and 40th Avenue and is proposed as a four-lane facility set within a varied right-of-way of between 60 and 200 feet. C Street will be converted to south-bound travel by restriping, median removal, and signal adjustment. Four design alternatives in addition to the no-build alternative have been considered. (EIS Order No. 800718.)

Santa Ana Transportation Terminal, Orange County, Calif., September 16: Proposed is the issuance of funding for the construction of a transportation terminal in the city of Santa Ana, Orange County, California. Also included in the project are provisions for direct passenger access between the terminal and a park-and-ride facility. The alternatives consider three site locations and several design configurations. The cooperating agency is the State of California. (EIS Order No. 800699.)

Northeast Diagonal 16th to 27th and Fair Street, Lancaster County, Nebr., September 18: Proposed is the construction of a northeast diagonal arterial extending from 16th Street at P and Q Streets to 27th Street between Fair and Hitchcock Streets in the city of Lincoln, Lancaster County, Nebraska. The plan would involve widening of both P and Q Streets, and major intersection work at Vine Street and Holdrege Street. The alternatives consider: (1) No action, (2) use of the 22nd Street corridor, and (3) use of the 19th Street corridor. The cooperating agency is the State of Nebraska. (FHWA–NEBR–EIS–80–02–D.) (EIS Order No. 800710.)

Final

U.S. 7, VT–125 to Happy Valley Rd./Exchange Street, Addison County, Vt., September 17: Proposed is the improvement of U.S. 7 from near the U.S. 7/VT–125 junction to the Happy Valley Road/Exchange Street intersection in the town of Middleburg, Addison County, Vermont. The facility would be two lanes on a four lane right-of-way if built on relocation or four lane with uncontrolled access if constructed on the existing location. The alternatives consider: (1) No action, (2) alternate travel modes, (3) rebuild existing U.S. 7, and (4) build on either of two new alignments. (FHWA–VT–EIS–80–01–D.) (EIS Order No. 800703.)

Urban Mass Transportation Administration

Draft

Southwest/Westpark Corridor Transitway, Harris County, Tex., September 19: Proposed are alternatives for the Southwest/Westpark corridor transitway in the city of Houston, Harris County, Texas. The alternatives considered are: (1) No action, (2) expansion of regionwide bus service, (3) expansion of bus service with a bus road in the Southwest/Westpark corridor, (4) expansion of bus service with exclusive busway in the priority corridor, (5) bus expansion and light rail system operating in an elevated configuration, (6) light rail system similar to (5) above with subsurface configuration in the CBD, and (7) completely grade-separated heavy rail system in the priority corridor. The cooperating agency is the State of Texas. (EIS Order No. 800714.)

EIS's Filed During the Week of Sept. 15 Through Sept. 19, 1980

[Statement title index—by State and county]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency
Alaska		Draft	Groundfish FMP, Bering Sea and Aleutian Islands	800715	Sept. 19, 1980	DOC
		Draft	A–C Couplet, A Street South From Sixth, Anchorage.	800718	Sept. 19, 1980	DOT
Arizona	Pima	Final	Countryside Subdivision Mortgage Insurance	800712	Sept. 19, 1980	HUD
Arkansas	Hempstead	Final	Hope City Regional Water System, Little River	800705	Sept. 18, 1980	DOC
California	Los Angeles	Draft	Gilbert Lindsay Village Green, Los Angeles	800719	Sept. 19, 1980	HUD
	Orange	Draft	Santa Ana Transportation Terminal	800699	Sept. 16, 1980	DOT
	San Bernardino	Final	Johnson Valley to Parker Motorcycle Race	800711	Sept. 19, 1980	DOI
	Ventura	Draft	City of Oxnard, Eastern Industrial Trunk Sewer	800698	Sept. 15, 1980	DOC
Florida	Citrus	Draft	Crystal River Units 4 and 5, NPDES Permit	800701	Sept. 17, 1980	EPA
Idaho	Owyhee	Final	Owyhee Grazing Management Program	800707	Sept. 18, 1980	DOI
Iowa	Dallas	Draft	Guthrie County Generating Station and Transmission.	800720	Sept. 19, 1980	USDA
	Guthrie	Draft	Guthrie County Generating Station and Transmission.	800720	Sept. 19, 1980	USDA
Montana	Several	Draft	Mount Henry/Taylor-Hilgard/West Pioneer Wilderness.	800716	Sept. 19, 1980	USDA
Nebraska	Lancaster	Draft	Northeast Diagonal 16th to 27th and Fair Street	800710	Sept. 18, 1980	DOT
Nevada	Nye	Final	Tonopah Resource Area Livestock Grazing Management.	800708	Sept. 18, 1980	DOI
New Jersey	Several	Draft	New Jersey Pinelands National Reserve Management Plan.	800709	Sept. 18, 1980	DOI
New Mexico	Bernalillo	Final	Middle Rio Grande Valley Flood Protection	800702	Sept. 17, 1980	COE
	San Juan	Draft	Ute Mountain Strip Coal Mine Lease	800717	Sept. 19, 1980	DOI
	Sandoval	Final	Middle Rio Grande Valley Flood Protection	800702	Sept. 17, 1980	COE
	Valencia	Final	Middle Rio Grande Valley Flood Protection	800702	Sept. 17, 1980	COE
Oregon	Malheur	Final	Owyhee Grazing Management Program	800707	Sept. 18, 1980	DOI
Pacific Ocean		Draft	Groundfish FMP, Bering Sea and Aleutian Islands	800715	Sept. 19, 1980	DOC
		Final	North Pacific Fur Seals, Conservation Convention	800706	Sept. 18, 1980	DOC
Regulatory		Draft	Minimum Property Standards, 1 and 2 Family Dwellings.	800704	Sept. 17, 1980	HUD

State	County	Status	Statement title	Accession No.	Date filed	Originating agency
Texas	Harris	Draft	Southwest/Westpark Corridor Transitway	800714	Sept. 19, 1980	DOT
		Final	Pinelake Subdivision	800696	Sept. 15, 1980	HUD
	Hidalgo	Draft	Lower Rio Grande Basin Flood Control and Drainage.	800697	Sept. 15, 1980	COE
	Tarrant	Draft	Fairfield Subdivision Mortgage Insuracne	800700	Sept. 16, 1980	HUD
	Willacy	Draft	Lower Rio Grande Basin Flood Control and Drainage.	800697	Sept. 15, 1980	COE
Utah	Several	Final	Mountain Valley/Sevier River Grazing Mgmt	800713	Sept. 19, 1980	DOI
Vermont	Addison	Draft	U.S. 7, VT-125 to Happy Valley Rd./Exchange Street.	800703	Sept. 17, 1980	DOT

Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Waiver/ extension	Date review terminates
DEPARTMENT OF THE INTERIOR					
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.	Lower Cook Inlet-Shelikof Strait OCS No. 60, Alaska.	Draft 800601	Aug. 22, 1980	Extension	Oct. 31, 1980
ENVIRONMENTAL PROTECTION AGENCY					
Mr. Edward Vest, Region VII, Envorinmental Protection Agency, 324 East 11th Street, Kansas City Missouri 64108, (816) 374-2921.	Olathe Wastewater Treatment Facilities, Johnson County, Kansas.	Draft 800536	Aug. 1, 1980	Extension	Sept. 30, 1980
DEPARTMENT OF THE INTERIOR					
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.	Johnson Valley to Parker Motorcycle Race, San Bernadino County, California.	Final 800711	Sept. 26, 1980	Conditioned waiver.	Oct. 20, 1980

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/No.	Date notice published in FEDERAL REGISTER	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
NUCLEAR REGULATORY COMMISSION			
Mr. Voss A. Moore, Assistant Director for Environmental Projects, Nuclear Regulatory Commission, P-516, Washington, D.C. 20555, (310) 492-8446.	North Anna Power Station Units No. 1 and 2, Lake Anna, Louisa County, Virginia.	Sept. 15, 1980	800721

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Correction
None.				

[FR Doc. 80-29910 Filed 9-25-80: 8:45 am]
BILLING CODE 6560-01-M

[PP 7G1955/T259; FRL 1617-3]

Aldicarb; Renewal of a Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been renewed for the combined residues of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio)/ propionaldehyde *O*-methylacarbamoyl)oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl)oxime and 2-methyl-2-(methylsulfonyl)-propionaldehyde *O*-(methylcarbamoyl)oxime in or on the raw agricultural commodity dried hops at 15 parts per million (ppm).

FOR FURTHER INFORMATION CONTACT: Jay Ellenbergber, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, Evironmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202-426-2635).

SUPPLEMENTARY INFORMATION:

On April 19, 1979, the EPA issued a notice that published in the **Federal Register** (44 FR 23309) of renewal a temporary tolerance for the combined residues of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio)-propionaldehyde *O*-methylacarbamoyl)oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylksulfinyl) propionaldehyde *O*-(methylcarbamoyl)oxime and 2-methyl-2-(methylsulfonyl)-propionaldehyde *O*-(methylcarbamoyl)oxime in or on hops at 50 ppm. Washington State University and the University of Idaho subsequently requested that the petition be amended by reducing the tolerance for the combined resdues of aldicarb and the above metabolites on hops to 15 ppm. This renewed expired June 20, 1979.

The renewal of this temporary tolerance will permit the continued marketing of the above raw agriculature commodity treated in accordance with the experimental use permit which is being renewal under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other material were evaluated, and it was determined that the temporary tolerance would protect the public health. Therefore the temporary tolerance has been renewed under the following provisions:

1. The total amount of the active herbicide to be used will not exceed the amount authorized in the experimental use permit.

2. The University of Washington will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm will also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA of the Food and Drug Administration.

This temporary tolerance on June 11, 1981. Residues not in excess of the tolerances remaining in or on the dried hops after the expiration date will not be considered actionable if the pesticide is legally applied during the term, and in accordance with the provisions, of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561, (21 U.S.C. 346a(j)))

Dated: September 12, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-29805 Filed 9-25-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51122; FRL 1603-4]

Certain Chemicals; Toxic Substances Premanufacture Notices

Correction

In FR Doc. 80-28010 appearing at page 60003 in the issue for Thrudsay, September 11, 1980, make the following correction:

On page 60005, in the first column, the first line now reading "PMN 80-200" should read "PMN 80-201".

BILLING CODE 1505-01-M

[FRL 1616-7]

National Emissions Standards for Hazardous Air Pollutants

Notice of Delegation of Authority to State of Maryland on October 21, 1976 (41 FR 46564), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for certain hazardous air pollutants (NESHAP). Section 112(d) directs the Administrator to delegate his authority to implement and enforce NESHAP to any State which has submitted adequate procedures. Nevetherless, the Aministrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On July 11, 1980, the Honorable Harry Hughes, Governor, State of Maryland, submitted to the EPA Regional Office a request for delegation of authority. Included in the request were copies of and references to pertinent Maryland statutes and regulations governing the control of air pollution, which provide the State with the requisite authority to enforce NESHAP. After a thorough review of that request, the Enforcement Director has determiend that for the source category set forth in paragraph A of the following official letter to the Honorable Harry Hughes, Governor of the State of Maryland, delegation is appropriate subject to the conditions set forth in paragraphs 1 through 9 of that letter:

Certified Mail—Return Receipt Requested

Re: Delegation of Authority of National Emission Standards for Hazardous Air Pollutants for vinyl chloride pursuant to Section 112(d), Clean Air Act, as amended.

The Honorable Harry Hughes,
Governor, State of Maryland, Annapolis, Md.

Dear Governor Hughes: This is in response to your letter of July 11, 1980 requesting delegation of authority to implement and enforce National Emission Standards for Hazardous Air Pollutants (NESHAP) for vinyl chloride to the state of Maryland's Department of Health and Mental Hygiene, Bureau of Air Quality and Noise Control (the Department). This delegation will expand the original delegation of authority for NESHAP which appeared in the **Federal Register** February 28, 1980.

We have reviewed the pertinent laws of the state of Maryland and its Regulations governing the control of air pollution, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NESHAP regulations for vinyl chloride by the Department. Therefore, we hereby delegate authority to the Department, as follows:

A. The Department is delegated and shall have authority for all vinyl chloride sources

located in the State of Maryland subject to the National Emission Standards for Hazardous Air Pollutants promulgated in 40 CFR Part 61. This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Department for National Emission Standards for Hazardous Air Pollutants, including:

(1) NESHAP sources granted a permit to construct;

(2) NESHAP sources inspected during that quartef and their compliance status (except under § 61.22(d) and (e));

(3) the number of inspections under § 61.22(d) and (e); and

(4) applicable sources which started operation during that quarter or which started operation prior to that quarter which have not been previously reported;

(5) the compliance status of the above, including the summary sheet from the compliance test(s); and

(6) any legal actions which pertain to NESHAP sources.

2. Enforcement of the NESHAP regulations in the State of Maryland will be the primary responsibility of the Department. Where the Department determines that such enforcement is not feasible and so notified EPA, or where the Department acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of Maryland subject to NESHAP regulations.

3. Acceptance of this delegation of certain promulgated NESHAP does not commit the State of Maryland to request or accept delegation of other present or future standards and requirements. Only those standards as set forth in 40 CFR Part 61, revised as of July 1, 1978 are delegated to the State of Maryland. A new request for delegation will be required for any additional standards or amendments of 40 CFR Part 61 not included in the State's request of July 11, 1980.

4. The Department will at no time grant a waiver of compliance under the NESHAP regulations.

5. The Department will not grant a variance from compliance with the applicable NESHAP regulations if such variance delays compliance with the Federal Standards (Part 61). Should the Department grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the Department shall also constitute grounds for revocation of delegation by EPA.

6. The Department and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a Department interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the Department.

7. If at any time there is a conflict between a Department regulation and a Federal regulation (40 CFR Part 61), the Federal regulation must be applied if it is more stringent than that of the Department. If the Department does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

8. The Department will utilize the methods specified in 40 CFR Part 61, in performing source tests pursuant to the regulations.

9. If the Enforcement Director determines that a Department program for enforcing or implementing a NESHAP regulation is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Department.

A Notice announcing this delegation will be published in the **Federal Register** in the near future. The Notice will state, among other things, that effective immediately, all reports required pursuant to the above enumerated Federal NESHAP regulations by sources located in the State of Maryland should be submitted to the State of Maryland, Bureau of Air Quality and Noise Control, Maryland State Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201, in addition to EPA, Region III. Any such reports which have been or may be received by EPA, Region III, will be promptly transmitted to the Department.

Since this delegation is effective immediately, there is no requirement that the Department notify EPA of its acceptance. Unless EPA receives from the Department written notice of objections within ten (10) days of receipt of this letter, the State of Maryland's Department of Health and Mental Hygiene, Bureau of Air Quality and Noise Control will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

Thomas Voltaggio,

Acting Director, Enforcement Division.

Therefore, pursuant to the authority delegated by the Administrator, the Acting Enforcement Director notified the Honorable Harry Hughes, Governor, State of Maryland, on September 3, 1980, that authority to implement and enforce certain standards of performance for national emission standards for hazardous air pollutants for vinyl chloride was delegated to the State of Maryland.

Copies of that request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region III Office, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106.

Effective immediately, all reports required pursuant to the standards for hazardous air pollutants for vinyl chloride should be submitted to the Maryland Bureau of Air Quality and Noise Control, Maryland State Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201 with copies to EPA, Region III.

This Notice is issued under the authority of Section 112 of the Clean Air Act, as amended, 42 U.S.C. 7412.

Dated: September 15, 1980.

Thomas Voltaggio,

Acting Enforcement Director.

[FR Doc. 80-29810 Filed 9-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1616-4; OPP-30000/34A]

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Captan; Extension of Period for Submission of Rebuttal Evidence and Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended the period for submittal of rebuttal evidence and other comments in regard to the rebuttable presumption against registration (RPAR) of pesticide products containing N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide (captan).

DATE: The comment period closes on December 1, 1980.

ADDRESS MATERIAL TO: Document Control Officer, Chemical Information Division (TS-793), office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jim Skaptason, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Rm. 711C, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Crystal City, VA 22202, (707-557-7400).

SUPPLEMENTARY INFORMATION: On August 6, 1980, EPA issued an RPAR against captan. This notice was published in the **Federal Register** of August 18, 1980 (45 FR 54938). The regulations governing RPAR's provide that the applicant or registrant of these pesticide products shall have forty-five days from the date this notice is sent to submit evidence in rebuttal of the presumption. If good cause is shown, however, and additional sixty days, may be granted in which to submit evidence (40 CFR 162.11(a)(1)(i)).

The deadline for submitting rebuttal evidence in the RPAR notice was October 2, 1980. Requests for an additional sixty dys in which to submit evidence to EPA have been received from registrants and others who were affected by the notice of presumption.

They have specified a need for additional time to respond to the risk assessment set forth in the August 18 notice.

The agency concludes that additional time would be beneficial to ensure the submission of complete and accurate responses to this notice of presumption. Therefore, all registrants, applicants for registration, and other interested persons shall have until December 1, 1980, to submit rebuttal evidence and other comments or information. These submissions should be sent to the Document Control Officer at the address given above. All comments should bear the identifying notation "OPP–30000/34A. Comments received on or before December 1, 1980, will be considered before the agency decides whether a notice shall be issued under 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(d)(B)(1). Comments received after December 1, 1980, shall be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed will be available for public inspection in the office of the Document Control Officer at the above address from 8:00 a.m. to 4:00 p.m. on normal business days.

Dated: September 19, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-29806 Filed 9-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1616–5; OPTS-51138]

2,2,4-Trimethyl-1,3-Pentanediol, Trimethylol-Propane, Succinic Anhydride, Adipic Acid, Isophthalic Acid; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATES: Written comments by November 2, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460 (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Rick Green, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460 (202–426–2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558), and the notice of availability of the Revised Inventory was published on July 29, 1980 (45 FR 50544). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(b)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(d). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before November 2, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "(OPTS–51138)" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: September 19, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80-239.

Close of Review Period. December 2, 1980.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales—Between $10 million and $99,999,999.

Manufacturing site—West-north central, U.S.

Standard Industrial Classification Code—285.

Specific Chemical Identity. 2,2,4-Trimethyl-1,3-pentanediol, trimethylolpropane, succinic anhydride, adipic acid, isophthalic acid.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Baking enamels.

Production Estimates.

	Kilogram per year	
	Minimum	Maximum
1st year	100,000	200,000
2d year	200,000	400,000
3d year	300,000	400,000

Physical/Chemical Properties. Molecular weight: 1000–2000. No other data were submitted.

Toxicity Data. No data were submitted.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration (ppm)	
			Hours/day	Days/year	Average	Peak
Manufacture	Inhalation	2	1	251		1–10
Processing	Inhalation	3	4	251		1–10
Use	Inhalation		8	251		1–10
Disposal	Inhalation	3	8	251		1–10

Environmental Release/Disposal. The manufacturer states that closed equipment is used in the manufacture of the resin; that the water of esterification is disposed through a sanitary sewer from a settling tank.

[FR Doc. 80-29807 Filed 9-25-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974; Systems of Records; Annual Publication

The Privacy Act of 1974 requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. 5 U.S.C. 552a(e)(4), 88 Stat. 1896, 1899–1900. The Federal Deposit Insurance Corporation ("FDIC") made an annual publication on October 3, 1979 (44 FR 56986). That publication cited the last actual full publication of the FDIC's system of records at 43 FR 37152 (August 21, 1978) and included amendments in full text to the FDIC's Changes in Bank Control Ownership Records System (30–64–0004).

Since that time, the FDIC has made additional changes to its systems of records. First, on November 21, 1979, the FDIC made various technical and conforming amendments to its systems of records to reflect moves in some of its offices, the relocation of some of its systems, and other similar necessary changes. Also, as a result of the reorganization of what is now the United States Office of Personnel Management ("OPM"), the FDIC altered a routine use contained in its personnel-related systems of records to properly reflect disclosure formerly made to OPM's predecessor, the United States Civil Service Commission (44 FR 66991). Still further technical changes were made to all of these amendments on November 30, 1979 (44 FR 69008).

In addition, the FDIC maintains a "Grievance Records" system; this system was originally covered by the notice of publication, published by OPM, appearing on May 29, 1979 (44 FR 30884), and amended on October 26, 1979 (44 FR 61708). However, since OPM subsequently withdrew its notice, the FDIC was compelled to and did publish its own notice on August 29, 1980 (45 FR 57770).

Since the last annual publication notice by the FDIC in November 1979, the FDIC Office of Consumer Affairs and Civil Rights has merged with FDIC's Division of Bank Supervision. Accordingly, in FDIC Consumer Complaint and Inquiry Record system (30–64–0005) the "system location" and "system manager(s) and address" sections are changes to reflect the merger.

The full text of each of the systems which have changed since FDIC's last annual publication appears below. No further changes have occurred in any FDIC systems of records.

The full text of the FDIC systems of records also appears in Privacy Act Issuances, 1979 Compilation, Volume IV, page 2703. This volume may be ordered through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. The price of this volume is $10.00.

Dated: September 22, 1980.

Hoyle L. Robinson,

Executive Secretary.

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30–64–0002 Bank, and Proposed Bank Irregularity Record System. (This system is subject to exemption pursuant to 12 CFR Sec. 310.13(a), to the extent it contains material compiled for law enforcement purposes.)
30–64–0003 Board of Directors' Actions System.
30–64–0004 Changes in Bank Control Ownership Records.
30–64–0005 Consumer Complaint and Inquiry Records.
30–64–0006 (Reserved)
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30–64–0008 (Reserved)
30–64–0009 Examiner Training and Education Records. (This system is subject to exemption pursuant to 12 CFR Sec. 310.13(c).)
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30–64–0011 Legal Compliance and Enforcement Records. (This system is subject to exemption pursuant to 12 CFR Sec. 310.13(a), to the extent it contains material compiled for law enforcement purposes.)
30–64–0012 Payroll and Employee Financial Records.
30–64–0013 Savings Bond Payroll Deduction System.
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30–64–0001

SYSTEM NAME:

Attorney-Legal Intern Applicant System—FDIC.

SYSTEM LOCATION:

Office of the General Counsel, FDIC, 550 17th Street NW., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for the position of attorney or legal intern with the General Counsel's office of the FDIC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains correspondence from the applicants and individuals whose names were provided by the applicants as references, applicants' resumes, application forms, and, in some instances, comments of individuals who interviewed applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of information may be made: (1) In requesting information of individuals or concerns whose names were supplied by the applicant as references and/or past or present employers; (2) to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (3) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in locked metal file cabinets.

RETENTION AND DISPOSAL:

Records of unsuccessful applicants are retained 2 years after their submission; records of successful applicants are retained 4 years after the successful applicant leaves the employ of FDIC.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Legal Division, FDIC, 550 17th Street NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW, Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the applicants, references supplied by the applicants, current and/or former employers of the applicants, and FDIC employees who interviewed the applicants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to section 310.13(b) of the FDIC's rules and regulations, investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Corporation employment may be withheld from disclosure to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Corporation under a promise of confidentiality.

30-64-0005

SYSTEM NAME:

Consumer Complaint and Inquiry Records—FDIC.

SYSTEM LOCATION:

Division of Bank Supervision, Office of Consumer and Compliance Programs, FDIC, 550 17th Street, N.W., Washington, D.C. 20429 and the appropriate FDIC Regional Office for complaints or inquiries originating within or involving a bank located in an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed complaints or inquiries concerning activities and practices of FDIC insured banks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the names of individuals and the nature of their complaints or inquiries. Contains correspondence and records of other communications between the FDIC and the individuals filing complaints and/or making inquiries. May contain correspondence between the FDIC and the bank in question and/or Federal or State supervisory authorities. May contain copies of supporting documents supplied by a complainant and intra-agency memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 202 of Title II of the Federal Trade Improvement Act (15 U.S.C. 57a(f)); Sec. 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Since records are compiled and used for investigation and resolution of consumer inquiries and complaints, disclosure may be necessary to the institution which is the subject of the complaint; (2) resolution of the complaint or inquiry may also require disclosure limited to the name of the inquirer and the nature of the inquiry, to third party sources during the course of the investigation; (3) transmittal may be made to the Federal or State supervisory authority that has direct supervision over the financial institution that is the subject of the complaint; (4) in the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (5) in the event of civil, criminal or administrative proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the proceedings; (6) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on computer discs and tapes.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in lockable metal filing cabinets; computer tapes and discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Records are retained for 3 years after resolution or answer of the complaint and then correspondence files are destroyed by shredder, computer tapes and discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Bank Supervision, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the individual on whom the record is maintained; institutions that are the subject of the complaint; the appropriate agency, whether Federal or State, with supervisory authority over the institution; Congressional offices that may initiate the inquiry; and other third party sources mentioned in "routine use" above.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0007

SYSTEM NAME:

Employee Education System—FDIC.

SYSTEM LOCATION:

Employee Development Branch, FDIC, 550 17th Street, N.W., Washington, D.C. 20429 and the appropriate FDIC Regional Office for employees assigned to an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present and former FDIC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the educational history of employees prior to their employment with the FDIC, and educational progression of employees while employed by the FDIC. Information includes employee's schools of attendance, courses completed or enrolled in, dates of attendance, tuition fees and expenses, and may include per diem and travel expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order No. 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) to the United States Office of Personal Management, the Merit System Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and computer discs.

RETRIEVABILITY:

File folders—alphabetically by name; computer discs—social security number.

SAFEGUARDS:

File folders are stored in lockable metal cabinets, computer discs are accessed by only authorized personnel.

RETENTION AND DISPOSAL:

Permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained and the training institution in which the employee is enrolled.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0009

SYSTEM NAME:

Examiner Employment, Training, and Education Records—FDIC.

SYSTEM LOCATION:

Division of Bank Supervision Training Center, FDIC, 1701 North Fort Myer Drive, Arlington, Va. 22209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FDIC assistant examiners who have been candidates for determination of progress to become a commissioned bank examiner (progress evaluation candidates). FDIC examiners who attend, or have attended, graduate schools of banking (graduate school of banking students).

CATEGORIES OF RECORDS IN THE SYSTEM:

Progress evaluation candidates—contains a statement of the candidate's education, home address, date and place of birth, and experience, a report of evaluation of a progress evaluation panel, the consolidated findings of each progress evaluation panel member, the candidate's case studies, basic work papers, and responses, and, in the case of an unsuccessful candidate, the candidate's complete work papers and responses, as well as the individual findings of each progress evaluation panel member.

Graduate school of banking students—contains the student's name, enrollment data, record of attendance, record of completion or graduation and general correspondence between the FDIC and the student's school of enrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 10(b) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to:

(1) the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor

Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All categories are stored in file folders.

RETRIEVABILITY:

All categories are indexed by name.

SAFEGUARDS:

All categories are maintained in lockable metal filing cabinets.

RETENTION AND DISPOSAL:

Progress evaluation candidates' records maintained 2 years for the successful candidate and then destroyed by shredder, records of unsuccessful candidate retained until the candidate's successful completion or until the candidate leaves the FDIC's employ. Graduate school of banking student records are permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429. Inquirers must provide their full name and identify the category or categories of which they are inquiring.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

Progress evaluation candidates—the candidate, the candidate's personnel record, and members of the candidate's progress evaluation panel. Graduate school of banking students—the student, the student's school, and the student's personnel record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to section 310.13(c) of the FDIC's rules and regulations, testing material used solely to assess individual qualifications for appointment or promotion, the disclosure of which would compromise the objectivity or fairness of the testing, evaluation or examination process, may be withheld from disclosure.

30-64-0010 [Reserved]
30-64-0011

SYSTEM NAME:

Legal Compliance and Enforcement Records—FDIC.

SYSTEM LOCATION:

Office of the General Counsel, FDIC, 550 17th Street NW., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Directors, trustees, officers or other persons participating in the conduct of the affairs of an FDIC insured bank which is not a member of the Federal Reserve System ("an FDIC insured nonmember bank") who have been the subject of an indictment, information or complaint for a felony involving dishonesty or breach of trust. Directors, trustees, officers or other persons participating in the conduct of the affairs of an FDIC insured nonmember bank who are suspected of committing violations of law, rule or regulation, or of a final cease-and-desist order, or of committing acts, omissions or practices constituting a breach of fiduciary duty. Individuals who have sought FDIC consent to serve as an officer, director, trustee, or employee of an FDIC insured bank after having been convicted of a crime involving dishonesty or breach of trust.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the indictment, information, or complaint filed against the subject individual, and any court order or resolution of such indictment, information, or complaint. Contains newspaper clippings on subject individuals. Contains affidavits of the subject individual and bank employees. Contains intra-agency memoranda and general correspondence between the FDIC and the subject individual and/or his/her attorney. Contains final administrative orders issued by the FDIC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Secs. 8 and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1818, 1829).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) In the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (2) in the event of civil, criminal, or administrative proceedings, the relevant records may be disclosed to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in a file folder and on computer discs.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in lockable metal filing cabinets in a secured room; computer discs are accessed by only authorized personnel.

RETENTION AND DISPOSAL:

Permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Legal Division, FDIC, 550 17th Street NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429. Inquirers must provide their full name and the name of the bank with which they were associated. Inquiries must include a notarized statement attesting to the individual's identity.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual on whom the record is maintained, the employer of the individual, newspaper articles, and individuals interviewed during the investigation. Federal and State prosecuting authorities and Federal and State financial institution supervisory authorities are also sources of information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to section 310.13(a) of the FDIC's rules and regulations, investigatory material compiled as a part of this system for law enforcement purposes is exempted from the accounting provision of section 310.10(d)(2) of the FDIC's rules and regulations and may be withheld from disclosure, to the extent that such disclosure may interfere with the investigation and preparation of any civil, criminal, or administrative law enforcement proceedings.

30-64-0012

SYSTEM NAME:

Payroll and Employee Financial Records—FDIC.

SYSTEM LOCATION:

Accounting and Budget Branch, FDIC, 1850 K Street, N.W., Washington, D.C. 20006 and the appropriate FDIC Regional Office for employees working out of regional offices. (See Appendix A for the location of FDIC Regional Offices.) Information pertaining to state or federal tax liens, bankruptcies, attachments, and wage garnishments also is maintained in the Legal Division, FDIC, 550 17th Street, N.W., Washington, D.C. 20429

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the following information on FDIC employees: mailing addresses and home addresses; rate and amount of pay; hours worked; leave accrued and leave balances; life insurance, health insurance and retirement deductions; tax exemptions; and payroll deduction authorizations (including, where applicable, state or federal tax liens, bankruptcies, attachments, and wage garnishments which have been legally executed by the appropriate taxing or judicial authority).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information developed from these records is routinely provided to State, City, and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social Security Administration, and, to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions, insurance carriers and charity funds; (2) records are periodically made available for inspection to auditors employed by the General Accounting Office; (3) relevant records in this system of records may be referred, as a routine use to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting any violation of law; rule or regulation; (4) in the event of litigation, relevant records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (5) Disclosure may be made to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and Equal Employment Opportunity Commission, to the extent necessary in order for these agencies to carry out the government-wide personnel managment, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (6) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, record cards and computer discs.

RETRIEVABILITY:

File folders and record cards indexes by name; computer discs are indexed by social security number.

SAFEGUARDS:

File folders and record cards are stored in lockable metal cabinets; computer discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Year-end trial balances (the individual earnings record) are retained during the employment and then transferred to the Federal Records Center, where the records are maintained indefinitely. Deduction authorizations and documents used to develop the records are retained for the period of use and up to an additional 3 years after which they are disposed of by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Officer of the Controller, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.) General Counsel, Legal Division, FDIC, 550 17th Street, N.W., Washington, D.C. 20429 for records maintained by the Legal Division.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained. Where an employee is subject to a tax lien, a bankruptcy, an attachment, or a wage garnishment, information also is obtained from the appropriate taxing or judicial entity.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0013

SYSTEM NAME:

Savings Bond Payroll Deduction Systems—FDIC.

SYSTEM LOCATION:

Accounting and Budget Branch, FDIC, 1850 K Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees who have authorized payroll deductions for the purchase of United States Savings Bonds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the name and address of the employee; the amount of the employee's salary to be withheld; the denomination of bond to be purchased; the series of the bond; the owner's name, address, and social security number; the designated co-owner or beneficiary, and their social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) the United States Treasury Department for the preparation of savings bonds; (2) to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (3) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, and computer discs.

RETRIEVABILITY:

File folders and record cards are indexed by name; computer discs are indexed by social securtiy number.

SAFEGUARDS:

File folders and record cards are stored in lockable metal cabinets; computer discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Records are retained for 2 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Office of the Controller, FDIC, 550 17th Street NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained.

YSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0014

SYSTEM NAME:

Travel Voucher System—FDIC.

SYSTEM LOCATION:

Accounting and Budget Branch, FDIC, 1850 K Street, N.W., Washington, D.C. 20006 and the appropriate FDIC Regional Office for employees assigned to an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FDIC employees who travel on official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains records relating to employees' claims for reimbursement of official travel expenses including travel authorizations, advances, and vouchers showing amounts claimed, exceptions taken as a result of audit, advance balances applied, and amounts paid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 10(a) of the Federal Deposit Insurance Act (12 U.S.C. 1820(a)); Travel Expense Act of 1949 (5 U.S.C. 5701-5709); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (2) in the event that information contained in this system of records indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or State, charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (3) in the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (4) Disclosure may be made to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (5) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and computer discs.

RETRIEVABILITY:

Files indexed by name; computer discs by social security number.

SAFEGUARDS:

File folders stored in a lockable room; computer discs are accessed by only authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained for 7 years, then file folders are shredded and computers discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Office of the Controller, FDIC, 550 17th Street NW., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0015

SYSTEM NAME:

Unofficial Personnel System—FDIC.

SYSTEM LOCATION:

Office of Personnel Management, FDIC, 1709 New York Avenue NW., Washington, D.C. 20429. In addition records are maintained at the division or office levels in the FDIC Washington office and at the FDIC regional offices. (See appendix A for the location of FDIC regional offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of personnel-related records that are maintained in addition to those kept in the official personnel folder pursuant to the Federal Personnel Manual Suppl. 296-31, Table 8, Sec. 1. (The United States Office of Personnel Management has Privacy Act responsibility for those systems of records which are government-wide in nature and it requires agencies to maintain. Included among these is the Official Personnel Folder. While OPM has designated the FDIC as being responsible for disclosing to its current employees the contents of their Official Personnel Folder, notice of the existence and character of this system is published by the United States Office of Personnel Management as "General Personnel Records", OPM/GOVT-1.) This system contains records of various types. They are: (1) records maintained in the Washington and regional offices which may contain information on individuals relating to: birthday; social security number; past and present salaries, grades, and position titles; home address and telephone number; emergency contacts, addresses and telephone numbers; employment history; original applications, résumé, and letters of reference; statement of bank loans and stock ownership; record of equipment and material issued to the individual; record of leave and time-and-attendance; written notes or memoranda on employee performance; counseling; examiner assignments and lists of banks examined; records relating to on-the-job training; and data documenting reasons for personnel actions, decisions, or recommendations made about an employee; (2) parking permit records containing information (name, address, and type of automobile) about FDIC employees who have applied for (or are members of the applicants' carpool) a parking permit in the FDIC's Washington office garage; (3) American Red Cross blood donor records containing information including donors name, social security number, date of birth, age, sex, home address and phone number, whether the donation was accepted, and whether the Red Cross would recruit the donor again for blood; (4) FDIC personnel awards including information supporting the employee's nomination for one of these awards; (5) dental insurance records including information on earnings, number and name of dependents, sex, birth date, home address, and social security number; and (6) employee locator records containing the employee's name, social security number, division or office assignment, office telephone number and office room number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. Sec. 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

With regard to category (1) above, the records are primarily maintained to be used by the employee's supervisor for preparation of general personnel action; however, in the case of categories (1), (2), and (4) disclosures may be made, where relevant:

(a) to financial and credit institutions for loan and credit reference purposes (solely to verify the employee's employment with the FDIC, date of employment, and pay grade);

(b) [Reserved];

(c) to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions;

(d) in the event of litigation, to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery;

(e) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual;

(f) to State authorities regarding reasons for a former employee's separation from FDIC service, where the inquiry is made pursuant to the former employee's application for unemployment compensation;

(g) to Federal and State regulatory agencies, for reasons related to FDIC business, as to the temporary work location of FDIC bank examiners.

In the case of category (3) above, disclosure may be to the American Red Cross from the information contained in the blood donor records. Disclosure may be made, in the case of category (5) above, to the dental insurance carrier in support of a claim for dental insurance benefits. In category (6) above, except for the employee's Social Security Number, all information in the record is available to the public.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on file cards and in file folders. Category (6) is maintained on computer discs.

RETRIEVABILITY:

Indexed alphabetically by name.

SAFEGUARDS:

Maintained in lockable metal cabinets.

RETENTION AND DISPOSAL:

Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the Division or Office which compiled and maintained the information. Parking permit records are kept for one year and then destroyed. American Red Cross blood donor records are kept for 4 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, FDIC, 550 17th Street NW., Washington, D.C. 20249, for Corporation level records. For FDIC Division or Office levels, the head of the appropriate Division or Office; for FCIC regional offices, the regional director. (See Appendix A for the location of FDIC regional offices); for parking permit records and employee locator records, the Controller, Office of the Controller, FDIC, 550 17th Street NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

Individuals to whom the records pertain; their immediate supervisors or persons at other supervisory levels; other fellow employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0017

SYSTEM NAME:

Medical Records and Emergency Contact Information System—FDIC.

SYSTEM LOCATION:

Health Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical record of the employee, including the date of any visit to the FDIC Health Unit, the diagnosis, and the treatment administered. Attached to this record is a separate sheet containing the name and telephone number of the person to contact in the event of an emergency involving the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. Sec. 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

No disclosure (including intra-agency disclosure) of information contained in the medical files is made without the prior written consent of the employee concerned. In the event of an emergency, the emergency contact would be notified.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

On 8" x 10" cards with a separate emergency contact sheet attached to it.

RETRIEVABILITY:

Indexed alphabetically by name.

SAFEGUARDS:

Kept in lockable metal cabinets in the nurse's office of the health unit. Only the nurse and substitute nurse are allowed access to the files. The health unit is locked whenever the nurse is absent.

RETENTION AND DISPOSAL:

Kept for the duration of the employee's tenure with FDIC, and for 5 years thereafter, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, 550 17th Street NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The medical records are compiled by the employee and the nurse during the course of visits to the Health Unit for treatment. The information on the emergency contact sheet is supplied by the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0018

SYSTEM NAME:

Grievance Records.—FDIC

SYSTEM LOCATION:

These records are located in the Office of Employee Relations, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. Records at the regional level generated through grievance procedures negotiated with recognized labor organizations and arbitration are located in the FDIC Regional Office where originated. (See Appendix A for the location of FDIC Regional Offices.) Duplicate copies may be maintained as records by the Office of Employee Relations for the purpose of coordinating grievance and arbitration handling.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former FDIC employees who have submitted grievances in accordance with part 771 of the Office of Personnel Management's regulations (5 CFR 771) or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by FDIC employees under part 771 of the Office of Personnel Management's regulations. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that FDIC may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp. p218, E.O. 10987, 3 CFR 1959–1963 Comp. p519, agency employees for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation, or order, where the FDIC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the

Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2098.

g. By the FDIC or the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORING:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Employee Relations, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may contact the Executive Secretary, Records Unit, 550 17th Street, N.W., Washington, D.C. 20429 regarding the exitence of records on them. They must funish the following information in order for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

RECORDS ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the the record under the grievance process. After the action has been closed, an individual may request access to the official copy of the grievance file. See "Notification" above.

Individuals requesting access must also follow the FDIC's Privacy Act regulations regarding access to records and verification of identify. (12 CFR 310.3, 310.4, and 310.9).

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment request of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the Executive Secretary, Records Unit. See "Notification" above.

Individuals requesting amendment must also follow the FDIC's Privacy Act regulations regarding amendment to records and verification of identity. (12 CFR 310.4, 310.7, 310.8, and 310.9).

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By agency officials.

d. From related correspondence from organizations or persons.

Appendix A—Federal Deposit Insurance Corporation regional offices

Atlanta Regional Office, FDIC, 233 Peachtree Street NE., Suite 2400, Atlanta, Georgia 30303.

Boston Regional Office, FDIC, 60 State Street, 17th Floor, Boston, Mass. 02109.

Chicago Regional Office, FDIC, Sears Towers, 233 South Wacker Drive, Suite 6116, Chicago, Ill. 60606.

Columbus Regional Office, FDIC, 1 Nationwide Plaza, Suite 2600, Columbus, Ohio 43215.

Dallas Regional Office, FDIC, 350 North St. Paul Street, Suite 2000, Dallas, Texas 75201.

Kansas City Regional Office, FDIC, 2345 Grand Avenue, Suite 1500, Kansas City, Mo. 64108.

Madison Regional Office, FDIC, 1st Wisconsin Plaza, 1 South Pinckney Street, Room 813, Madison, Wis. 53703.

Memphis Regional Office, FDIC, 1 Commerce Square, Suite 1800, Memphis, Tenn. 38103.

Minneapolis Regional Office, FDIC, 730 Second Avenue, South, Suite 266, Minneapolis, Minn. 55402.

New York Regional Office, FDIC, 345 Park Avenue, 21st Floor, New York, N.Y. 10022.

Omaha Regional Office, FDIC, 1700 Farnam Street, Suite 1200, Omaha, Nebr. 68102.

Philadelphia Regional Office, FDIC, 5 Penn Center Plaza, Suite 2901, Philadelphia, Pa. 19103.

Richmond Regional Office, FDIC, 908 East Main Street, Suite 435, Richmond, Va. 23219.

San Francisco Regional Office, FDIC, 44 Montgomery Street, Suite 3600, San Francisco, Calif. 94104.

[FR Doc. 80-29794 Filed 9-25-80; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM

Cedar Point Bancshares, Inc.; Formation of Bank Holding Company

Cedar Point Bancshares, Inc., Cedar Point, 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 per cent or more of the voting shares of Cedar Point State Bank, Cedar Point, Kansas. 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 October 8, 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, September 19, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29777 Filed 9-25-80; 8:45 am]

BILLING CODE 6210-01-M

Central Nebraska Bankshares, Inc.; Formation of Bank Holding Company

Central Nebraska Bankshares, Inc., Broken Bow, 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 Security State Bank, Broken Bow, 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 17, 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, September 18, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29776 Filed 9-25-80; 8:45 am]

BILLING CODE 6210-01-M

Graves County Bancshares, Inc.; Formation of Bank Holding Company

Graves County Bancshares, Inc., Wingo, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.6 per cent of the voting shares of The Bank of Wingo, Wingo, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 20, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 19, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29775 Filed 9-25-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 80M-0246]

C. R. Bard, Inc; Premarket Approval of USCI®Gruntzig Dilaca™ Coronary Artery Balloon Dilatation Catheter

Correction

On August 15, 1980 (page 54444) and on August 29, 1980 (page 57776) there appeared corrections to FR Doc. 80-21465; however the corrections contained discrepancies. To minimize confusion, please disregard both of the correction documents. The changes are set forth accurately below:

In FR Doc. 80-21465 appearing on page 48254 in the issue of Friday, July 18, 1980, make the following corrections:

(1) Correct the heading now reading:

"C. R. Bard, Inc.; Premarket Approval of USCI® Gruntzig Dilaca® Coronary Artery Balloon Dilatation Catheter"

to read:

"C. R. Bard, Inc.; Premarket Approval of USCI® Gruntzig Dilaca™ Coronary Artery Balloon Dilatation Catheter"

(2) In the sixth line of the **Summary** paragraph, change ". . . Gruntzig Dilaca® . . ." to read ". . . Gruntzig Dilaca™ . . ."

(3) In the fifth line of the first paragraph under **Supplementary Information,** change ". . . Gruntzig Dilaca® . . ." to read ". . . Gruntzig Dilaca™ . . .".

BILLING CODE 1505-01-M

[Docket No. 80N-0399]

IRB Compliance Activity Workshop; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a public workshop will be held to discuss the agency's current activities to ensure compliance with its regulations by Institutional Review Boards (IRB's). Alternative methods of ensuring compliance also will be discussed.

DATE: Meeting on November 7, 1980.

ADDRESS: The workshop will be held at 9 a.m. at the Hubert H. Humphrey Bldg., Rm. 800, 200 Independence Ave. SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: John C. Petricciani, Office of the Commissioner, Food and Drug Administration (HFB-4), 8800 Rockville Pike, Bethesda, MD 20205, 301-469-9320.

SUPPLEMENTARY INFORMATION: Since 1971, FDA regulations have required that before studies with drugs regulated by the agency under sections 505(i) and 507(d) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i) and 357(d)) may be tested on human subjects in institutions (including hospitals, nursing homes, mental institutions, and prisons), the proposed studies must be approved and then subjected to continuing review by an IRB. (See 21 CFR Part 312.) The agency adopted a similar regulatory requirement under section 320(g) of the act (21 CFR 360j(g)) for studies involving intraocular lenses in 1977 and for other investigational devices in 1980. (See 21 CFR Parts 813 and 812, respectively.) These regulations provide for the inspection of such IRB's by the agency

On August 8, 1978 (43 FR 35186) and on August 14, 1979 (44 FR 47699), FDA proposed to adopt general standards for the composition, operation, and responsibility of an IRB that reviews clinical investigations regulated by the agency under sections 505(i), 507(d), and

520(g) of the act, as well as clinical investigations that support applications for research or marketing permits for products regulated by FDA.

FDA will hold a workshop to discuss the agency's activities, including its inspection program, to ensure compliance with its regulations by IRB's. The current program will be explained, and possible alternative programs will be discussed. Based on the information provided at this workshop, FDA may revise its current inspection program.

The workshop will be held from 9 a.m. to 3:30 p.m., November 7, 1980, at the Hubert H. Humphrey Bldg., Rm. 800, 200 Independence Ave. SW., Washington, DC 20201. Seating will be limited to 150 persons on a first-come first-serve basis.

Dated: September 19, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-29668 Filed 9-25-80; 8:45 am]

BILLING CODE 4110-03-M

Obstetrics-Gynecology and Radiology Devices Panel, Obstetrics-Gynecology Section; Meeting on Tampon Use

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Obstetrics-Gynecology Section of the Obstetrics-Gynecology and Radiology Devices Panel

Date, time, and place. October 10, 9 a.m., Humphrey Auditorium, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4 p.m.; Lillian Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes appropriate recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to health issues possibly related to tampon use: toxic shock syndrome, ulceration, laceration, other medical findings, and the need for additional regulation of tampons (e.g., ingredient labeling or biocompatibility standards). Submission of data relative to the regulatory classification of tampons (class II) is also invited. Those desiring to make formal presentations should notify Lillian Yin at the address above by October 9, 1980, and submit a brief statement of the general nature of the information they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open Committee discussion. The Section will discuss health issues possibly related to tampon use, as described above.

Applications for reimbursement. Must be received by October 3, 1980.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Administrative Proceedings Staff (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Applications for reimbursement for participation in the meeting listed above should be sent to the Office of Consumer Affairs (HFE-90), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Hearing Clerk as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301-443-5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meeting announced in this notice in the docket for this notice.

Dated: September 22, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-29825 Filed 9-24-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80N-0309]

Sulfamethazine Residues in Swine Tissues; Position Statement

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its position concerning tolerances for residues of sulfamethazine in edible tissues of swine.

FOR FURTHER INFORMATION CONTACT: Joseph A. Settepani, Bureau of Veterinary Medicine (HFV-9), Food and

Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4500.

SUPPLEMENTARY INFORMATION:

Sulfamethazine is a member of the class of drugs known as sulfonamides. Sulfamethazine in paticular and sulfonamides in general are widely used in the swine industry. The administration of sulfonamide drugs to swine promotes weight gain and controls the incidence and severity of such disease conditions as dysentery, pneumonia, abscesses, and atrophic rhinitis. Like most drugs administered to food-producing animals for the purposes of weight gain and preventive therapy, sulfonamides, when used for these purposes, are normally adminstered to animals in feeds on a herd-wide basis rather than on an individual basis. This means of administering the drug is more economical and practical than is the treatment of individual animals by injection, gavage, or other means.

New animal drugs, as defined in section 201(w) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321 (w)), may be legally marketed only if they are the subject of an approved new animal drug application (NADA). NADA's are approved on the basis of the manufacturer's demonstration that the drug is safe and effective for the animal, and that any residues of the drug that remain in the edible tissue of the animal are safe for human consumption. The requirements for approval of an NADA are found in section 512 of the act (21 U.S.C. 360b). That section provides for the establishment of tolerances as a condition of approval. Tolerances define the level of the animal drug residue that is demonstrated to be safe in the human diet. Tolerances are established generally by reliance on the safety data submitted in an NADA and the use of safety factors.

The present tolerance for residues of sulfonamide drugs in the edible tissues of animals is 0.1 part per million (ppm). This tolerance was established for sulfamethazine on the basis of no-effect levels demonstrated in 90-day feeding studies with the drug in rodents and dogs. Thyrotoxicity was the toxic effect of major concern in most of the feeding studies conducted with sulfonamides in these species, including those with sulfamethazine. In one study, in which sulfamethoxazole was fed to rats for 12 months, the treated animals developed thyroid carcinoma.

In 1978, FDA discovered that the tolerance for sulfamethazine in edible tissues of swine was being exceeded in over 15 percent of the tissues sampled by USDA. Although the violation rate was in part the result of abusive use of the drug by producers, it appeared to have resulted primarily from the physical properties of sulfamethazine, the practices inherent in manufacturing medicated feeds, and the animal husbandry practices followed by producers.

Sulfamethazine possesses certain electrostatic properties that may result in its clinging to the walls of the large mixers in which medicated feeds are prepared. This latter phenomenon contributes to what is known as drug carryover; that is, nonmedicated feed prepared in a mixer in which sulfamethazine medicated feeds had recently been prepared would contain small amounts of the drug. Likewise, by virtue of drug carryover, portions of subsequent sulfamethazine medicated feeds might contain more than the approved level of the drug. Drug carryover has been a primary cause of violative residues. A secondary cause of the high violation rate has been the fact that swine are coprophagic (excrement-eating) animals and sulfamethazine is excreted from the body through the animal's feces. These two facts result in a natural recycling of sulfamethazine in the animal's system.

In May, 1978, FDA and USDA launched an intensive educational and research program designed to reduce the violative rate of sulfamethazine residues. The agencies stressed the importance to feed manufacturers of maintaining good manufacturing practices, including adequate flushing of mixers. Producers were educated on the physical properties of sulfamethazine, its tendency to persist in edible tissues, and the importance of improved husbandry practices in raising swine. The net result of this intensive joint agency effort was the reduction of the tolerance violation rate for sulfamethazine residues to 4.5 percent nationwide, with the major swine-producing areas showing levels lower than 4 percent.

On September 5, 1979, before the overall success of the educational programs described above was realized, the American Cyanamid Co. submitted a Citizens Petition to FDA suggesting an alternative solution to the high rate of violative sulfamethazine residues in swine. This Petition, which was endorsed by the National Pork Producers' Council, asked for interim action levels for sulfamethazine of 0.3 ppm in liver and 0.4 ppm in kidney tissues to replace the present 0.1 ppm tolerance level. The Petition also asked the agency to approve and implement new analytical methods submitted by the petitioners for determining sulfamethazine residues in swine tissue and feed that they claimed possessed greater specificity for that particular drug. Finally, the petitioners asked the agency to establish an action level of 8 grams per ton of feed for sulfamethazine carryover into unmedicated feed for finishing swine.

The Citizens Petition presented expert testimony on the extensive experience with sulfonamide drugs in human medicine and especially noted the lack of evidence for sulfonamide-induced thyrotoxicity in man and in sub-human primates. In support of their arguments, the petitioners also cited interpretations of the act, the legislative history of that act, FDA's Working Guideline for Assigning Residue Tolerances, and the precedent established by previous instances in which the agency raised an existing tolerance.

FDA's scientists evaluated the submitted information and arguments and concluded that they did not provide a sufficient basis to support the requested increase in tolerance. The nature and quality of the available information on human experience with sulfonamide drugs used for therapeutic purposes does not allow a determination to be made of a safe level for continuous exposure of the public to sulfamethazine residues in food. Furthermore, although the agency may legally consider risk/benefit relationships in approving drugs for therapeutic use in man, no authority exists to apply such considerations to determinations regarding the safety of human food containing residues of a drug administered to animals. That is, under the law, the agency cannot accept risk/benefit trade-offs when the safety of human food is at issue. Accordingly, experience with a drug used therapeutically in man may not be applicable to the issue of whether that drug is safe when consumer at low levels possibly over an entire lifetime.

The present tolerance of sulfamethazine, as noted above, is based on no-effect levels demonstrated in 90-day feeding studies. FDA has historically required feeding studies of longer than 90-days duration to support tolerances above the 0.1 ppm level. Also, because sulfamethazine is structurally related to another sulfonamide that is a demonstrated carcinogen, lifetime feeding studies in laboratory animals would be needed to determine definitively whether sulfamethazine is a carcinogen. In the absence of these studies, the present tolerance could not be raised.

FDA has, in fact, begun studies with sulfamethazine in two rodent species at the National Center for Toxicological

Research (NCTR), Pine Bluff, Arkansas. Results of these studies may allow the tolerance to be raised to levels above the present 0.1 ppm, or, conversely, they could demonstrate the need for a level of residues lower than the present tolerance. If these feeding studies do provide guidance that health risks are presented to consumers of pork that contains residues of sulfamethazine, the agency may be forced to consider withdrawing the approved uses, not only of sulfamethazine but of all sulfonamide-containing animal drugs possessing a closely related structure. The agency-sponsored studies will be completed in approximately 3½ years.

In addition to the toxicological concerns described above, the agency noted in its responses to the Citizens Petition that additional information was required on the levels, nature, and toxicity of metabolities of sulfamethazine in swine at the time of their slaughter before the tolerance could be raised.

Regarding the second request in the Petition, the agency concluded that it could not implement a new regulatory method of analysis prior to validating the procedure in Government laboratories. FDA did agree, however, to conduct a collaborative comparative study of the assay provided by American Cyanamid, a new method for sulfamethazine residues developed by USDA, and the present regulatory method as expeditiously as possible. The laboratory portions of the comparative study have now been completed and the results are being evaluated.

Because the agency had in its possession data demonstrating that as little as 2 ppm of sulfamethazine carryover into feed for finishing swine could lead to tissue residues in excess of the 0.1 ppm tolerance when the animals were slaughtered, the agency was unable to concur with the Petitioner's request to establish an 8 grams per ton (approximately 9 ppm) action level for sulfamethazine carryover into unmedicated swine feed.

For the above reasons, all three requests in the Citizens Petition were denied by the agency on March 5, 1980. The American Cyanamid Co. submitted a Petition for Reconsideration to FDA on April 4, 1980. This Petition for reconsideration of the previous decision was evaluated and is being denied.

After a thorough evaluation of the sulfamethazine tissue residue problem and of the results of the intensive 18-month educational and research program led by USDA, FDA concludes:

1. The method used in setting the present tolerance for edible tissues of Swine (0.1 ppm) is consistent with agency policy and is widely accepted by the scientific community.

2. The observance of good husbandry practices at the producer level and good manufacturing practices at the feedmill or by the feeder/mixer, in addition to compliance with the labeled directions and the required withdrawal of sulfamethazine prior to slaughter, are practical procedures that will help avoid over-tolerance residues of sulfamethazine in marketed swine.

3. The excellent response by the swine industry and by feed manufacturers during USDA's intensive educational and research program has resulted in a reduction of violative levels nationwide from 15 percent to 4.5 percent. In the major swine producing areas of the country, where FDA/USDA efforts were the most intense, the violation rate is below 4 percent. Accordingly, it appears that maintenance of the 0.1 ppm tolerance level is possible without serious disruption to the swine industry.

4. Alternative drug products and/or vaccines to sulfamethazine are available in those situations where feasible adjustments cannot be made for the nonviolative use of sulfamethazine in feed.

The Citizens Petition, the Petition for Reconsideration, and the agency's detailed responses to these documents are on display in the Hearing Clerk's office, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, under Docket Number 79P–0347/PRC.

In view of the above, FDA plans to:

1. Retain the present tolerance level (0.1ppm) in all edible tissues until new information is available that will allow modification of the level within FDA's working guidelines for doing so.

2. Continue the lifetime studies in laboratory animals underway at NCTR to increase the available data supporting the use of sulfamethazine.

3. Give highest priority to evaluating any new formulation(s) developed by the sponsors of sulfamethazine-containing animal drugs in an effort to avoid the drug-carryover problem in feed-mixing equipment.

4. Continue to cooperate with USDA, producer groups, and the feed industry in an effort to promote and encourage voluntary compliance with the established tolerance.

5. Complete its evaluation of the results of the recently completed collaborative comparison study of analytical methodology for sulfamethazine residues in tissue and, if warranted, implement one of the two new procedures as the offical regulatory method for sulfamethazine.

The agency will continue to explore means of solving the problems associated with the use of sulfamethazine in a manner that will protect the public health and provide for the continued availability of the drug. Additional information and suggestions to this end are invited.

Dated September 21, 1980.

Jere E. Goyan,

Commissioner of Food and Drugs.

[FR Doc. 80-29911 Filed 9-24-80; 11:10 am]

BILLING CODE 4110-03-M

Public Health Service

Organization, Functions, and Authority Delegations; Office of the Assistant Secretary for Health

Part H, Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (38 FR 18571, July 12, 1973, as amended most recently at 45 FR 17208, March 18, 1980) is amended to reflect the reorganization and realignment of functions of the National Center for Health Statistics within the Office of Health Research, Statistics, and Technology, Office of the Assistant Secretary for Health. This reorganization will tighten the span of control through use of a program offices level between the Director of the Center and the Divisions and will allow for more productive utilization of resources.

Section HA–20 Functions is amended as follows:

Under the heading entitled *Office of Health Research, Statistics, and Technology (HAT),* make the following changes:

Delete the functional statement for the *National Center for Health Statistics (HAT2),* and its subordinate organizational elements in their entirety and substitute the following:

National Center for Health Statistics (HAT2). Within the Office of Health Research, Statistics, and Technology, the National Center for Health Statistics (NCHS): (1) Provides national leadership in health statistics and epidemiology; (2) collects, analyzes, and disseminates national health statistics on vital events and health activities, including the physical, mental, and physiological characteristics of the population; illness, injury, impairment; the supply and utilization of health facilities and manpower; the operation of the health services system; health costs and expenditures; changes in the health

status of people; and environmental, social and other health hazards; (3) administers the Cooperative Health Statistics System; (4) stimulates and conducts basic and applied research in health data systems and statistical methodology; (5) coordinates to the maximum extent feasible, the overall health statistical and epidemiological activities of the program and agencies of PHS and provides technical assistance in the planning, management and evaluation of statistical programs of PHS; (6) maintains operational liaison with statistical units of other health agencies, public and private, and provides technical assistance within the limitations of staff resources; (7) fosters research, consultation and training programs in international statistical activities; (8) participates in the development of national health statistics policy with other Federal agencies; (9) directs the environmental and epidemiological statistics programs of the Center; and (10) in its role as the government's principal general-purpose health statistics organization as designated by the Office of Management and Budget, provides the Assistant Secretary for Health and Surgeon General and consultation and advice on statistical matters.

Office of the Director (HAT21). (1) Plans, directs, administers, coordinates, and evaluates the total vital, health, and health related statistics programs of the Center; (2) stimulates basic and applied research and developmental activities; (3) provides national and international leadership in vital and health statistics and epidemiology; (4) conducts a variety of professional activities to provide assistance to government agencies, to foster international relationships and to improve the broad fields of vital and health statistics and epidemiology; (5) coordinates the Center's activities with public and private health statistical agencies; (6) provides advice and guidance on disease classification and disease classification problems in the Center; coordinates activities within the Center on classification of diseases and procedures; and has responsibility for development of revision proposals and U.S. position on decennial revisions of the International Classification of Diseases; (7) directs the Center's environmental and epidemiological statistics programs; (8) directs the Cooperative Health Statistics System; (9) provides management and administrative support for the Center; (10) provides program planning and development for the Center; (11) develops and coordinates legislative activities; and (12) directs and coordinates Center activities in support of the Department's Equal Employment Opportunity program.

Office of International Statistics (HAT212). (1) Plans and conducts the Center's foreign research, consultation, and training programs; (2) coordinates or represents the Center's interests in international statistical activities in vital and health statistcs, epidemiology and financing of health care; (3) stimulates NCHS staff to develop research programs in foreign countries; (4) develops and conducts academic and applied courses for foreign statisticians; (5) assembles data and prepares reports on comparative international health statistics; and (6) develops and conducts analytical studies in international vital and health statistics.

Office of Management (HAT216). (1) Participates in the development of policy, long-range plans, and programs of the Center; (2) plans, coordinates and directs the management operations of the Center; (3) reviews the effectiveness and efficiency of the operation and administration of all programs of the Center; (4) conducts organizational and procedural studies; (5) monitors the performance appraisal system; (6) develops and coordinates the program planning, evaluation and legislation for the Center; (7) develops and directs systems for financial, personnel, procurement, paperwork management, staff resources utilization, and management by objectives; (8) plans, develops and conducts a Centerwide management information system; (9) develops administrative policies and procedures; (10) administers the DHEW Human Rights Clearance program for NCHS activities; (11) manages the Reimbursable Work Program for the Center; and (12) provides services in the areas of delegations of authority, grants and contracts management, reports and records records management, organization and management analysis, space management, and Center conferences, committees, and other advisory groups.

Office of Research and Methodology (HAT217). (1) Participates in the development of policy, long-range plans, and programs of the Center; (2) plans, coordinates and stimulates the Center's applied and basic research program which includes the fields of mathematical statistics, survey design and methodology; (3) formulates statistical standards regarding the survey design, data collection, coding, data analysis, data presentation and statistical computing for all NCHS data systems and coordinates activities directed at the implementation and maintenance of these standards; (4) actively supports all of the Center's basic and applied research activities by serving as the Center's consultants in the fields of mathematical statistics, survey design and methodology, and statistical methodology; (5) consults and collaborates on statistical research projects with PHS agencies and other Federal organizations, State and local governments, universities, private research organizations and international health agencies; and (6) reviews for statistical merit all research contracts and intramural projects and all research projects undertaken through contracts, interagency agreements, or intramural activities.

Office of Cooperative Health Statistics Systems (HAT218). (1) Participates in the development of policy, long-range plans, and programs of the Center; (2) serves as the focal point within NCHS for developing, coordinating, monitoring, and evaluating collaborative activities of NCHS with other Federal agencies and nonpublic national organizations in the context of the Cooperative Health Statistics System (CHSS); (3) directs the program for the designation of State Health Statistics agencies; (4) serves as the liaison between the Center and the PHS Regional Offices and State and local public and private agencies and organizations; (5) maintains liaison with relevant agencies and organizations; identifies issues, develops recommendations, and acts as coordinator between other agencies and organizations and other units and staff of NCHS; (6) manages the Applied Statistics Training Institute; (7) directs the definitional and developmental aspects of CHSS; and (8) reviews the health statistics activities of other Federal agencies and nonpublic national organizations for consistency with all CHSS program activities.

Division of Systems Development (HAT2181). (1) Develops the guidelines, definitions, and standards for the CHSS; (2) directs developmental demonstration and evaluation projects for CHSS; (3) develops and administers a program for the designation of State health statistics agencies; and (4) provides technical assistance to State and local health statistics agencies regarding guidelines, definitions, and standards for the CHSS.

Applied Statistics Training Institute (HAT2182). (1) Develops NCHS policy and priorities for meeting the training needs of health statisticians, epidemiologists, health planners, and others as relevant to the mission and objectives of NCHS; (2) plans and conducts a program to provide training

in applied vital and health statistics theory and practice to State and local officials and employees and other related professional groups; (3) conducts seminars to meet unique State or regional needs; (4) conceives and coordinates colloquium programs of mutual benefit to the Center, the States, and interested professional groups; (5) plans and conducts uniquely targeted ad hoc training activities in health statistics in conjunction with Federal, State, or local agencies; and (6) assesses training needs of the Cooperative Health Statistics System and arranges programs directly related to the Cooperative System mode of operation.

Office of Vital And Health Care Statistics Program (HAT2A). (1) Participates in the development of policy, long-range plans and programs of the Center; (2) directs, plans, and coordinates the Vital and Health Care Statistics Program of the Center; (3) provides policy guidance, technical liaison, leadership, and evaluation of Federal-State conjoint Vital and Health Care Statistics Program; (4) provides leadership for the monitoring and statistical evaluation of national vital and health care statistics; (5) provides operating liaison with other programs of the Center on vital and health care statistics and other public and private agencies; (6) determines the need for new data systems or capabilities in present systems to provide needed health statistics; (7) provides statistical consultation and technical assistance to other producers and users of health statistics; and (8) conducts developmental and evaluation research to assess the quality and cost-effectiveness of the vital and health care statistics program.

Division of Vital Statistics (HAT2A1). (1) Plans and administers statistical programs based on the nationwide collection of data from vital records, vital record followback surveys, and demographic surveys of women in the child-bearing ages; (2) produces statistical data in tabular and machine-readable form; (3) analyzes data and prepares reports for publication; (4) provides data to users through publications, computer tapes, special tabulations, and unpublished data; (5) plans and administers its programs which are related to the Cooperative Health Statistics System; (6) develops standards for data collection, data reduction, and tabulation; (7) conducts or participates in research on data collection methodology and data quality and reliability in the vital statistics area; (8) participates in the development of quality control specifications; (9) conducts methodological research in presentation, evaluation, and utilization of vital statistics data; (10) monitors, evaluates, and provides technical assistance for State and local registration areas on matters of legal and statistical concern; (11) prepares life tables and analyses of life table data; and (12) plans and administers a National Death Index.

Division of Health Care Statistics (HAT2A2). (1) Plans and administers statistical programs based on nationwide collection of data on the characteristics and use of health resources; (2) produces statistical data in tabular and machine readable form; (3) analyzes data and prepares statistical reports for publication; (4) provides health care data to the using public through publications, computer tapes, special tabulations, and unpublished data; (5) plans and administers its programs which are related to the Cooperative Health Statistics System (CHSS); (6) develops standards for data collection, data reduction, and tabulation; (7) conducts or participates in a research program on survey methodology and data quality and reliability in the field of health care statistics; (8) participates in the development of quality control specifications; (9) conducts methodological research on presentation, evaluation, and utilization of data in the field of health resources and utilization statistics; (10) plans, supports, and conducts special projects on health care; (11) provides specialized responses to requests from data users; and (12) provides technical assistance to other producers and users of health care statistics.

Office of Interview And Examination Statistics Program (HAT2B) (1) Participates in the development of policy, long-range plans and programs of the Center; (2) directs, plans, and coordinates the Interview and Examination Statistics Program of the Center; (3) provides operating liaison with other statistical programs of the Center on interview and examination statistics and other public and private health agencies; (4) determines the need for new data systems or capabilities in present systems to provide needed health statistics; (5) provides statistical consultation and technical assistance to other producers and users of health statistics; and (6) conducts developmental and evaluation research to assess the quality and cost-effectiveness of the interview and examination statistics program.

Division of Health Interview Statistics (HAT2B1). (1) Plan, develops, and administers statistical programs based on systematic nationwide household interview surveys; (2) produces statistical data in tabular and machine readable form, analyzes data and prepares statistical reports for publication on the prevalence and incidence of disease and associated disabilities and on the utilization of medical care resources, medical care expenditures and other health related topics; (3) develops and monitors qualify control programs for ongoing data collection and processing activities; (4) conducts a research program on survey methodology, data quality, and reliability as related to household interview statistics; (5) provides technical assistance in health interview survey design and methodology; and (6) provides specialized responses to requests from data users.

Divison of Health Examination Statistics (HAT2B2). (1) Plan, develops, and administers statistical programs based on systematic nationwide and special health and nutrition examination surveys; (2) produces statistical data in tabular and machine-readable form, analyzes data and prepares statistical reports for publication on the prevalence of disease or health-related characteristics, including data on dental, psychological, mental health and health behavior areas, on needs for care, on descriptive or normative data, and on the interrelationship of these variables as observed in the general population; (3) develops and monitors quality control programs for ongoing data collection activities; (4) conducts a research program on survey methodology, data quality, and reliability as related to health examination statistics; (5) plans, supports and conducts special projects on health examination of individuals; (6) provides technical assistance in health examination survey design and methodology; and (7) provides specialized responses to requests from data users.

Office of Data Processing And Services Program (HAT2C). (1) Participates in the development of policy, long-range plans and programs of the Center; (2) directs, plans and coordinates the Data Services and Data Processing Program of the Center; (3) provides policy guidance and direction regarding the intramural data collection, data processing services, publication

services, and scientific and technical information dissemination services of the Center; and (4) provides operating liaison with other programs of the Center and other public and private health agencies on data services and processing activities; and (5) directs the computer users service staff which carries out research and development activities, such as use and modification of special software packages, statistical computing, consultation and review, computer assisted graphics and provides Centerwide training in the use of systems hardware and software packages and systems.

Division of Data Processing (HAT2C1). (1) Plans, directs, coordinates, and evaluates data processing and computer operations for the Center; (2) conducts data reduction and data preparation services in support of NCHS data collection and analysis programs; (3) provides systems programming services to all Center operations; (4) conducts research programs to improve data processing technology and methodology; and (5) implements the NCHS ADP security program and procedures.

Division of Data Services (HAT2C2). (1) Plans, directs, coordinates, and evaluates data dissemination, publications, and intramural data collection services for the Center; (2) provides technical information services to all NCHS data users; (3) provides publications services and data collection services for NCHS programs; (4) coordinates data services with other NCHS divisions and programs to effectively meet Center goals; (5) promotes and conducts research to improve methods and operations of intramural data collection, data dissemination and publication services; and (6) provides specialized data services to the Center.

Office of Analysis And Epidemiology Program (HAT2E). (1) Participates in the development of policy, long-range plans and programs of the Center; (2) directs, plans, and coordinates the Analysis and Epidemiology Program of the Center; (3) develops policy for the Analysis and Epidemiological Health Statistics Program of the Center; (4) provides operating liaison with other programs of the Center and other public and private health agencies on analytic and epidemiologic activities; (5) provides consultation and technical assistance to other Federal agencies; agencies, States, and other public and private sector institutions in the areas of environmental epidemiology and in the analysis and interpretation of national health statistics; and (6) conducts developmental and evaluation research in the field of environmental epidemiology and analysis of national health statistics.

Division of Environmental Epidemiology (HAT2E1). Serves as the principal NCHS focus for: (1) planning, managing, and evaluating the Center's program on the effects of the environment (including occupation) on health; (2) providing operational liaison with environmental health statistical programs of other public and private agencies; (3) conducting environmental epidemiologic research and analysis activities of the Center; (4) recommending the need for new environmental health data systems or improvement in capabilities of present systems to meet Center needs; (5) providing technical assistance to other producers and users of environmental health data; (6) the advice for meeting training needs in environmental epidemiology; (7) conducting research, demonstrations and evaluations of the utility of environmental health statistics in health program planning, policy analysis and program direction; (8) developing, maintaining, and reviewing Federal guidelines for collection, compilation, analysis, publication, and distribution of statistics and information necessary for determining the effects of conditions of employment and indoor and outdoor environmental conditions on the public health; (9) directing a Clearinghouse for statistics and information on environmental health statistics.

Divison of Analysis (HAT2E2). (1) Plans, directs, and conducts a program of in-depth analysis of health and demographic data; (2) stimulates the development of concepts and statistical data program throughout the Center; (3) conducts economic analyses of health, including health status, resources, and utilization, cost and financing of services; (4) conducts research related to the use and analysis of health data in planning and evaluating health programs and policy; (5) augments the policy analysis activities of the Office of Health Research, Statistics, and Technology; (6) proposes a general schedule of data to be collected by the Center; (7) prepares an overall plan for the analysis and presentation of data on Center programs; and (8) conducts a research program on etiologic inference from observational studies.

Dated: August 19, 1980.

Patricia Roberts Harris,
Secretary.

[FR Doc. 80-29611 Filed 9-25-80; 8:45 am]
BILLING CODE 4110-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-80-1027]

Privacy Act of 1974; Amendment to System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend a Privacy Act system of records it maintains. The system is HUD/DEPT-53, Consumer Complaint Handling System.

EFFECTIVE DATE: This notice shall become effective October 26, 1980, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-557-0605. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Categories of Individuals Covered by the System, Retrievability, Retention and Disposal, and Record Source Categories of the Consumer Complaint Handling System (HUD/DEPT-53) are being amended to include telephone and walk-in complaints within the system and to conform the language of the notice to those inclusions. File retention is being extended to facilitate monitoring of complaint processing. Language in Categories of individuals covered by the system is being changed from "Any member of the public who writes a letter of complaint to HUD—" to "Any member of the public who registers a complaint with HUD—." Language in Retrievability is being changed from "—name of writer, date of letter—" to "—name of complainant, date of final reply, nature of complaint, date of complaint—." Language in Retention and Disposal is being changed from "Correspondence file is closed upon final response and purged after six months. Correspondence pending—" to "Manual File is closed upon final response and purged after one year. Automated records are maintained for five years. Complaints pending—." Record Source Categories is being changed by adding the words "telephone calls of complaints from individuals and walk-in complaints from individuals" immediately following the

words "letters of complaints from individuals." Authority for Maintaining the system is being added, and a new System Manager is being named. Additionally System location is being modified to reflect the fact that the system is maintained in Headquarters and field offices, and language in Notification procedure, Record access procedure, and Contesting record procedure is being conformed to that fact. The prefatory statement containing General Routine Uses applicable to the Department's systems of records was published at 44 FR 72299 (December 13, 1979) and amended at 45 FR 26825 (April 21, 1980). Appendix A, which lists the addresses of HUD's field offices, was published at 44 FR 72307 (December 13, 1979) and supplemented at 45 FR 6479 (January 28, 1980). The Consumer Complaint Handling System (HUD/DEPT–53) notice was published previously at 44 FR 72288 (December 13, 1979). The notice is published below in its entirety, as amended. A report of the Department's intention to amend this system was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on August 11, 1980.

(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., September 22, 1980.

William A. Medina,

Assistant Secretary for Administration.

HUD-DEPT—53

SYSTEM NAME:

Consumer Complaint Handling System.

SYSTEM LOCATION:

Headquarters and Field Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member of the public who registers a complaint with HUD including but not limited to: Community Development Block Grant (CDBG) recipients or individuals who use facilities or services supported by CDBG money; mortgagors/mortgagees having or seeking FHA-insured mortgages; tenants in FHA/insured projects; tenants in HUD-supported Low Rent Housing Projects; employees on HUD-assisted or insured construction projects and their unions; and public interest groups. Excluded are complaints from HUD employees arising out of the administration of internal HUD policies or procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints expressing dissatisfaction with a Departmental program, policy, or service. Name of complainant and action dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Housing and Community Development Act of 1974, P.L. 93–383.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs in prefatory statement. Other routine uses: the following may receive individual records to assist in the resolution of a complaint—State and local officials; public and private counseling agencies; building associations; developers; financial institutions holding HUD-insured mortgages; Federal, State, and local Consumer Affairs offices; Comsumer Protection agencies; State and local real estate and planning Commissions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

In file folders, cassettes, computerized tape, disc, and drum.

RETRIEVABILITY:

Control number, date of receipt, name of complainant, date of complaint, date of final reply, nature of complaints HUD program category, assigned due date, date of interim reply, date of last update on the System, and HUD Office to which complaint was referred for action.

SAFEGUARDS:

Access to the automated System is accomplished by passwords and code identification codes limited in use to authorized personnel. Cassettes and computer/data files will be stored in computer facilities which are secured and accessible only to authorized personnel. File folders of pending and closed cases to be stored in lockable file cabinets.

RETENTION AND DISPOSAL:

Manual file is closed upon final response and purged after one year. Automated records are maintained for five year. Complaints pending response will remain open and active unitl final response is sent. Obsolete records will be disposed of in accordance with HUD Handbook.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Consumer Complaints, Department of HUD, 451 Seventh Street SW, Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Letters of complaint from individuals, telephone calls of complaints from individuals, and walk-in complaints from individuals, and consumer oriented agencies on behalf of individuals.

[FR Doc. 80-29821 Filed 9-25-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Environmental Statements; Availability; California Desert Conservation Area, Johnson Valley to Parker Motorcycle Race

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a final environmental impact statement concerning a proposed one-day point-to-point motorcycle race this fall in the California Desert Conservation Area. The proposed course spans 235 miles beginning in the Johnson Valley Open Area and ending at the start/finish point of the Parker SCORE "400" race course. The majority of the proposed course is on existing roads and trails with a small percentage off existing routes. There are three alternatives to the proposed action. They are: a minor change in course alignment; not authorizing the event;

and a public comment alternative which incorporates course adjustments suggested in public comments to the draft EIS.

Comments on the final EIS are being solicited from public agencies and interested individuals and organizations.

A 24 day public comment period is proposed and will end on October 20, 1980. A waiver has been granted by the Environmental Protection Agency to reduce the review period from 30 days to 24 days. The Bureau of Land Management invites comments to be submitted to: Mr. Dick Crowe, Area Manager, Cima Resource Area, Bureau of Land Management, P.O. Box 305, Front Street, Needles, CA 92363.

A limited number of copies of the final environmental impact statement are available upon request at the following offices:

California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484–4541.

Riverside District Office, Bureau of Land Management, 1695 Spruce Street, Riverside California 92507, Telephone (714) 787–1428.

Cima Area Office, Bureau of Land Management, P.O. Box 305, Front Street, Needles, California 92363, Telephone (714) 326–3896/2857.

Copies of the final environmental impact statement will be available for public reading and review at the following locations:

Office of Information, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.

Riverside District Office, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507, Telephone (714) 787–1428.

Cima Area Office, Bureau of Land Management, P.O. Box 305, Front Street Needles, California, Telephone (714) 326–3896/2857.

Dated: September 18, 1980.

Ronald D. Hofman,

Associate State Director.

[FR Doc. 80-29580 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

Montana Wilderness Inventory; Availability of Humbug Spires and Beartrap Canyon Mineral Reports

September 18, 1980.

Notice is hereby given that reports describing the mineral potential of the Humbug Spires and Beartrap Canyon Instant Study Areas are available for public review.

Both areas are located within the Butte Bureau of Land Management (BLM) District and have been administered as primitive areas since September 1972. Wilderness suitability studies have been conducted for both areas under the authority granted in Section 603 of the Federal Land Policy and Management Act. The studies were conducted following the guidelines provided in "Procedures for Wilderness Review of Primitive and Natural Areas Formally Identified by BLM prior to November 1, 1975." This document is dated May 1979.

A proposed wilderness study decision was announced in the July 26, 1979, **Federal Register.** A final wilderness study decision was announced in the November 28, 1979, **Federal Register** which designated 4,016 acres in Beartrap Canyon and 11,176 acres in Humbug Spires as wilderness study areas. Draft suitability reports and environmental statements were subsequently prepared. Their availability was announced in the April 30, 1980, **Federal Register.** Four public hearings were held during the month of May 1980 in order to solicit public input.

The mineral reports were prepared by the U.S. Geological Survey and Bureau of Mines. Open file reports 80–835, Beartrap Canyon and 80–836, Humbug Spires, are available for review at the BLM's Montana State Office, 222 North 32nd Street, Billings, Montana; the Butte BLM District Office, 106 North Parkmont, Butte, Montana; the Dillon BLM Resource Area Office, Ibey Building, North Dillon, Dillon, Montana; U.S.G.S. Library, Room 4A100, 12201 Sunrise Valley Drive, Reston, Virginia; U.S.G.S. Library, 1526 Cole Boulevard, West Colfax, Golden, Colorado; U.S.G.S. Library, 345 Middlefield Road, Menlo Park, California; U.S.G.S., Room 8105 Federal Building, 125 South State Street, Salt Lake City, Utah; U.S.G.S., Room 678, U.S. Court House, West 920 Riverside Avenue, Spokane, Washington, and Montana Bureau of Mines and Geology, Montana College of Mineral Science and Technology, Butte, Montana.

This notice initiates a 30-day public comment period (month of October 1980) during which time comments on the mineral reports and their relationship to the area's wilderness suitability will be received.

Comments should be sent to the District Manager, Butte District Office, P.O. Box 3388, Butte, Montana 59701.

Michael J. Penfold,

State Director.

[FR Doc. 80-29732 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

[F-14884-A and F-14884-A2]

Alaska Native Claim Selections

This decision rejects improperly filed Sec. 14(h)(1) selections, approves lands selected pursuant to Sec. 12(a) in the area of Kwigillingok for conveyance to Kwik Incorporated, and rejects a Sec. 12(b) selection to the extent that it conflicts with lands herein approved for conveyance under Sec. 12(a).

I. Section 14(h)(1) Applications Rejected in Entirety

Calista Corporation filed selection applications pursuant to Sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(h) (1976)) (ANCSA), for lands described and on dates as follows:

Seward Meridian, Alaska (Unsurveyed)

Serial No.	Date filed	Description	Acres
AA-9989	10/16/75	T. 2 S., R. 82 W., Sec. 4, E½SE¼SW¼.	20
AA-11449	06/02/76	T. 2 S., R. 80 W., Sec. 31, E½NE¼NW¼.	20
AA-11455	06/02/76	T. 4 S., R. 82 W., Sec. 21, S½NW¼NE¼.	20
AA-11456	06/02/76	T. 2 S., R. 82 W., Sec. 8, fractional W½NW¼SE¼.	19
AA-11457	06/02/76	T. 2 S., R. 82 W., Sec. 9, fractional N½NW¼NE¼.	18
AA-11460	06/02/76	T. 2 S., R. 82 W., Sec. 23, fractional E½NE¼NE¼.	18
AA-11592	06/04/76	T. 3 S., R. 80 W., Sec. 32, fractional E½NE¼NE¼.	18
AA-11762	06/25/76	T. 4 S., R. 81 W., Sec. 1, fractional E½NE¼SE¼ ASW¼, W½NW¼SW¼ ASE¼.	10

Section 14(h) and Departmental regulations issued thereunder authorize the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since all available lands encompassed in the subject Sec. 14(h)(1) applications had been properly selected by Kwik Incorporated under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by Calista Corporation. Therefore, the

above-described applications must be and are hereby rejected in their entirety.

When this decision becomes final, these applications will be closed of record.

II. Section 12(b) Application Rejected in Part; Lands Proper for Village Selection, Approved for Interim Conveyance or Patent

On November 20, 1974, Kwik Incorporated, for the Native village of Kwigillingok, filed selection application F–14884–A under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Kwigillingok.

Kwik Incorporated in its November 20, 1974 application excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. Section 12(a) and 43 CFR 2651.4(b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. The regulations also provide that the area selected will not be considered to be reasonably compact if it excludes other lands available for selection within its exterior boundaries. For these reasons, the water bodies which were improperly excluded in the November 20, 1974 application are considered selected by Kwik Incorporated.

Lot 3 of U.S. Survey No. 4098 lies within one of the core townships of Kwigillingok and is available for selection. Since Sec. 12(a) of ANCSA and 43 CFR 2651.4(b) provide that the village corporation shall select all available lands within the township(s) the village is located in, this surveyed land is considered selected by Kwik Incorporated.

On December 12, 1975, Kwik Incorporated filed selection application F–14884–A2 pursuant to Sec. 12(b) of ANCSA, for certain lands previously selected pursuant to Sec. 12(a) with the statement that its Sec. 12(a) selection overrides the Sec. 12(b) selection. Therefore, application F–14884–A2 is hereby rejected as to the lands herein approved for conveyance.

As to the lands described below, selection application F–14884–A is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 96,886 acres, is considered proper for acquisition by Kwik Incorporated, and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Lot 3 of U.S. Survey No. 4098, Alaska, situated at the Eskimo village of Kwigillingok, Alaska on the northwest shore of Kuskokwim Bay.
Containing 0.18 acre.

Seward Meridian, Alaska (Unsurveyed)

T. 2 S., R. 80 W.,
Sec. 4, excluding Kolekfikpuk Lake and unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Sec. 5, excluding Native allotment F–18435 Parcel B and unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Sec. 6, excluding unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Sec. 7, excluding Kolekfikpuk Lake;
Sec. 8, excluding Native allotment F–16975 Parcel B and Kolekfikpuk Lake;
Sec. 9, excluding Kolekfikpuk Lake;
Secs. 16 to 21, inclusive, excluding Kolekfikpuk Lake;
Sec. 28, excluding Native allotments F–15796, F–18031 Parcel A, and Kolekfikpuk Lake;
Sec. 29, excluding Native allotments F–16070, F–16081, and Kolekfikpuk Lake;
Sec. 30, excluding Native allotment F–16081 and Kolekfikpuk Lake;
Sec. 31, all;
Sec. 32, excluding Native allotment F–13824 Parcel A and Kwigillingok River;
Sec. 33, excluding Native allotments F–15853 Parcel C, F–16076 Parcel A, and Kwigillingok River.
Containing approximately 6,053 acres.
T. 3 S., R. 80 W.,
Sec. 4, excluding Native allotments F–15793, F–15858, and Kwigillingok River;
Sec. 5, excluding Native allotment F–16085, the lands formerly within Native allotment application F–18685, and Kwigillingok River;
Sec. 6, all;
Sec. 7, excluding Native allotments F–13082, F–16076 Parcel B, F–17224 Parcel A, F–17225 Parcel A, and Kwigillingok River;
Sec. 8, excluding Native allotment F–16079 and Kwigillingok River;
Sec. 9, excluding Native allotment F–15854 Parcel A;
Secs. 16 and 17, all;
Sec. 18, excluding Kwigillingok River;
Sec. 19, excluding Native allotments F–16071 and F–16084;
Secs. 20 and 21, all;
Sec. 28, excluding Native allotment F–16077;
Sec. 29, excluding Native allotments F–031867 Parcel B, F–16052 Parcel B, F–16074, and F–16077;
Sec. 30, excluding Native allotments F–15854 Parcel B, F–15859, F–16052 Parcel B, F–16074, and F–16209;
Sec. 31, excluding Native allotments F–16064, F–16078, and F–16209;
Sec. 32 (fractional), excluding Native allotments F–16073 Parcel B and F–18200 Parcel A;
Sec. 33 (fractional), excluding Native allotment F–18200 Parcel B.
Containing approximately 8,061 acres.
T. 4 S., R. 80 W.,
Sec. 5 (fractional), all;
Sec. 6 (fractional), excluding Native allotments F–13824 Parcel B, F–15797, and F–15856.
Containing approximately 395 acres.
T. 2 S., R. 81 W.,
Secs. 1, 2, and 3, excluding unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Secs. 4 and 5, all;
Secs. 6 and 7, excluding unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Secs. 8 and 9, all;
Secs. 10, 11, and 12, excluding unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Sec. 13, excluding Native allotment F–16080;
Secs. 14 to 19, inclusive, excluding unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Sec. 20, excluding Native allotment F–16919 Parcel A and unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Secs. 21, 22, and 23, excluding unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Sec. 24, excluding Native allotment F–15857 Parcel A and Kolekfikpuk Lake;
Sec. 25, excluding Kolekfikpuk Lake;
Secs. 26 to 30, inclusive, all;
Sec. 34, all;
Sec. 35, excluding Native allotment F–15644 Parcel A;
Sec. 36, all.
Containing approximately 16,582 acres.
T. 3 S., R. 81 W.,
Sec. 1, excluding Native allotment F–16073 Parcel A;
Sec. 2, all;
Sec. 3, excluding Native allotment F–13554 Parcel B;
Secs. 4 to 7, inclusive, all;
Sec. 8, excluding Native allotments F–13074 and F–13553;

Sec. 9, excluding Native allotment F–13553;
Sec. 10, excluding Native allotments F–16068 and F–16069;
Sec. 11, excluding Native allotment F–16068;
Sec. 12, all;
Sec. 13, excluding Kwigillingok River;
Sec. 14, excluding Native allotment F–17224 Parcel B;
Sec. 15, all;
Sec. 16, excluding Native allotments F–13553 and F–17225 Parcel B;
Secs. 17 to 22, inclusive, all;
Sec. 23, excluding Native allotments F–15794, F–15795, and Kwigillingok River;
Sec. 24, excluding Native allotment F–17223 and Kwigillingok River;
Sec. 25, excluding Native allotment F–13971 Parcel A;
Sec. 26, excluding Native allotments F–13971 Parcel A, F–16075, and Kwigillingok River;
Sec. 27, excluding Native allotments F–15619 Parcel A, F–15636, and F–16086;
Secs. 28 to 33, inclusive, all;
Sec. 34, excluding Native allotments F–15642 and F–15643;
Sec. 35, excluding Native allotment F–15644 Parcel B and Kwigillingok River;
Sec. 36, excluding Native allotments F–15619 Parcel B, F–16067, and Kwigillingok River.
Containing approximately 20,351 acres.

T. 4 S., R. 81 W.,
Sec. 1 (fractional), excluding U.S. Survey No. 2042 and Lot 1 of U.S. Survey No. 4098 (ANCSA Sec. 3(e) application AA–37864), Lot 2 of U.S. Survey No. 4098 (ANCSA Sec. 3(e) application AA–37863), Lot 3 of U.S. Survey No. 4098, Native allotments F–13824 Parcel B, F–15797, F–15855, and Kwigillingok River;
Sec. 2, excluding Native allotment F–16083;
Sec. 3, all;
Sec. 4, excluding Native allotment F–16072;
Sec. 5, all;
Sec. 6, excluding Native allotment F–15682;
Sec. 7, excluding Native allotment F–15681;
Sec. 8, excluding Native allotments F–15857 Parcel C and F–18290;
Sec. 9, excluding Native allotment F–13820 Parcel B and the lands formerly within Native allotment application F–16065;
Sec. 10 (fractional), excluding Native allotment F–13820 Parcel B and the lands formerly within Native allotment application F–16065;
Sec. 11 (fractional), excluding Native allotments F–14392 Parcel B and F–16082;
Sec. 12 (fractional), excluding Kwigillingok River;
Sec. 15 (fractional), excluding Native allotment F–13820 Parcel B;
Sec. 16 (fractional), excluding Native allotment F–13820 Parcel B;
Sec. 17 (fractional), excluding Native allotment F–15857 Parcel C;
Sec. 18 (fractional), all.
Containing approximately 6,333 acres.

T. 2 S., R. 82 W.,
Sec. 2, excluding unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Sec. 3, excluding Native allotment F–13827 Parcel A and unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Sec. 4, excluding Native allotment F–17442;
Sec. 8, excluding Native allotment F–17440 and unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Sec. 9, excluding Native allotment F–17442 and unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Secs. 10, 11, and 13, excluding unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Sec. 14, excluding Native allotment F–17829 Parcel A and unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Secs. 15 and 16, all;
Sec. 17, excluding Native allotment F–13554 Parcel A and unnamed interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River;
Secs. 22, 23, and 24, inclusive, all;
Sec. 25, excluding Native allotment F–18426 Parcel A;
Secs. 26 and 27, all.
Containing approximately 9,945 acres.

T. 3 S., R. 82 W.,
Secs. 15 to 36, inclusive, all.
Containing approximately 14,027 acres.

T. 4 S., R. 82 W.,
Secs. 1 to 21, inclusive, all;
Secs. 22, 23, and 24 (fractional), all;
Secs. 27 to 30 (fractional), inclusive, all.
Containing approximately 15,139 acres.
Aggregating approximately 96,886 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f));

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–14884–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

36 Foot Road—The uses allowed on a thirty-six (36) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 2 C3, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Kwigillingok in Sec. 1, T. 4 S., R. 81 W., Seward Meridian, northeasterly to Kongiganak and public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. (EIN 4 C4) An easement for a proposed access trail, twenty-five (25) feet in width, from Kwigillingok airstrip, westerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

c. (EIN 7 D1, D5) An easement, thirty-six (36) feet in width, on the existing road from Kwigillingok, in Sec. 1, T. 4 S., R. 81 W., Seward Meridian, northeasterly to Kwigillingok Airport. The uses allowed are those listed above for a thirty-six (36) foot wide road easement.

d. (EIN 8 C5) An easement, ten (10) feet in width, for a pipeline from the Kwigillingok River, westerly to the Kwigillingok National Guard Site in Sec. 1, T. 4 S., R. 81 W., Seward Meridian. The uses allowed are those activities associated with the operation and maintenance of a fuel-delivery pipeline.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of

access as is nor provided for under existing law;

3. Airport lease F–15809, containing approximately 109 acres, located in Secs. 26, 27, 34 and 35 of T. 3 S., R. 81 W., Seward Meridian, Alaska (Unsurveyed), issued to the State of Alaska, Department of Transportation and Public Facilities, under the provisions of the act of May 24, 1928 (45 Stat. 728–729; 49 U.S.C. 211–214); and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

School site lease AA–13183, containing approximately 3.694 acres, located in Sec. 35 of T. 3 S., R. 81 W., Seward Meridian, Alaska (Unsurveyed), was granted to the State of Alaska for a high school at Kwigillingok pursuant to and subject to the terms and conditions of Sec. 302 of the Federal Land Policy and Management Act of 1976, Public Law 94–579 of October 21, 1976 (90 Stat. 2743) and the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1622(i)). According to the terms of the lease it is to terminate on conveyance of title of said lands out of United States ownership.

Kwik Incorporated is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximaely 96,886 acres. The remaining entitlement of approximately 18,314 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Kwik Incorporated, and shall be subject to the same conditions as the surface conveyance.

Within the above-described lands, only the following inland water bodies are considered to be navigable:

Kwigillingok River, up to its junction with an unnamed slough in Sec. 32, T. 2 S., R. 80 W., Seward Meridian.

The interconnecting slough and lake system between the Kwigillingok River and the Kongnignanohk River, in Secs. 26, 27, 28, 29, and 32, T. 2 S., R. 80 W., Seward Meridian.

An unnamed slough and lake system, from where it flows from Kolekfikpuk Lake in Sec. 16, T. 2 S., R. 80 W., Seward Meridian, to its confluence with an unnamed slough in Sec. 28, T. 2 S., R. 80 W., Seward Meridian. Subject system traverses Secs. 16, 21, and 28, T. 2 S., R. 80 W., Seward Meridian.

Kolekfikpuk Lake.

The interconnecting slough and lake system between Kolekfikpuk Lake and the upper reches of Kongnignanohk River in Secs. 22, 26, 27, 33, 34, and 35, T. 1 S., R. 80 W., and Secs. 3 and 4, T. 2 S., R. 80 W., Seward Meridian.

The interconnecting slough and lake system between Kolekfikpuk Lake and the upper reaches of the Kuguklik River, in Sec. 31, T. 1 S., R. 80 W.; Sec. 35, T. 1 S., R. 81 W.; Secs. 36 and 36, T. 1 S., R. 82 W.; Secs. 5 and 6, T. 2 S., R. 80 W.; Secs. 1, 2, 3, 7, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, and 22, T. 2 S., R. 81 W.; Secs. 1, 2, 3, 4, 7, 8, 9, 11, 12, 13, 14, 17, 18, 19, 20, 23, 24, and 30, T. 2 S., R. 82 W.; and Secs. 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, and 30, T. 2 S., R. 83 W., Seward Meridian.

All other named and unnamed waterbodies within the lands to be conveyed were reviewed. Based on existing evidence, they were considered nonnavigable.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in THE TUNDRA DRUMS. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 27, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict complicance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Kwik Incorporated, Kwigillingok, Alaska 99622

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Sandra C. Thomas,

Acting Chief, Branch of Adjudication.

[FR Doc. 80–29779 Filed 9–25–80; 8:45 am]

BILLING CODE 4310–84–M

Salem District Advisory Council; Meeting

September 17, 1980.

Notice is hereby given, in accordance with Pub. L. 94–579 and 43 CFR Part 1780, that a meeting of the Bureau of Land Management's Salem District Advisory Council will be held on October 29, at 9:00 a.m. at the BLM Salem District Office, 3550 Liberty Road S., Salem, Oregon.

Agenda for the meeting will include:

1. Introduction of members.

2. Discussion of the function of the council.

3. Orientation to Salem District and briefing on major programs.

4. Election of officers.

5. Review of the District's Land Use Plans with discussion of public participation in October 28, 1980 scoping meeting re: Preferred Alternative land use allocations for Westside Salem District.

6. Discuss potential for committees.

This meeting will acquaint the Council with the Salem District so it can offer counsel and make recommendations to the District Manager relative to Salem District programs.

The meeting is open to the public.

Interested persons may make oral statements to the Council between 2:30 and 3:30 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the Salem District Office, 3550 Liberty Road S., Salem, Oregon 97302, by October 22, 1980. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Edward G. Stauber,

District Manager.

September 16, 1980.

[FR Doc. 80–29803 Filed 9–25–80; 8:45 am]

BILLING CODE 4310–84–M

[OR 8761 (Wash)]

Washington; Partial Termination of Proposed Withdrawal and Reservation of Lands; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal, as Amended

Notice of application Serial No. OR 8761 (Wash), filed by the Forest Service, U.S. Department of Agriculture, for the withdrawal and reservation of approximately 4412 acres of land to extend the White Pass Recreation Area, was published as Federal Register Doc. 71-19108 on page 25239 of the issue for December 30, 1971. The applicant agency has cancelled its application insofar as it affects the following described lands:

Willamette Meridian

Snoqualmie National Forest

T. 13 N., R. 11 E., Unsurveyed,
Sec. 1, N½N½ and S½NE¼.
T. 14 N., R. 11 E., Unsurveyed,
Sec. 36, E½.
T. 13 N., R. 12 E., Unsurveyed,
Sec. 2 NW¼;
Sec. 3, N½;
Sec. 4, N½;
Sec. 5, N½.
T. 14 N., R. 12 E., Unsurveyed,
Sec. 32;
Sec. 33, S½;
Sec. 34, S½;
Sec. 35, S½SW¼.

The areas described aggregate approximately 3,292 acres within the Snoqualmie National Forest in Yakima County.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b), such lands at 10 a.m., on November 5, 1980 will be relieved of the segregative effect of the above-mentioned application.

The lands remaining in the application for withdrawal are described as follows:

Willamette Meridian, Gifford Pinchot and Snoqualmie National Forests

White Pass Recreation Area Extension

T. 13 N., R. 11 E., Unsurveyed,
Sec. 1, S½NW¼;
Sec. 2, S½NE¼;
Sec. 10;
Sec. 11, S½S½;
Sec. 12, S½S½.

The areas described aggregate approximately 1,120 acres, of which approximately 365 acres within the Snoqualmie National Forest in Yakima County and approximately 755 acres are within the Gifford Pinchot National Forest in Lewis County.

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 submit a written request for a hearing to the undersigned before November 5, 1980. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register, giving the time and place of such hearing. 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 November 5, 1980. 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.

The lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, 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 withdrawls application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications 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: September 12, 1980.

Leland D. Morrison,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-29765 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

[F-20518]

Alaska Native Claims Selection

This decision rejects State selection applications and Alaska Native Claims Settlements Act Sec. 3(e) application and approves lands for conveyance to Tetlin Native Corporation.

On June 10, 1930, Executive Order No. 5365 withdrew the following described lands in the Territory of Alaska to promote the interests of the Natives:

Beginning at the mouth of Porcupine Creek, tributary to the Tanana from the north; thence running in southwesterly direction to the crossing of the old trail on Tok River; thence following natural divide between tributaries of the Tetlin lakes and the tributary to the Little Tok River to head of Bear Creek; thence around head of Bear Creek following east bank Kalutna River to the mouth; thence in northeasterly direction to head of tributaries of Ladue Creek; thence following divide between the tributaries to the Tanana and tributaries to Ladue Creek to head of southernmost tributaries of east fork of Porcupine Creek; and then to place of beginning.

U.S. Survey No. 2547 was executed to accommodate the lands described in Executive Order No. 5365. U.S. Survey No. 2050 and U.S. Survey No. 2779 are located within the boundaries established by Executive Order No. 5365.

There are certain water bodies within U.S. Survey No. 2547 which are considered to be navigable. In accordance with Sec. 1313 of the Submerged Lands Act of 1953 (67 Stat. 29; 43 U.S.C. 1301, 1313) and Sec. 6(m) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 343; 48 U.S.C. Ch. 2, Sec. 6(m)), the lands beneath the navigable water within U.S. Survey No. 2547 will be conveyed to Tetlin Native Corporation for the reason that said lands were withdrawn by Executive Order No. 5365 on the date of statehood. Therefore, title to said lands did not vest in the State of Alaska.

Section 19(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 710; 43 U.S.C. 1601, 1618 (1976)) (ANCSA), revoked, subject to any valid existing rights of non-Natives, the various reserves set aside for Native use or administration of Native affairs. Public Land Order 5158, signed February 4, 1972, withdrew, subject to valid existing rights, the lands set aside for Native use or for administration of Native affairs in furtherance of the right of any Native village corporation or corporations to acquire title to the surface and subsurface estates in the reservations pursuant to Sec. 19(b) of ANCSA.

On November 15, 1973, the Board of Directors for Tetlin Native Corporation certified that its stockholders had elected to acquire title to the surface and subsurface estates in the reserve as provided by Sec. 19(b) of ANCSA. Under 43 CFR 2654.2(a), submission of such certification constituted application to acquire reserve lands.

I. State Selection Applications Rejected in Part

The State of Alaska filed general purposes selection applications F-027600, as amended, on April 24, 1961;

F–028038, as amended, on June 30, 1961; F–028163, as amended on July 27, 1961; and F–028269 and F–028270, both as amended, on August 15, 1961, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)), for lands in the vicinity of the Tetlin Indian Reservation. Each Application was amended to include all lands within the township selected, excluding patented lands. As a result of the amendments, these selections include lands within the Tetlin Indian Reservation withdrawn by Executive Order No. 5365 on June 10, 1930, to promote the interests of the Natives.

On December 18, 1971, Sec. 19(a) of ANCSA revoked the reserve while Sec. 19(b) withdrew the reserve for a period of 2 years for possible election by the Native corporation. The corporation elected to receive title to the former reserve on November 15, 1973. Section 6(b) of the Alaska Statehood Act provides that the State may select only vacant, unappropriated and unreserved public lands in Alaska.

Therefore, the State selection applications identified below are rejected as to the following described lands:

Copper River Meridian, Alaska

State Selection F–028163

T. 16 N., R. 12 E. (Surveyed).
That portion of the township within U.S. Survey No. 2547.
Containing 1,354.75 acres.

State Selection F–027600

T. 18 N., R. 13 E. (Surveyed).
That portion of the township within U.S. Survey No. 2547.
Containing approximately 615 acres.

State Selection F–028038

T. 17 N., R. 13 E. (Partially Surveyed).
That portion of the township within U.S. Survey No. 2547.
Containing approximately 14,888 acres.
T. 18 N., R. 14 E. (Partially Surveyed).
That portion of the township within U.S. Survey No. 2547.
Containing approximately 16,676 acres.

State Selections F–028269 and F–028270

T. 18 N., R. 15 E. (Partially Surveyed).
That portion of the township within U.S. Survey No. 2547.
Containing approximately 10,279 acres.
Aggregating approximately 43,813 acres.

Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

II. Alaska Native Claims Settlement Act
Section 3(e) Application Rejected

In 1953 the Haines to Fairbanks pipeline, constructed by the District Corps of Engineers, Department of the Army, was noted to the Bureau of Land Management's records as a 44 L.D. 513 right-of-way, case file F–010143. Certain portions of this pipeline have been designated as a Sec. 3(e) application under the Alaska Native Claims Settlement Act, including that portion of the pipeline which traverses the Tetlin Indian Reservation. Said application has been serialized as F–60755.

Section 3(e) of ANCSA defines "public lands" as:

> * * * all Federal lands and interests therein located in Alaska except: (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installation * * *

On March 3, 1978, the Secretary of the Interior, in his final decision document for the ANCSA Implementation Review, decided that:

> The Secretary's authority to determine the smallest practicable tract involved with a Federal installation under section 3(e)(1) of the ANCSA applies only to the Statutory withdrawals made by sections 11 and 16(a) and, subsequently to those lands selected by Village and Regional corporations from such withdrawal areas pursuant to sections 12 and 16(b).

The Secretary's authority to make such determinations does not extend to the various reserves revoked pursuant to Sec. 19(a) of ANCSA and made available for acquisition by village corporations pursuant to Sec. 19(b).

Accordingly, Sec. 3(e) application F–60755 is rejected as to the following described lands:

> That portion of F–60755 within the boundaries of U.S. Survey No. 2547, more particularly described as being within (protracted): Secs. 19, 20, 21, 22, 24, 25, 26, 27, and 28, T. 18 N., R. 14 E.; Secs. 2, 3, 11, 12, 13, and 14, T. 17 N., R. 15 E.; Secs. 19, 20, 28, 29, 33, and 34, T. 18 N., R. 15 E.; Secs. 17, 18, 20, 21, 22, 23, 25, and 26, T. 17 N., R. 16 E.; and Secs. 30 and 31, T. 17 N., R. 17 E., Copper River Meridian.

Further action on application F–60755 as to those lands not rejected herein will be taken at a later date.

III. Reserve Lands Proper for Village Conveyance

Approved for Patent

Section 19 of ANCSA provides that if the stockholders of the concerned village corporation elect to take former reserve lands:

> * * * the Secretary [of the Interior] shall convey the land to the Village Corporation or Corporations, subject to valid existing rights as provided in subsection 14(g).

As to the lands described below, application F–20518 is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, containing 743,154.67 acres, are considered proper for acquisition by Tetlin Native Corporation and are hereby approved for conveyance pursuant to Sec. 19(b) of the Alaska Native Claims Settlement Act:

> U.S. Survey No. 2779, Alaska, situate on northerly side Alaska Highway of Mile 1292 and about 600 feet northeast of Midway Lake.
> Containing 7.33 acres.
> U.S. Survey No. 2547, Alaska, representing a portion of the boundary of the Tetlin Indian Reservation.
> Containing 743,147.34 acres.
> Aggregating 743,154.67 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

> Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 US.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will be found in case file F–20518–EE, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.
>
> *One Acre Site:* The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, showmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 25 hours.
>
> (EIN 2 C5) A site easement, upland of ordinary high-water mark, in protracted Sec. 25, T. 18 N., R. 14E., Copper River Meridian, on the left bank of the Tanana River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site easement.

The grant of the above-described lands shall be subject to:

1. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2)

of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), and valid existing right recoginzed by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

2. Any right-of-way interest in Federal-aid Secondary Class "A" Route No. 785 (Taylor Highway) transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act. Public Law 86–70 (73 Stat. 141) as to U.S. Survey No. 2547, more particularly described as being within (protracted): Secs. 7, 17, 18, 19 and 30, T. 18 N., R. 15 E., Copper River Meridian;

3. An easement for highway purposes, including appurtenant protective, scenic, and service areas, extending 150 feet each side of the centerline of the Alaska Highway, as established by Public Land Order 1613 (23 F.R. 2376), pursuant to the Act of August 1, 1956 (70 Stat. 898), and transferred to the State of Alaska pursuant to the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141), located in U.S. Survey No. 2547, more particularly described as being within (protracted): Secs. 19, 20, 21, 24, 25, 26, 27 and 28, T. 18 N., R. 14E.; Secs. 2, 3, 10, 11, 12, 13, 14 and 24, T. 17 N., R. 15 E.; Secs. 19, 29, 30, 32, 33 and 34, T. 18 N., R. 15 E.; Secs. 17, 18, 19, 20, 21, 22, 23, 25, 26 and 27, T. 17 N., R. 16E.; and Sec. 30, T. 17 N., R. 17 E., Copper River Meridian;

4. A right-of-way, F–025790, for a Federal aid material site located in protracted Sec. 32, T. 18 N., R. 15 E., Copper River Meridian, containing 5.74 acres. Section 17 of the Act of November 9, 1921 (42 Stat. 216; 23 U.S.C. 18), as amended;

5. A right-of-way, F–025793, for a Federal aid material site located in protracted Sec. 13, T. 17 N., R. 15 E., Copper River Meridian, containing 2.75 acres. Section 17 of Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 23 U.S.C. 18), as amended;

6. A right-of-way, F–025903, for a Federal aid material site located in protracted Sec. 20 T. 18 N., R. 14 E., Copper River Meridian, containing 12.40 acres. Section 17 of the Act of November 9, 1921 (42 Stat. 216; 23 U.S.C. 18), as amended;

7. An easement and right-of-way to operate, maintain, repair, and patrol an overhead open wire and underground communication line or lines, and apppurtenances thereto, in, on, over, and across a strip of land fifty (50) feet in width, lying twenty-five (25) feet on each side of the centerline of the Alaska Communication System's open wire or pole line and/or buried communication cableline, conveyed to RCA Alaska Communications, Inc. by Easement Deed dated January 10, 1971, (F–13508), pursuant to the Alaska Communications Disposal Act (81 Stat. 441; 40 U.S.C. 771, et seq.), located in U.S. Survey No. 2547, more particularly described as being within (protracted):

Copper River Meridian, Alaska

T. 18 N., R. 14 E. (Partially Surveyed),
Sec. 19, S½;
Sec. 20, S½S½;
Sec. 21, S½SW¼;
Sec. 24, S½SE¼;
Sec. 25, N½;
Sec. 26, N½, N½SW¼, NW¼SE¼;
Sec. 27, N½, N½SE¼;
Sec. 28, N½;
Sec. 29, N½N½;
Sec. 30, N½NE¼.
T. 17 N., R. 15 E. (Unsurveyed),
Sec. 2, SW¼SW¼;
Sec. 3, NW¼, S½NE¼, NW¼SW¼, E½SW¼, SE¼;
Sec. 4, NE¼NE¼;
Sec. 10, NW¼NE¼, E½NE¼;
Sec. 11, NW¼, SW¼NE¼, E½SW¼, SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, NW¼, SW¼NE¼, NW¼SW¼, E½SW¼, SE¼;
Sec. 14, NW¼NE¼, E½NE¼;
Sec. 24, N½NE¼.
T. 18 N., R. 15 E. (Partially Surveyed),
Sec. 19 S½SW¼, SW¼SE¼;
Sec. 29, W½SW¼;
Sec. 30, NW¼, NW¼NE¼, S½NE¼, NE¼SW¼, SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, NW¼, W½NE¼, SE¼NE¼, NE¼SW¼, NW¼SE¼, E½SE¼;
Sec. 33, S½;
Sec. 34, W½SW¼, SE¼SW¼.
T. 17 N., R. 16 E. (Unsurveyed),
Sec. 17, S½SW¼, SW¼SE¼;
Sec. 18, S½S½;
Sec. 19, N½N½;
Sec. 20, N½NW¼, SE¼NW¼, NE¼SW¼, NE¼, N½SE¼, SE¼SE¼;
Sec. 21, S½NW¼, SW¼NE¼, S½;
Sec. 22, N½SW¼, S½S½;
Sec. 23, S½SW¼;
Secs. 25, 26, and 27, those portions lying north of Midway Lake.
T. 17 N., R. 17 E. (Unsurveyed),
Sec. 30, W½NW¼, SE¼NW¼, SW¼NE¼, NW¼SW¼, E½SW¼, SE¼;
Sec. 31, NE¼.

8. The following temporary use permits issued to Alaskan Northwest Natural Gas Transportation Company pursuant to the provisions of: Sec. 302(b) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. Sec. 1732(b); and Sec. 28(e) of the Mineral Leasing Act of 1920, 30 U.S.C. Sec. 185(e), as amended, for preliminary studies in association with the proposed Northwest Alaskan pipeline for the periods listed below:

F–44929 from February 23, 1979, through December 31, 1980,
F–64676 from February 15, 1980, through December 31, 1980,
F–64677 from February 15, 1980, through December 31, 1980,
F–64722 from March 17, 1980, through December 31, 1980,
F–64913 from April 25, 1980, through December 31, 1980,
F–65179 from June 9, 1980, through February 1, 1981, and
F–65543 from June 17, 1980, through December 31, 1980.

9. The following third-party interest, if valid, created and identified by the Bureau of Indian Affairs, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):

Business lease issued to Ray Scoby on October 12, 1960, assigned to the Native Village of Tetlin, a corporation organized pursuant to the Indian Reorganization Act, for the purpose of operating a roadhouse located at the intersection of the Taylor and Alaska Highways, near Mile 1301 of the latter. Containing approximately 20 acres.

The temporary use permit, F–44983, issued February 13, 1979, to Alaskan Northwest Natural Gas Transportation Company, located in lands herein approved for conveyance, will terminate upon conveyance of these lands in accordance with Stipulation No. 8 of Exhibit A of said permit.

Within the above-described lands, only the following inland water bodies are considered to be navigable:

The Tanana River and its interconnecting sloughs; Tetlin Lake and River System (that portion from the "last Tetlin Village" downstream to Tetlin Lake, all of Tetlin Lake, and from Tetlin Lake downstream to the Tanana River).

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS–MINER. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return

receipt shall have unitl October 27, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Tetlin Native Corporation, Tetlin, Alaska 99779.

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Department of the Army, Alaska District, Corps of Engineers, P.O. Box 7002, NPARE A-Q, Anchorage, Alaska 99510.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 80-29866 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

[INT DES 80-61]

Draft Environmental Statement, Availability; Pinelands National Reserve, N.J., Proposed Comprehensive Management Plan

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department has prepared a draft environmental statement on the environmental consequences of implementing a proposed New Jersey Pinelands Comprehensive Management Plan as prepared by the Pinelands Commission. The 1.1 million acre Reserve is located in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Ocean Counties in southern New Jersey. The Plan is in response to the planning requirements of Section 502 of the National Parks and Recreation Act of 1978 (Pub. L. 95-625) which established the Pinelands National Reserve.

The Plan consists of numerous policies and proposed regulations designed to enhance the preservation and protection of the ecological, cultural, educational, agricultural, scenic, recreational and public health value of the Pinelands.

Approval of the Proposed Comprehensive Management Plan by the Secretary of the Interior would assist the State of New Jersey in implementing the Plan through land acquisition grants, technical assistance, and provisions for consistency of Federal actions with the provisions of the Plan.

Copies of the draft environmental statement available for review at the following locations: Heritage Conservation and Recreation Service, Northeast Region, Federal Office Building, 600 Arch Street, Philadelphia, PA 19106.

A limited number of single copies are available and may be obtained by writing to the Regional Director, Northeast Region, Heritage Conservation and Recreation Service, Federal Office Building, 600 Arch Street, Philadelphia, PA 19106. Comments on the draft must be submitted to the Regional Director by November 10, 1980.

Dated: September 18, 1980.

James H. Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 80-29849 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

Allegheny Portage Railroad National Historic Site, Pa.; Designation of Boundary

Section 307(a) of the Act of November 10, 1978 (92 Stat. 3467), authorized a revision of the boundaries of the Allegheny Portage Railroad National Historic Site.

Notice is given that the boundary of the Allegheny Portage Railroad National Historic Site has been revised pursuant to the above act, to include the lands depicted on boundary map numbered 423/80,008A dated July 1980 prepared by the Division of Land Acquisition of the Mid-Atlantic Region of the National Park Service.

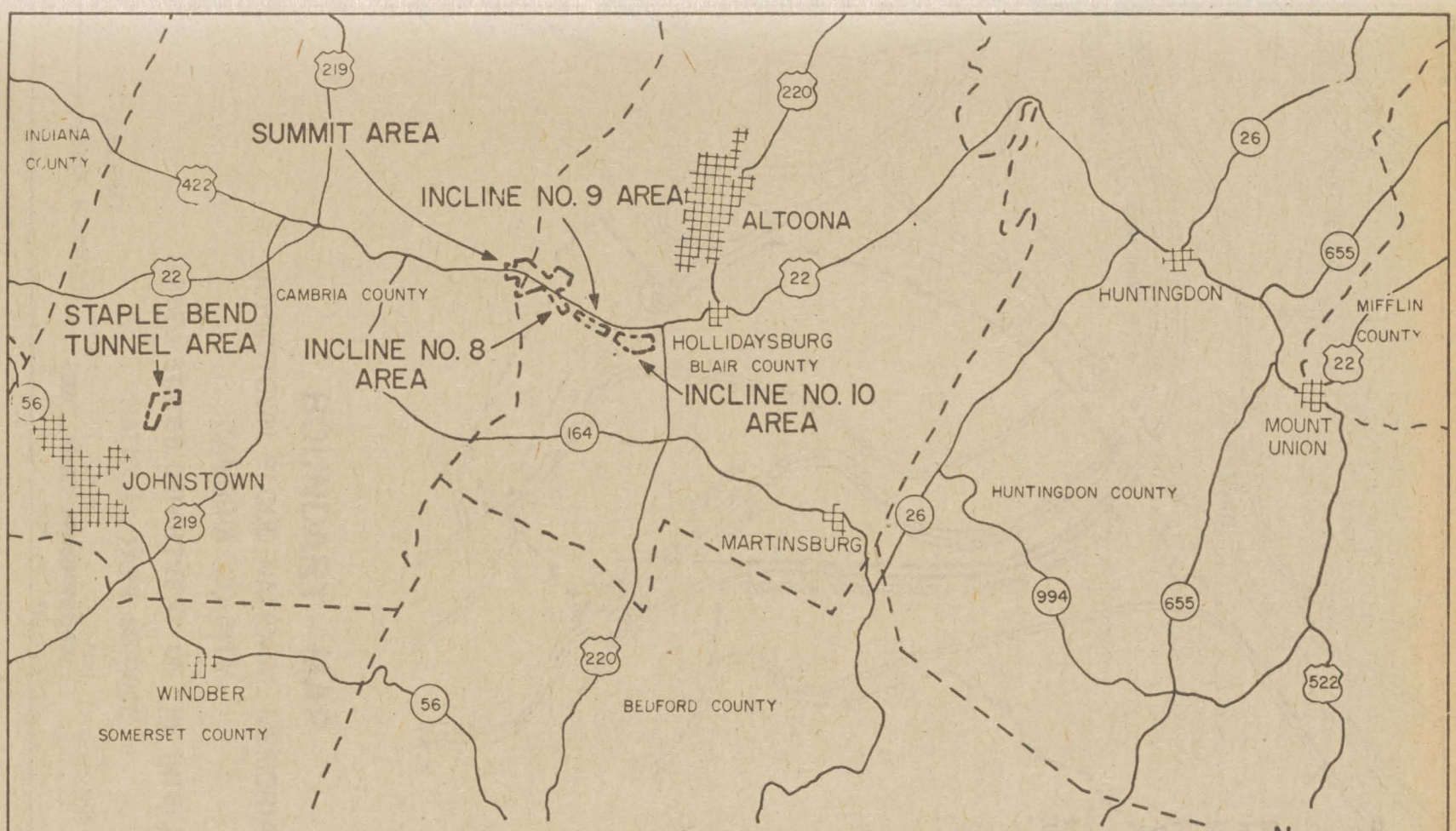
The map is on file and available for inspection in the administrative office of the Allegheny Portage Railroad National Historic Site, P.O. Box 247, Cresson, Pennsylvania 16630 and in the office of the National Park Service, U.S. Department of the Interior, Washington, DC 20240.

Dated: August 22, 1980

James W. Coleman, Jr.,

Action Regional Director, Mid-Atlantic Region.

BILLING CODE 4310-70-M



BOUNDARY MAP

ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE

BLAIR AND CAMBRIA COUNTIES, PENNSYLVANIA

UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

LEGEND

PARK BOUNDARY

COUNTY LINE

423 | 80,008-A

JULY 80 | MARO

[FR Doc. 80-29819 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-70-C

Johnstown Flood National Memorial, Pa.; Designation of Boundary

Section 307(a) of the Act of November 10, 1978 (92 Stat 3467), authorized a revision of the boundaries of the Johnstown Flood National Memorial.

Notice is given that the boundary of the Johnstown Flood National Memorial has been revised pursuant to the above act, to include the lands depicted on boundary map numbered 427/80,002 dated August 1979 prepared by the Division of Land Acquisition of the Mid-Atlantic Region of the National Park Service.

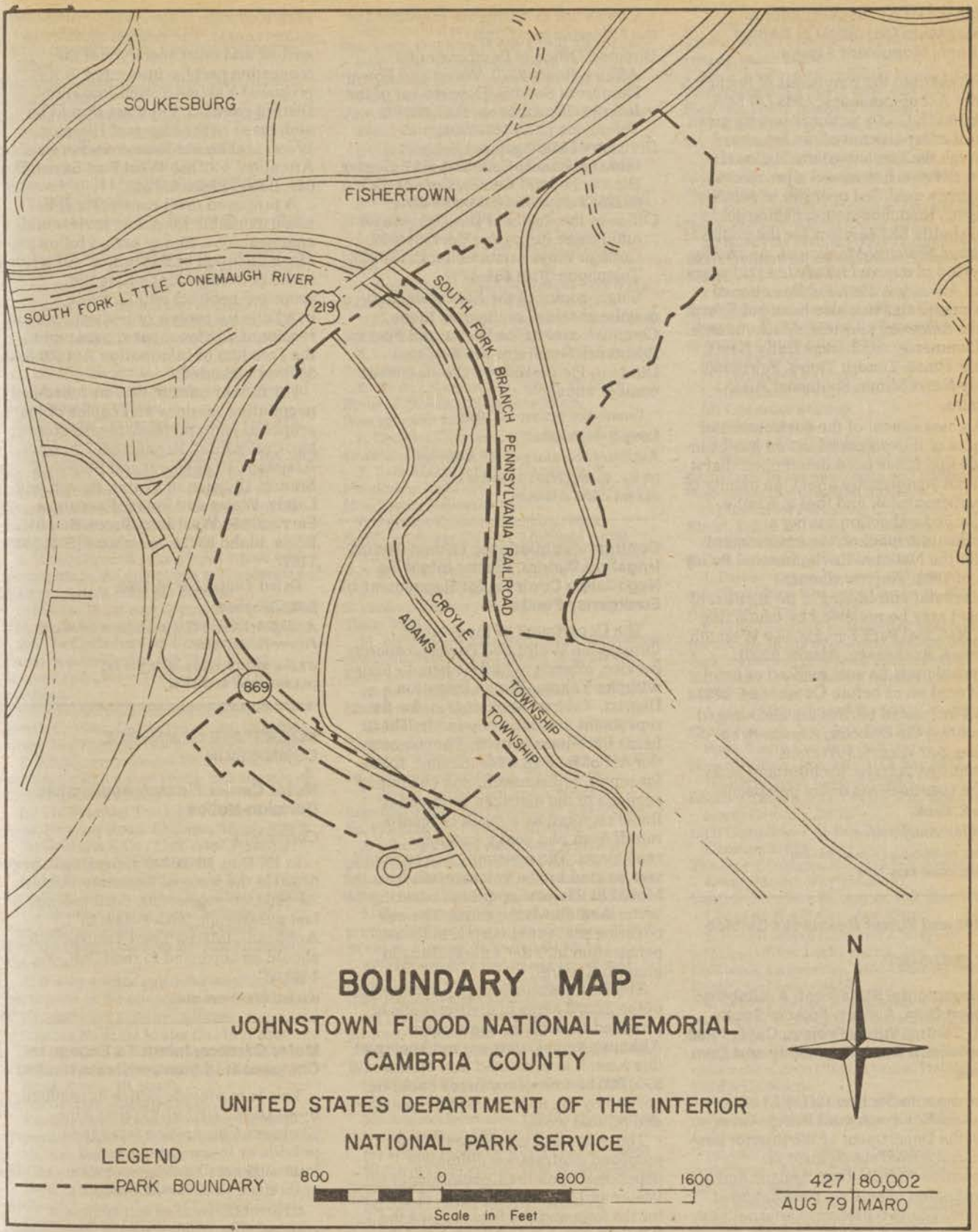
The map is on file and available for inspection in the administrative office of the Johnstown Flood National Memorial, P.O. Box 247, Cresson, Pennsylvania 16630 and in the office of the National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Dated: August 22, 1980.

James W. Coleman, Jr.,

Acting Regional Director, Mid-Atlantic Region.

BILLING CODE 4310-70-M



[FR Doc. 80-29822 Filed 9-25-80; 8:45 am]
BILLING CODE 4310-70-C

Issuance of a Prospectus for a Concession Operation at Katmai National Monument Alaska

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), notice is hereby given that the Department of the Interior, through the Director of the National Park Service, has issued a prospectus seeking a qualified operator to provide lodging, food, boat tours, fishing guide and shuttle bus services for the public at *Katmai National Monument, Alaska* for a period of *approximately ten (10)* years from *January 1, 1981.* Public notice of this prospectus has also been published in the following journals: Alaska Journal of Commerce, Anchorage Daily News, Daily Times, Tundra Times, Fairbanks Daily News Miner, Southeast Alaska Empire.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environment assessment and finding of no significant impact may be reviewed by contacting the: National Park Service, 540 West 5th Avenue, Anchorage, Alaska 99501. Proposal must be post marked or hand delivered on or before October 24, 1980.

All interested parties are encouraged to contact the Director, *Alaska Area Office, 540 West 5th Avenue, Anchorage, Alaska,* for information as to the requirements of the prospectus.

John E. Cook,

Director, Alaska Area.

[FR Doc. 80-29823 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-70-M

Water and Power Resources Service

[INT FES 80-38]

Environmental Statement; Availability; Auburn Dam, Auburn-Folsom South Unit, Central Valley Project, Calif.; Final Supplement No. 2, Seismicity and Dam Safety

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final supplement on alternative Auburn Dam designs and a reevaluation of seismic parameters at the site. The two preferred alternatives are: (1) a curved concrete gravity dam at mile 20, and (2) an earth and rockfill structure at mile 20.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7620, Water and Power Resources Service, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Management Support, Library Branch, Code 950, E&R Center, Denver Federal Center, Denver, CO 80225, Telephone (303) 234-3019.

Office of the Regional Director, Water and Power Resources Service, 2800 Cottage Way, Sacramento, CA 95825, Telephone (916) 484-4792.

Single copies of the final statement may be obtained on request to the Commissioner of the Water and Power Resources Service or the Regional Director. Please refer to the statement number above.

Dated: September 23, 1980.

Larry E. Meierotto,

Assistant Secretary of the Interior.

[FR Doc. 80-29824 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations; Yakima-Tieton Irrigation District, Wash.; Intent To Negotiate a Contract for Repayment of Emergency Funds

The Department of the Interior, through the Water and Power Resources Service, intends to initiate negotiations with the Yakima-Tieton Irrigation District, Yakima, Washington, for the repayment of emergency funds. These funds have been provided pursuant to the Act of June 26, 1948 (62 Stat. 1052), for repair, replacement, and cleanup of sections of the district's main canal flume required as a result of record runoff from two heavy summer rainstorms. The unusually heavy runoff was caused by the volcanic ash from the Mount St. Helens' eruptions covering the watershed above the canal. The ash covering prevented normal moisture penetration into the soil resulting in abnormal runoff.

The entire water supply for irrigation of the 27,270 acres of district lands is provided through the main canal. Although actual costs are not known at this time, it is estimated that up to $500,000 of emergency funds could be needed by the district for the repairs and related work.

The terms and conditions of the proposed contract are ultimately dependent upon the Commissioner of Water and Power's approval of the basis for the loan and the Secretary of the Interior's approval of the form of the proposed contract.

The public may observe all negotiating sessions. Advance notice of such meetings, if any, will be furnished upon request. The request must be in writing and must specify that the requesting party is interested in the proposed Yakima-Tieton Irrigation District contract. Inquiries should be addressed to the Regional Director, Water and Power Resources Service, Attention: 440, 550 West Fort Street, Box 043, Boise, Idaho 83724.

A proposed draft contract will be made available for public review and comment for a 15-day period following the publication of this notice. All written correspondence concerning the proposed contract will be made available for review or inspection upon receipt of written request pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact: Ms. Cathy Kent, Repayment Contract Assistant, Repayment and Statistics Branch, Division of Water, Power, and Lands, Water and Power Resources Service, 550 West Fort Street, Box 043, Boise, Idaho 83724, telephone (208) 334-1161.

Dated: September 18, 1980.

J. D. Ellingboe,

Acting Assistant Commissioner of Water and Power Resources.

[FR Doc. 80-29788 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Finance Application; Decision-Notice

Correction

In FR Doc. 80-26296 appearing at page 57590 in the issue of Thursday, August 28, 1980, on page 57592, third column, last paragraph, "MC-F-14412F", Applicant: International Transport, Inc., should be corrected to read "MC-F-14421F".

BILLING CODE 1505-01-M

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that Allis-Chalmers Corporation intends to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Corporation and address of principal office: Allis-Chalmers Corporation, P.O. Box 512, Milwaukee, Wisconsin 53201.

2. Wholly Owned Subsidiaries which will participate in the operations, and address of their respective principal offices:

American Air Filter Co., 215 Central Avenue, Louisville, Kentucky 40277.
Barron Industries, Inc., Irondale, Alabama 35210.
Stephens-Adamson, Inc., Box 1367, Aurora, Illinois 60507.
Sala Machine Works, 3136 Mavis Road, Mississauga, Ontario L5C ITB.
Sudbury Metals, Box 70, Falconridge, Ontario, Canada POM LSO.
Niagara Metals Limited, Niagara Falls, Ontario, Canada.

1. Parent corporation: Bunyon Enterprises, Inc.

2. Wholly-owned subsidiary, The Hyponex Company, Inc., 6500 Mt. Zion Boulevard, P.O. Box 70, Morrow, Georgia 30260.

1. Parent corporation and address of principal office: Cal Gas Corporation, P.O. Box 28397, 8401 Gerber Road, Sacramento, CA 95828.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective offices:

(a) Propane Transport, Inc., P.O. Box 232, 1734 State Rt. 131, Milford, OH 45150.

(b) Propane Chemical Leasing Co., Inc., Box 191, State Rd. 124 East, Bluffton, IN 46714.

1. Parent corporation and address of principal office: Kennecott Corporation, Ten Stamford Forum, Stamford, Connecticut 06904, and its divisions.

2. Wholly-owned subsidiaries which will participate in the operations and addresses of their respective principle offices:

(a) Chase Brass and Copper Co., Inc., 20700 Chagrin Boulevard, Cleveland, Ohio 44122.

(b) The Carborundum Company, Carborundum Center, 345 Third Street, Niagara Falls, New York 14302, and its divisions.

1. Parent corporation and address of principal office: Delphi Industries, Inc., 604 Green Bay Road; Kenilworth, Illinois 60043.

2. Wholly owned subsidiaries which will participate in the operations, and address of their respective offices:

(a) Chi-Waukee Truck Lines, Inc., 1501 West Pershing Road, Chicago, Illinois 60609.

(b) Geocaris & Co., 1501 West Pershing Road, Chicago, Illinois 60609.

(c) Metropolitan Distributors, Inc. 198 Carpenter Avenue, Wheeling, Illinois 60090.

1. Parent corporation and address of principal office: Foremost-McKesson, Inc., Crocker Plaza, One Post St., San Francisco, CA 94104.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

Alhambra National Water Co., Inc., 2217 Revere Ave., San Francisco, CA 94124.
D'Amico Foods Company, 3601 Chicago Road, Steger, Ill. 60475.
Foremost Dairies-Hawaii Ltd., 2277 Kamehameha Hwy., Honolulu, HI 96819.
Foremost Foods Inc, Crocker Plaza, One Post St., San Francisco, CA 94104.
McKesson Wine & Spirits Co., 284 Bliss St., West Springfield, Mass. 01089.
Mohawk Liqueur Corp., 1965 Porter Street, Detroit, Mich. 48216.
Monterey Bay Co., Inc., 155 East 44th Street, New York, New York 10017.
Moreland-McKesson Chemical Co., Inc., Old Union Road, Spartanburg, SC 29302.
C. F. Mueller Co., 180 Baldwin Avenue, Jersey City, New Jersey 07306.
Sparkletts Drinking Water Corp., 4500 York Blvd., Los Angeles, CA 90041.
"21" Brands, Inc. 75 Rockefeller Plaza, New York, New York 10019.
Valu-Rite Pharmacies, Inc., 600 City Parkway West, Orange, CA 92668.

(A) Parent Corporation: Gifford-Hill & Company, Inc., 8435 Stemmons Frwy., P.O. Box 47127, Dallas, Texas 75247.

(B) Wholly-owned subsidiaries which will participate in the operations.

1. G–H Holdings Corp., 8435 Stemmons Freeway, P.O. Box 47127, Dallas, Texas 75247.

2. Amcord, Inc., 8435 Stemmons Freeway, P.O. Box 47127. Dallas, Texas 75247.

3. Hercules Cement Company, Main Street, Stockertown, Pennsylvania 18083.

4. Lucas Coal Company, Inc., P.O. Box 34, Branchton, Pennsylvania 16021.

5. Muskin Corporation, 401 E. Thomas Street, P.O. Box 629, Wilkes-Barre, Pennsylvania 18773.

6. Cen-Cal Company, 1720 E. Locust Street, Ontario, California 91761.

7. York Manufacturing Company, N. Henderson Road and Hwy. 34, P.O. Box 188, Henderson, Nebraska 68371.

8. Peerless Cement Company, 9333 Dearborn Street, Detroit, Michigan 48209.

9. Gifford-Hill Portland Cement Company, P.O. Box 520, Midlothian, Texas 76165.

10. Gifford-Hill-Canada, Inc., 8435 Stemmons Freeway, P.O. Box 47127, Dallas, Texas 75247.

11. Metal Sales Manufacturing Corporation, Suite 523, Watterson Towers, 1930 Bishop Lane, Louisville, Kentucky 40218.

12. Servtex Materials Company, P.O. Box 729, New Braunfels, Texas 78130.

13. Wales Transportation, Inc., 1425 W. Pioneer, Suite 211, Irving, Texas 75061.

14. J. J. Willis Trucking Company, 1425 W. Pioneer, Suite 211. Irving, Texas 75061.

1. Parent corporation and address of principal office: Hart Schaffner & Marx, 36 So. Franklin St., Chicago, IL 60606.

2. Wholly owned subsidiary which will participate in the operations and address of respective principal office: Jaymar-Ruby, Inc., 5000 S. Ohio St., Michigan City, IN 46360.

1. Parent corporation and address of principal office: Hartzell corporation, 2516 Wabash Avenue. St. Paul, MN 55114.

Wholly-owned subsidiaries which will participate in the operation and address of their respective principal offices:

(a) Hartzell Manufacturing, 2516 Wabash Avenue, St. Paul, MN 55114.

(b) Hatzell Custom Products, Turtle Lake, WI 54889.

(c) Hatzell Organizer, Turtle Lake, WI 54889.

(d) Ragon Electronics, 1136 W. Larpenteur Avenue, St. Paul, MN 55113.

(e) Wright Products, Rice Lake, WI 54868.

(f) Introl Corporation, 1800 W. 94th Street, Bloomington, MN 55431.

(g) Sunn Musical-Oregon, Amburn Industrial Park, Tualatin, OR 97062.

(h) Sunn Musical-Kentucky, 107 Industrial Road, Williamstown, KY 41097.

(i) Surf-Jet Corporation, 715 Raymond Avenue, St. Paul, MN 55114.

1. Parent corporation and address of principal office: Keystone Foods Corporation, 931 Haverford Road, Bryn Mawr, Pennsylvania 19010.

Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Cattle Development Corporation, 400 W. 15th, Street Amarillo, Texas 79105.

(b) Distribution Corporation, One McDonald Boulevard, Aston Township, Pennsylvania 19014.

(c) Equity Meat Corporation, 600 Kaiser Drive, Folcroft, Pennsylvania 19032.

(d) Nashville Frozen Foods Corporation, 1400 Davidson Street Nashville, Tennessee 37206.

1. Parent corporation and address of principal office: Kraft, Inc., Kraft Court, Glenview, IL 60025; and the following operating groups (divisions):

(a) Dairy Group,
(b) Foodservice Group,
(c) Industrial Group,
(d) Operations Group,
(e) Retail Group,
(f) Humko-Sheffield Division.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices:

(a) Universal Packaging Corporation, Hall Street, Route 3A, Bow, NH 03301.

(b) Universal Bow Transport, Inc., Hall Street, Route 3A, Bow, NH 03301.

1. Parent corporation and address or principal office: The Lane Company, Inc., Altavista, Virginia 24517.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices: Action Industries, 715 Crossover Road, Tupelo, Mississippi 38801.

3. List of Divisions of the Lane Co., Inc.

Clyde Pearson, Inc., P.O. Box 2838, High Point, North Carolina 27261.
Hickory Chair Company, P.O. Box 2147, Hickory, North Carolina 28601.
Hickory Tavern, P.O. Drawer 815, Conover, North Carolina 28613.
HTB Company, P.O. Box 795, Conover, North Carolina 28613.
The lane Company, Inc., 129 Pell Avenue, Rocky Mount, Virginia 24151.
Venture Furniture Company, P.O. Box 1085, Conover, North Carolina 28613.

1. Parent corporation and address of principal office: Lucky Stores, Inc., a California corporation, 6300 Clark Avenue, Dublin, California 94566.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Atherton Industries, Inc., a Delaware corporation, 6300 Clark Avenue, Dublin, California 94566.

(b) LKS Manufacturing, a California corporation, 6300 Clark Avenue, Dublin, California 94566.

(c) LKS Automotive, a California corporation, 6300 Clark Avenue, Dublin, California 94566.

(d) Hancock Textile Co., Inc., a Mississippi corporation, P.O. Box 1627, Tupelo, Mississippi 38801.

(e) Le Gran Corporation, a California corporation, 6300 Clark Avenue, Dublin, California 94566.

(f) Lucky Stores, Inc., a Florida corporation, 6300 Clark Avenue, Dublin, California 94566.

(g) Eagle Stores, Inc., a Indiana corporation, 6300 Clark Avenue, Dublin, California 94566.

(h) T-Chem Products, a California corporation, 6300 Clark Avenue, Dublin, California 94566.

(i) Memco Stores, Inc., a Virginia corporation, 6555 Little River Turnpike, Alexandria, Virginia 22312.

(j) Lucky Stores, Inc., a Nevada corporation, 6300 Clark Avenue, Dublin, California 94566.

(k) Sirloin Stockade, Inc., a Nevada corporation, 4630 Northwest 39th Expressway, Oklahoma City, Oklahoma 73122.

(l) King Sirloin of Colorado, Inc., a Colorado corporation, 4630 Northwest 39th Expressway, Oklahoma City, Oklahoma 73122.

(m) Sirloin Stockade of Arizona, Inc., a Arizona corporation, 4630 Northwest 39th Expressway, Oklahoma City, Oklahoma 73122.

(n) Sirloin Stockade of Colorado, Inc., a Colorado corporation, 4630 Northwest 39th Expressway, Oklahoma City, Oklahoma 73122.

(o) Sirloin Stockade of Indiana, Inc., a Indiana corporation, 4630 Northwest 39th Expressway, Oklahoma City, Oklahoma 73122.

(p) Sirloin Stockade of Kansas, Inc., a Kansas corporation, 4630 Northwest 39th Expressway, Oklahoma City, Oklahoma 73122.

(q) Sirloin Stockade of Kentucky, Inc., a Kentucky corporation, 4630 Northwest 39th Expressway, Oklahoma City, Oklahoma 73122.

(r) Sirloin Stockade of Minnesota, Inc., a Minnesota corporation, 4630 Northwest 39th Expressway, Oklahoma City, Oklahoma 73122.

(s) Sirloin Stockade of Tennessee, Inc., a Tennessee corporation, 4630 Northwest 39th Expressway, Oklahoma City, Oklahoma 73122.

(t) Valley Distributing Company, a Delaware corporation, 2540 N. 29th Avenue, Phoenix, Arizona 85009.

(u) Tanne Apparel, Inc., a Delaware corporation, 6300 Clark Avenue, Dublin, California 94566.

(v) Tanne Apparel, Inc., a New Jersey corporation, 6300 Clark Avenue, Dublin, California 94566.

(w) Cal-Pharm, Inc., a California corporation, 6300 Clark Avenue, Dublin, California 94566.

(x) Pharmco, Inc., a Nevada corporation, 6300 Clark Avenue, Dublin, California 94566.

(y) Discount Associates of Santa Ana, Inc., a California corporation, 6300 Clark Avenue, Dublin, California 94566.

(z) Checker Auto Parts, Inc., a Arizona corporation, 2540 N. 29th Avenue, Phoenix, Arizona 85009.

(aa) Yellow Front Stores, a Arizona corporation, 2540 N. 29th Avenue, Phoenix, Arizona 85009.

1. Parent Corporation: Martin Marietta Corporation, 6801 Rockledge Drive, Bethesda, Maryland 20034.

2. Wholly Owned Companies, Divisions or Subsidiaries:

A. Martin Marietta Chemicals, Master Builders Division, 23700 Chagrin Boulevard, Cleveland, Ohio 44122.

B. Martin Marietta Chemicals, Refractories Division, Executive Plaza II, Hunt Valley, Maryland 21030.

C. Martin Marietta Chemicals, Sodyeco Division, P.O. Box 33429, Charlotte, N.C. 28233.

D. Martin Marietta Aggregates, 6801 Rockledge Drive; Bethesda, Maryland 20034.

E. Martin Marietta Aggregates-Industrial Sand Division, Two Crossroads of Commerce II, Suite 500, Rolling Meadows, Illinois 60008.

F. Martin Marietta Aluminum, 6801 Rockledge Drive; Bethesda, Maryland 20034.

G. Martin Marietta Cement, 6801 Rockledge Drive; Bethesda, Maryland 20034.

H. Fry Sales & Equipment Company, 3425 Simpson Ferry Road, Camp Hill, PA 17011.

1. Parent Corporation: The Quaker Oats Company, Merchandise Mart Plaza, Chicago, Illinois 60654.

2. Wholly-owned subsidiaries:

Brookstone Company, Inc., Vose Farm Road, Peterborough, New Hampshire 03452.
Needlecraft Corporation of America, 3900 N. Claremont Avenue, Chicago, Illinois 60618.
Wolf Brand Products, 416 S. Main Street, Corsicana, Texas 75110.

1. Parent corporation and address of principal office: SCM Corporation, 299 Park Avenue, New York, New York 10071.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Allied Paper, 2030 Portage Street, Kalamazoo, Michigan 49003.

(b) PCR, P.O. Box 1466, Gainesville, Florida 32602.

(c) Proctor & Schwartz, Inc., 7th Street & Tabor Rd., Philadelphia, Pa. 19120.

(d) Histacount Corporation, 968 Walt Whitman Rd., Melville, L.I., N.Y. 11746.

(e) Hulse Manufacturing Co., 15 Lewis Street, Geneva, N.Y. 14456.

(f) SCM Inter-American Corporation, 1600 Financial Center Bldg., Oakland, California.

(g) SCM International Ltd., c/o The Corporation Trust Co., 100 West 10th St., Wilmington, Delaware.

(h) SCM-Glidden International Co., 900 Union Commerce Bldg., Cleveland, Ohio 44115.

1. The parent corporation is: Sterling Drug, Inc., 90 Park Avenue, New York, New York 10016.

2. Wholly-owned subsidiaries which will participate in the operations are as follows:

Breon Laboratories, Inc., New York, N.Y.
Cook-Waite Laboratories, Inc., New York, N.Y.
The d-Con Company, Inc., New York, N.Y.
Dorothy Gray, Ltd., New York, N.Y.
Minwax Company, Inc., Clifton, N.J.
Sterwin Chemicals, Inc., Millsboro, Del.
Sterwin Laboratories, Inc., Millsboro, Del.
Tussy Cosmetics, Inc., Montvale, N.J.
Zimpro, Inc., Rothschild, Wis.
Sterling Products International, New York, N.Y.
The Sydney Ross Company, New York, N.Y.
Valmont, Inc., New York, N.Y.
Winthrop Products, Inc., New York, N.Y.

1. Parent corporation is: Sunbeam Corporation, 5400 West Roosevelt Road, Chicago, Illinois 60650, Telephone: 312–854–3500.

2. Identification of divisions and wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices is:

Divisions and Subsidiaries

Sunbeam Appliance Company, 5400 W. Roosevelt Road, Chicago, Illinois 60650.
Oster, 5055 N. Lydell Avenue, Milwaukee, Wisconsin 53217.
Northern Electric Company, 1621 Highway 15 North, Laurel, Mississippi 39440.
Biddeford Textile Company, 2 Main Street, Biddeford, Maine 04005.
Sunbeam Equipment Corporation, 180 Mercer Street, Meadville, Pennsylvania 16335.
Warwick Furance Company, Div. of Sunbeam Equipment Corporation, 420 Northgate Parkway, Wheeling, Illinois 60090.
Illinois Water Treatment Company, 4669 Shepherd Trail, Rockford, Illinois 61105.
Thermco Products Corporation, 1465 N. Batavia, Orange, California 92667.
Hanson Scale Company, Highway 45 North, Shubuta, Mississippi 39360.
Neosho Products Company, P.O. Box 622, Neosho, Missouri 64850
Springfield Instrument Company, 260 Railroad Avenue, Hackensack, New Jersey 07602.
Sunbeam Clock Company, U.S. Route 80, Forest, Mississippi 39074.
Aircap Manufacturers, Highway 45 South, Tupelo, Mississippi 38801.
Sunbeam Outdoor Company, Kingstree Highway East, Manning, South Carolina 29102.
Sunbeam Microwave Company, 2001 South York Road, Oak Brook, Illinois 60521.
Bennett-Ireland, 23 State Street, Norwich, New York 13815.
Phil Rick Fan Manufacturing Company, 1001 W. Loop North, Houston, Texas 77055.
Burton Equipment, Div. of Thermco Products Corporation, 16708 Parkside Avenue, Cerritos, California 90701.
Electro-Rack Products, Div. of Thermco Products Corporation, 1742 S. Clementine Street, Anaheim, California 92802
John Zink Company, 4401 S. Peoria., Tulsa, Oklahoma 74105.
Hurst Performance Inc., 50 W. Street Road, Warminster, Pennsylvania 18974.
Bally Case & Cooler, Inc., Bally, Pennsylvania 19503.
Fabricators/International, Inc., 3000–04 Irving Boulevard, Dallas, Texas 75247.
The Frymaster Corporation, 5000 Hollywood Avenue, Shreveport, Louisiana 71108.
Mile High Equipment Company, 11100 E. 45th Avenue, Denver, Colorado 80239.
Schaefer Corporation, 1200 Wall Triana Road, Madison, Alabama 35758.
Sunbeam Appliance Service Company, 5300 W. Roosevelt Road, Chicago, Illinois 60650.
Aparatos Acuna, S.A. de C.V., 110 Tomahawk, Del Rio, Texas 78840.
Sunbeam Corporation (Canada) Ltd., 1040 Islington Avenue, Toronto, Ontario M8Z 4R5.
Solaray-Division of Sunbeam Corporation (Canada) Ltd., 268 Grand River Avenue, Brantford, Ontario N3T 5P9.

Bally Refrigeration of Canada, Div. of Sunbeam Corporation (Canada) Limited, 1365 California Avenue, Brockville, Ontario, Canada K6V 5V8.
Sunbeam Intercontinental Ltd., 5400 West Roosevelt Road, Chicago, Illinois 60650.
Sunbeam Mexicana, S.A. de C.V., Av. Dr. Gustavo Baz 180, Tlalnepantla, Estado de Mexico.
Aparatos Electricos de Saltillo S.A. de C.V., P.O. Box 5387, Brownsville, Texas 78520.
Neco de Mexico, S.A. de C.V., P.O. Box 4519, Brownsville, Texas 78520
El Sol Partes, S.A. de C.V., P.O. Box 4647, Brownsville, Texas 78520.

1. Corporation, Uniroyal, Incorporated, World Headquarters, Middlebury, Connecticut 06749.

2. Wholly owned subsidiaries which will participate in the operations and addresses are:

(a) Alpine Laboratories, Inc., Bay Minette, Alabama.

(b) Computeristics, Inc., 1230 Avenue of Americas, New York, N.Y. 10020.

(c) Interbel Trading, Inc., 2755 East Oakland Park Blvd., Ft. Lauderdale, Florida 33306.

(d) MacGregor Tire Co., 725 Harrison Street, Flint, Michigan 48502.

(e) Masland Duraleather Co., Amber & Willard Street, Philadelphia, PA.

(f) Royalite Plastics, Inc., 300 Kansas, Redlands, California.

(g) Synpol, Inc., P.O. Box 667, Port Neches, Texas 77651.

(h) Uniroyal Merchandising Co., 3333 Fannin Street, Houston, Texas 77004.

(i) USCO Services, Inc., of Massachusetts, 100 Route 28, Dedham, Massachusetts 02026.

(j) USCO Services, Inc., P.O. Box 118, Port Clinton, Ohio 43452.

(k) Uniroyal Ltd., 895 Don Mills Road, Don Mills, Ontario, Canada.

I. Parent corporation and address of principal office: United Merchants and Manufacturers, Inc., 1407 Broadway, New York, New York 10018.

II. Wholly owned subsidiaries which will participate in the operations and the address of their respective principal office:

Glascoat of Midwest, Inc., 2901 South Oakland Avenue, Elkhart, Indiana 46514;
Glascoat of Southwest, Inc., 8 North 25 Street, Van Buren, Arkansas 72956;
Perle Youdene Co. Inc., 19010 South Vermont Avenue, Gardena, California 90248;
Phil Youdene Co. Inc., 19010 South Vermont Avenue, Gardena, California 90248;
United Merchants Information Systems, Inc., 1650 Palisade Avenue, Teaneck, New Jersey 07666;
United Merchants Trucking, Inc. Route 7, Box 86, Barklay Road, Stateville, North Carolina 28677.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-29770 Filed 9-25-80; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed on or before October 27, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate and applicant's existing authority, the duplication shall not be construed as conferring more that a single operating right.

Applicant(s) must comply with all conditions set forth in the grant of grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: September 19, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams. (Member Taylor not participating.)

MC-F-14294F, filed January 15, 1980. WHITFIELD TANK LINES, INC. (Whitfield) (124 W. Thomas, P.O. Box 7676, Phoenix, AZ 85011)—Purchase (portion)—ROADWAY EXPRESS, INC. (Roadway) (1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309). Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, and William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Whitfield seeks authority to purchase a protion of the interstate operating rights and property of Roadway. Sundance Transportation, Inc., a non-carrier and sole stockholder of Whitfield, and in turn, Allan D. Musgrove, the majority stockholder of Sundance

Transportation, seek authority to acquire control of said rights and property through the transaction. Whitfield is purchasing the interstate operating rights contained in Roadway's certificate No. MC–2202 (Sub–No. 590) and also a portion of that authority awarded to Roadway in MC–F–13067, which authorizes the transportation, as a motor common carrier, in interstate or foreign commerce, as follows: Regular and irregular routes: (1) *Liquid Petroleum* and *liquid petroleum products,* in bulk, from points in California to points in Arizona, serving no intermediate points on the regular routes, as follows: (a) From points within 20 miles of Long Beach, Calif., over irregular routes to junction U.S. Highway 60, thence over U.S. Highway 60 to the California-Arizona State line, thence over irregular routes to Tucson, Ariz., points in Yuma and Maricopa Counties, Ariz., those in Pinal County, Ariz., west of, but not on, U.S. Highway 80, and those in Pima County, Ariz., on Arizona Highway 84 west of Tucson, Ariz., and return over irregular routes to the Arizona-California State line, thence over regular routes specified to junction irregular routes, thence over irregular routes to the origin points specified, with no transportation for compensation except as otherwise authorized. (b) From points within 20 miles of Long Beach, Calif., over irregular routes to junction Interstate Highway 10, thence over Interstate highway 10 to junction California Highway 86, thence over California Highway 86 to El Centro, Calif., thence over U.S. Highway 80 to the California-Arizona State line, thence over irregular routes to Tucson, Ariz., points in Yuma and Maricopa Counties, Ariz., those in Pinal County, Ariz., west of, but not on, U.S. Highway 80, and those in Pina County, Ariz., on Arizona Highway 84 west of Tucson, Ariz., and return over irregular routes, to the Arizona-California State line, thence over regular routes specified to junction irregular routes, thence over irregular routes to the origin points specified, with no transportation for compensation except as otherwise authorized. (2) *Petroleum* and *petroleum products,* except asphalt and heavy oils requiring special heated equipment, from points in California to the United States-Mexico Boundary, serving no intermediate points on the regular routes, as follows: (a) From Los Angeles and points within 30 miles of los Angeles over irregular routes to junction U.S. Highway 60, thence over U.S. Highway 60 to Beaumont, Calif. (also from the above-specified origin points over irregular routes to junction Interstate Highway 10, thence over Interstate highway 10 to Beaumont), and thence over Interstate Highway 10 to junction California Highway 86, thence over California Highway 86 to the United States-Mexico Boundary line, and return, over the regular and irregular routes to the specified origin points, with no transportation for compensation except as otherwise authorized. (b) From Los Angeles and points within 30 miles of Los Angeles over irregular routes to junction California Legislative Highway 72, thence over California Legislative highway 72 to junction U.S. Highway 101, thence over U.S. Highway 101 to Doheny Park, Calif. (also from the above-specified origin points over irregular routes to junction Claifornia Highway 1, thence over California Highway 1 to Doheny Park), and thence over U.S. Highway 101 to the United States-Mexico Boundary line, and return over the regular routes to junction irregular routes, thence over irregular routes to the specified origin points, with no transportation for compensation except as otherwise authorized. Irregular routes: (1) *Liquid petroleum products,* except asphalt and heavy oils requiring special heated equipment, in bulk, in tank vehicles, from Los Angeles, Calif., and points within 30 miles of Los Angeles, to points in Arizona except that service is not authorized to any on-rail bulk storage facility in Arizona except at Tucson, Casa Grande, Coolidge, Gila Bend, Yuma, Buckeye, Mesa, Phoenix, Peoria, Wickenburg, Prescott, and Springerville, Ariz., and (2) *Rejected cargo or return shipments of contaminated products of the same kind,* from the next above-specified destination points to Los Angeles, Calif., and points within 30 miles of Los Angeles. (3) *Liquid Petroleum* and *Liquid Petroleum Products,* in bulk, from points within 20 miles of Long Beach, Calif., to Los Angeles Harbor Points, (4) *Petroleum* and *Petroleum Products,* in bulk, in tank trucks, except asphalt and heavy oils requiring special heated equipment, from points in Ventura, Los Angeles, and Orange Counties, Calif., to points in Esmeralda, Nye, and Clark Counties, Nev., and points in Washington, Kane, Iron, and Garfield Counties, Utah, and (5) *Rejected or Contaminated Shipments* of the next above-specified commodities, from points in Esmeralda, Nye, and Clark Counties, Nev., and points in Washington, Kane, Iron, and Garfield Counties, Utah, to points in Ventura, Los Angeles, and Orange Counties, Calif., (6) *Petroleum Products* except asphalt and heavy oils requiring specially-heated equipment, in bulk, in tank trucks, from Salt Lake City and Woods Cross, Utah, to points on that part of Idaho east of the Western boundaries of Lemhi, Custer, Blaine, Camas, Gooding, and Twin Falls Counties, Idaho; and (7) *Rejected Shipments* of the next above-specified commodities, from points in that part of Idaho east of the western boundaries of Lemhi, Custer, Blaine, Camas, Gooding, and Twin Falls Counties, Idaho, to Salt Lake City and Woods Cross, Utah.

(8) *Petroleum Lubricating Oil,* in bulk, in tank trucks, from Los Angeles, Calif., and points within 30 miles thereof, to Salt Lake City, Utah, and points within 10 miles thereof, (9) *Petroleum Lubricating Oil,* in bulk, in tank vehicles, from Los Angeles, Calif., and points within 30 miles of Los Angeles, Calif., to Provo and Ogden, Utah, and points within 25 miles of Provo and Ogden, Utah; and (10) *Contaminated and Defective Shipments* of the next above-specified commodities, from Provo and Ogden, Utah, and points within 25 miles of provo and Ogden, Utah, to Los Angeles, Calif., and points within 30 miles of Los Angeles, Calif. (11) *Petroleum and Petroleum Product,* in bulk, in tank vehicles, (a) From Salt Lake City, Utah, and points within 10 miles thereof, to points in Nevada, Restriction: In the immediately above authority no shipments shall be transported from Salt Lake City, Utah, and points within 1 mile thereof, (1) to Elko, Cobre, Lamoille, Ely, Cherry Creek, Egan, Tippett, Anderson's Ranch, Aurum, Muncy, Ruth, and Kimberly, Nev., (2) to points on U.S. Highway 40 between Elko, Nev., and the Utah-Nevada State line, (3) to points on Alternate U.S. Highway 50 between Ely, Nev., and the Utah-Nevada State line, and (4) to points on U.S. Highway 93 between junction U.S. Highway 93 and Alternate U.S. Highway 50 and junction U.S. Highways 93 and 40. (b) From Ogden, Utah, to points in Idaho south of the northern boundaries of Adams, Valley, and Lemhi Counties, Idaho, and points in Gallatin County, Mont. (c) From Salt Lake City, Utah, and points within 10 miles thereof, to points in California, (d) From Boise, Twin Falls, and Pocatello, Idaho, and points within 5 miles of each, to points in Nevada; and (e) From Salt Lake City and Woods Cross, Utah, and points within 10 miles of Salt Lake City and Woods Cross, Utah, to points in Adam, Washington, Valley, Payette, Gem, Boise, Canyon, Ada, Elmore, Owyhee Counties, Idaho, and Gallatin County, Mont., and (f) From Pocatello, Idaho, to points in Gallatin County, Mont.; and (g) From Salt Lake City and Woods Cross, Utah,

and points within 10 miles of each, to points in Arizona; and (12) *Contaminated Petroleum* and *Contaminated Petroleum Products*, (a) From points in Nevada, to Boise, Twin Falls, Evans, and Pocatello, Idaho, and points within 5 miles of each, (b) From points in Adams, Washington, Valley, Payette, Gem, Boise, Canyon, Ada, Elmore, and Owyhee Counties, Idaho, and Gallatin County, Mont., to Salt Lake City and Woods Cross, Utah and points within 10 miles of Salt Lake City and Woods Cross, Utah. (c) From points in Gallatin County, Mont., to Pocatello, Idaho. (13) *Contaminated Petroleum* and *Contaminated Petroleum Products*, in bulk, in tank vehicles, from points in Arizona, to Salt Lake City and Woods Cross, Utah, and points within 10 miles of each. (14) *Petroleum* and *Petroleum Products*, except road oils and asphalts, in bulk, in tank vehicles, from points in Alameda, Contra Costa, and San Diego Counties, Calif., to points in Arizona; and (15) *Contaminated Shipments* of petroleum and petroleum products, from points in Arizona, to points in Alameda, Contra Costa, and San Diego Counties, Calif. Restriction: The service authorized in the 2 paragraphs next above is subject to the following conditions: Service shall not be provided for the transportation of wax from Richmond, Calif., to Phoenix, Tucson, and Benson, Ariz., and points in Cochise County, Ariz., within 20 miles of Benson. Service shall not be provided for the transportation of petroleum products from points in San Diego County, Calif., to ports of entry on the United States-Mexico Boundary line at San Luis, Ariz., or within 20 miles thereof. Service shall not be provided for the transportation of petroleum products from San Diego, Calif., to points in Arizona within 15 miles of Yuma. (16) *Petroleum* and *Petroleum Products*, in bulk, in tank vehicles, except petroleum products which require special equipment for the application of heat to facilitate unloading, and except liquified petroleum gases, from points in Ventura, Los Angeles, and Orange Counties, Calif., to points in Nevada, except points in Esmeralda, Nye, and Clark Counties, Nev., (17) *Petroleum* and *Petroleum Products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (a) From points in California, to points in New Mexico, Restriction: The service authorized immediately above shall not be performed for the transportation of petroleum lubricating oil, in bulk, in tank vehicles, from El Segundo, Calif., to Santa Rita, N. Mex., and points within 25 miles thereof, and Gage, N. Mex., and points within 10 miles thereof. (b) From Colton and Niland, Calif., to points in Arizona and Nevada and ports of entry at or near Andrade, Calexico, Tecate, and San Ysidro, Calif., on the United States-Mexico Boundary line, (c) From Sparks and Fallon, Nev., to points in Mono, Alpine, Eldorado, Placer, Nevada, Sierra, Yuba, Plums, Lassen, and Modoc Counties, Calif., Lake, Harney, and Malheur Counties, Oreg., and that part of Idaho south of the northern boundaries of Adams Valley, and Lemhi Counties, Idaho, (d) From Las Vegas and Nellis Air Force Base, Nev., and points within 10 miles of each, to Indian Springs and Indian Springs Air Force Base, Nev., and points within 10 miles of each; and (18) *Returned or Contaminated Shipments* of next-above described communities, from Indian Springs and Indian Springs Air Force Base, Nev., and points within 10 miles of each, to Las Vegas and Nellis Air Force Base, Nev., and points within 10 miles of each. (19) *Contaminated Shipments* of petroleum and petroleum products as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) From Sparks and Fallon, Nev., to points in Alameda, Contra Costa, Sacramento, and Yolo County, Calif., (b) From points in Arizona and Nevada and ports of entry at or near Andrade, Calexico, Tecate, and San Ysidro, Calif., on the United States-Mexico Boundary line, to points in Los Angeles, Orange, and Ventura Counties, Calif., (20) *Petroleum Products*, described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (a) From Daggett, Calif., to points in Arizona and Nevada. (b) From Las Vegas, Nev., and points within 10 miles thereof, to points in Arizona, California, and Utah, (21) *Contaminated and Returned Shipments* of the commodities specified next above, from points in Arizona, California, Nevada, and Utah, to points in Los Angeles, Orange, and Ventura Counties, Calif., (22) *Petroleum Products* (except petrochemicals), as defined by the Commission in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chico, Calif., to points in Josephine, Jackson, Klamath, Lake and Harney Counties, Oreg., (23) *Rejected and Contaminated Shipments* of the next above-specified commodities, from points in Josephine, Jackson, Klamath, Lake, and Harney Counties, Oreg., to points in Alameda and Contra Costa Counties, Calif., (24) *Petroleum and Petroleum Products*, (except petrochemicals) in bulk, in tank vehicles, from Imperial, Calif., and points within 10 miles thereof, to points in Yuma and Maricopa Counties, Ariz., (25) *Contaminated and Returned Shipments* of the commodities specified next above, from points in Yuma and Maricopa Counties, Ariz., to points in Los Angeles and Orange Counties, Calif., (26) *Anhydrous Ammonia, Liquid Ammonium Nitrate Solution*, and *Nitric Acid*, in bulk, in tank vehicles, from Geneva, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, and Wyoming, (27) *Weed Killing Compounds*, in bulk, in tank vehicles, restricted to shipments moving in the season April to September, inclusive, of each year, from points in Los Angeles, Orange, and Ventura Counties, Calif., to points in McKinley Valencia, and Bernalillo Counties, N. Mex., (28) *Liquefied Helium* and *Empty Government-Owned Trailers* and *Dewar Containers*, between Cleveland, Ohio, Richmond, Calif., Amarillo, Tex., and Otis and Elkhart, Kans. on the one hand, and, on the other, Huntsville, Ala., Boron, Downey, Goldstone, San Diego, and Torrance, Calif., Boulder Colo., the Kennedy Space Center near Cape Kennedy, Fla., the Michoud Assembly Facility near New Orleans, La., the Goddard Space Flight Center at Greenbelt, Md., the Mississippi Test Facility in Hancock County, Miss., the White Sands Test Facility in New Mexico, Bethage, N.Y., and the Manned Space craft Center near Houston, Tex. (29) *Sugar*, in bulk, in tank or hopper-type vehicles, *Molasses*, in bulk, in tank vehicles, *Dried Beet Pulp*, in bulk, in hopper-type vehicles, and *Dried Beet Pulp with Molasses*, inbulk, in hopper-type vehicles, from the plant and storage facilities of Spreckels Sugar Company Division, American Sugar Company, at or near Chandler and Phoenix, Ariz., to points in California, Colorado, Nevada, New Mexico, Texas, and Utah, (30) *Petroleum* and *Petroleum Products*, in bulk, in tank vehicles, from Phoenix, Ariz., to Las Vegas, Nev., (31) *Liquid Animal Feed Supplements*, in bulk, in tank vehicles, from Fresno and Tulare, Calif., to points in Arizona, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, (32) *Liquid Fertilizer Solutions*, in bulk, in tank vehicles, from San Diego, Calif., to points in Clark County, Nev., and points in that part of Nye County, Nev., on and south of U.S. Highway 95, (33) *Bituminized Fiber* and *Indurated Conduit*, from Sherman, Tex., to points in California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Washington, and Wyoming, (34)

Nitrosyl Chloride, in bulk, in shipper-owned trailers, from the plant site of Hercules, Inc., at or near Hercules, Calif., to Indianapolis, Ind., and Wichita, Kans., (35) *Petroleum Products*, in bulk, in tank vehicles, from Fredonia, Ariz., to points in Nevada, (36) *Citrus Juices*, in bulk in tank vehicles, from the port of entry on the United States-Mexico Boundary line located at Nogales, Ariz., to points in Maricopa County, Ariz. Restriction: The operations authorized under the commodity description immediately above are restricted to transportation in foreign commerce only. (37) *Liquid Hydrogen, Liquid Oxygen,* and *Liquid Nitrogen*, in bulk, in tank vehicles, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted against the transportation of shipments moving to points which are not missile storage or missile launching sites, missile test facilities, or manufacturing plants producing liquid oxygen, liquid hydrogen, or liquid nitrogen. (38) *Liquid Hydrogen*, in bulk, in tank vehicles, between the plant site of Air Products and Chemicals, Inc., located at or near Long Beach, Calif., on the one hand, and, on the other, points in Illinois and Missouri. (39) *Liquid Oxygen, Liquid Nitrogen, Liquid Hydrogen, Liquid Argon,* and *Liquid Helium*, in bulk, in tank vehicles, from Portland, Oreg., Seattle, Spokane, and Vancouver, Wash., Garfield and Salt Lake City, Utah, Boise and Pocatello, Idaho, Butte and Billings, Mont., Denver Colo., Phoenix, Ariz., Albuquerque, N. Mex., and points in California, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, (40) *Petroleum* and *petroleum products*, in bulk, from the Chevron Pipe Line Terminal, at or near Pocatello, Idaho, to points in Teton County, Wyo. (41) *Naptha*, in bulk, in tank vehicles, from Fredonia, AZ, to Salt Lake City, UT, and (42) *Petroleum* and *petroleum products*, (except chemicals, residual fuel oils used in paving operations, asphalt, road oils, and road emulsions), in bulk, in tank vehicles, from Richmond, Sacramento, and Chico, CA, to points in Churchill, Douglas, Lyon Storey, and Washoe Counties, NV. Whitfield is authorized to operate as a motor common carrier pursuant to certificates issued in MC–114897 and sub-numbers thereunder. Condition: Sundance Transportation, Inc., a non-carrier and sole stockholder of Whitfield, has investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, Sundance Transportation, Inc., will be considered a motor carrier with the meaning of 49 U.S.C. 11348 of Subtitle IV. It will, therefore, be subject to the applicable provisions of 49 U.S.C. subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. (Hearing site: Phoenix, AZ, or Washington, DC.)

Note.—(1) Application for temporary authority has been filed. (2) A directly related gateway application has been filed in MC–114897 (Sub-No. 134F), published in this same **Federal Register** issue.

MC–F–14298F, filed January 22, 1980. BLALOCK TRUCK LINE, INC. (Blalock) (P.O. Box 734, Charleston, SC 29402)—Purchase(portion)—EASTERN TRANSIT AND STORAGE, INC., Joseph W. Grier III, Trustee in Bankruptcy (Eastern) (409 Law Bldg., Charlotte, NC 28202). Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. Blalock seeks authority to purchase a portion of the interstate operating rights of Eastern. Augustus J. Blalock, sole stockholder of Blalock, seeks authority to control said rights through the transaction. Blalock is purchasing a portion of the interstate operating rights contained in Eastern's Certificate MC–11020, which authorizes the transportation, as a motor common carrier, over irregular routes, of (1) *fertilizer*, from Charleston, SC, to Gastonia, NC, and points within 15 miles of Gastonia; (2) *agricultural products, and cotton seed meal*, from points in Barnwell and Bamberg Counties, SC, to Gastonia, NC, and points within 15 miles of Gastonia; (3) *bottles*, from Laurens, SC, to Charlotte, NC; (4) *wooden telephone, telegraph, and electric power plies*, from points in Spartanburg County, SC, to points in Gaston, Cleveland, Mecklenburg, Rowan, Lincoln, and Catawba Counties, NC; (5) *Cotton*, between points in that part of NC bounded by a line beginning at the SC–NC state line, and extending along U.S. Hwy 29 to the NC–VA state line, then along the NC–VA state line to the point of beginning, including points on the indicated portions of the hwys specified, on the one hand, and, on the other, those points in that part of SC bounded at a line beginning at Greenville, SC, and extending along U.S. Hwy 25 to the NC–SC state line, than along state line to junction U.S. Hwy 15, then along U.S. Hwy 15 to Sumter, SC, then along U.S. Hwy 76 to Laurens, SC, and then along U.S. Hwy 276 to Greenville, including points on the indicated portions of the hwys specified; and between Gastonia, NC, and points within 25 miles of Gastonia, on the one hand, and, on the other, points in GA; (6) *cotton yarn*, between Gastonia, NC, and points in NC within 15 miles of Gastonia, on the one hand, and, on the other, points in that part of SC bounded by a line beginning at Greenville, SC, and extending along U.S. Hwy 25 to the NC–SC state line, then along the NC–SC state line to junction U.S. Hwy 21, then along U.S. Hwy 21 to Columbia, SC, then along U.S. Hwy 76 to Laurens, SC, and then along U.S. Hwy 276 to Greenville, SC, including points on the indicated portions of the hwys specified. Blalock is a motor common carrier operating over regular and irregular routes between points in GA, NC, and SC, pursuant to authority under MC–85530 and sub-numbers thereunder. (Hearing site: Charlotte, NC.)

Notes.—(1) A directly related gateway application has been filed in MC–85530 (Sub-No. 8F), published in this same **Federal Register** issue. (2) An application for temporary authority has been filed.

Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343, or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave

to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* the following operating rights applications directly related thereto filed on or before October 27, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC 114897 (Sub-134F), filed April 9, 1980. Applicant: WHITFIELD TANK LINES, INC.—gateway elimination, 124 W. Thomas, P.O. Box 7676, Phoenix, AZ 85011. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting: A. Over regular and irregular routes, 1. *Liquid Petroleum and Liquid Petroleum Products, in bulk* from points within 20 miles of Long Beach, CA, to points in NM; those points in UT in and south of Beaver, Piute, Wayne and San Juan Counties, UT, and points in El Paso (except City of El Paso), Hudspeth, Culberson, Loving, Winkler, Reeves, Ward, Jeff Davis, Presidio, Crane, Pecos and Brewster Counties, TX, serving no intermediate points on regular routes, as follows: (a) From points within 20 miles of Long Beach, CA, over irregular routes to Junction of U.S. Hwy 60, then over U.S. Hwy 60 to the CA–AZ state line, then over irregular routes to the points designated above. (b) From points within 20 miles of Long Beach, CA, over irregular routes to Jct of U.S. Hwy 10 (I–10), then over I–10 to Jct of CA Highway 86, then over CA Hwy 86 to El Centro, CA, then over U.S. Hwy 80 to CA–AZ state line, then over irregular routes to the points designated above. (Gateways to be eliminated—Tucson, AZ and points in Maricopa County, AZ.) (B) Over irregular routes, 2. *Liquid Petroleum Products (except asphalt and heavy oils requiring special heated equipment), in bulk, in tank vehicles* from Los Angeles, CA, and points within 30 miles of Los Angeles, to points in NM; points in El Paso, Hudspeth, Culberson, Loving, Winkler, Reeves, Ward, Jeff Davis, Presidio, Crane, Pecos and Brewster Counties, TX and those points in UT in and south of Beaver, Piute, Wayne and San Juan Counties, UT. (Gateways to be eliminated—Phoenix and Tucson, AZ.) 3. *Rejected Cargo or Returned Shipments of Contaminated Liquid Petroleum Products* from points in NM and those points in TX on or west of U.S. Hwy 277, to Los Angeles, CA, and points within 30 miles of Los Angeles. (Gateway to be eliminated—points in AZ.) 4. *Liquid Petroleum Chemicals* from points in Ventura, Los Angeles and Orange Counties, CA, to points in AZ. (Gateway to be eliminated—Henderson, NV.) 5. *Liquid Petroleum Chemicals* from Salt Lake City, UT, and points within 10 miles thereof, to points in AZ. (Gateway to be eliminated—Henderson, NV.) 6. *Liquid Petroleum Chemicals* from Boise, Twin Falls, Evans and Pocatello, ID, and points within 5 miles of each, to points in AZ. (Gateway to be eliminated—Henderson, NV.) 7. *Petroleum and Petroleum Products, in bulk, in tank vehicles* from Salt Lake City and Woods Cross, UT, and points within 10 miles of each to points in NM; points in El Paso, Hudspeth, Culberson, Loving, Winkler, Reeves, Ward, Jeff Davis, Presidio, Crane, Pecos and Brewster Counties, TX and those points in UT in and south of Beaver, Piute, Wayne and San Juan Counties, UT. (Gateway to be eliminated—Phoenix and Tucson, AZ.) 8. *Contaminated Petroleum and Contaminated Petroleum Products, in bulk, in tank vehicles* from points in TX on or west of U.S. Hwy 277, and points in NM, to Salt Lake City and Woods Cross, UT and points within 10 miles of each. (Gateway to be eliminated—AZ.) 9. *Petroleum and Petroleum Products (except road oils and aspalts) in bulk, in tank vehicles* from points in Alameda, Contra Costa and San Diego Counties, CA, to points in NM; points in El Paso, Hudspeth, Culberson, Loving, Winkler, Reeves, Ward, Jeff Davis, Presidio, Crane, Pecos and Brewster Counties, TX, and those points in UT in and south of Beaver, Piute, Wayne and San Juan Counties, UT. (Gateways to be eliminated—Phoenix and Tucson, AZ.) 10. *Contaminated Shipments of*

Petroleum and Petroleum Products from points in CO; those points in TX on or west of U.S. Hwy 277, and points in NM, to points in Alameda, Contra Costa and San Diego Counties, CA. (Gateway to be eliminated—AZ.) 11. *Petroleum and Petroleum Products as described in Appendix XIII to the Report and Descriptions in Motor Carrier Certificate, 61 M.C.C. 209, in bulk, in tank vehicles* from points in CA to points in CO and those points in TX on or west or U.S. Hwy 277. (Gateway to be eliminated—NM.) 12. *Asphalt and Fuel Oils, in bulk, tank vehicles* from points in CA to points in Beaver, Piute, Wayne, Grand, San Juan, Garfield, Iron, Washington and Kane Counties, UT. (Gateway to be eliminated—NM.) 13. *Petroleum and Petroleum Products as described in Appendix XII to the Report and Descriptions in Motor Carrier Certificate, 61 M.C.C. 209, in bulk, in tank vehicles* from Colton and Niland, CA to points in NM, points in El Paso, Hudspeth, Culberson, Loving, Winkler, Reeves, Ward, Jeff Davis, Presidio, Crane, Pecos and Brewster Counties, TX, and those points in UT in and south of Beaver, Piute, Wayne and San Juan Counties, UT. (Gateways to be eliminated—Phoenix and Tucson, AZ.) 14. *Contaminated Shipments of Petroleum and Petroleum Products as described in Appendix XII to the Report and Descriptions in Motor Carrier Certificate, 61 M.C.C. 209* from points in CO, NM and those points in TX on or west of U.S. Hwy 277, to points in Los Angeles, Orange and Ventura Counties, CA. (Gateway to be eliminated—AZ.) 15. *Petroleum Products as described in Appendix XIII to the Report and Descriptions in Motor Carrier Certificate, 61 M.C.C. 209, in bulk, in tank vehicles* from Daggett, CA, to points in NM, points in El Paso, Hudspeth, Culberson, Loving, Winkler, Reeves, Ward, Jeff Davis, Presidio, Crane, Pecos and Brewster Counties, TX, and those points in UT in and south of Beaver, Piute, Wayne and San Juan Counties, UT. (Gateways to be eliminated—Phoenix and Tucson, AZ). 16. *Petroleum Products as described in Appendix XIII to the Report and Desriptions in Motor Carrier Certificate, 61 M.C.C. 209, in bulk, in tank vehicles* from Las Vegas, NV to Points in NM, and points in EL Paso, Hedspeth, Culberson, Loving, Winkler, Reeves, Ward, Jeff Davis, Presidio, Crane, Pecos and Brewster Counties, TX. (Gateways to be eliminated—Phoenix and Tucson, AZ.) 17. *Contaminated and Returned Shipments of Petroleum Products as described in Appendix XII to the Report and Descriptions in Motor Carrier Certificate, 61 M.C.C. 209, in bulk, in tank vehicles* from points in CO, NM and those points in TX on or west of U.S. Hwy 277, to points in Los Angeles, Orange and Ventura Counties, CA. (Gateway to be eliminated—AZ.) 18. *Petroleum and Petroleum Products (except petrol chemicals), in bulk, in tank* from Imperial, CA, and points within 10 miles thereof, to points in NM; points in El Paso, Hudspeth, Culberson, Loving, Winkler, Reeves, Ward, Jeff Davis, Presidio, Crane, Pecos and Brewster Counties, TX, and those points in UT in and south of Beaver, Piute, Wayne and San Juan Counties, UT. (Gateway to be eliminated—Phoenix, AZ.) 19. *Liquid Ammonium Nitrate Solution and Nitric Acid, in bulk, in tank vehicles* from Geneva, UT, to points in TX. (Gateway to be eliminated—Curtis, AZ.) 20. *Liquid Ammonium Nitrate Solution and Nitric Acid, in bulk, in tank vehicles* from Curtis, AZ, to points in Wyoming, ID, and Montana. (Gateway to be eliminated—Geneva, UT.) 21. *Petroleum and Petroleum Products, in bulk, in tank vehicles* from points in CO, NM and those points in TX on or west of U.S. Hwy 277, to Las Vegas, NV. (Gateway to be eliminated—Phoenix, AZ.) 22. *Petroleum Products, in bulk, in tank vehicles* from those points in TX on or west of U.S. Hwy 277 and points in NM to points in Nevada. (Gateway to be eliminated—Fredonia, AZ.) 23. *Naphtha, in bulk, in tank vehicles* from those points in TX on or west of U.S. Hwy 277 and points in NM to Salt Lake City, UT. (Gateway to be eliminated—Fredonia, AZ.) (Hearing site: Phoenix, AZ.)

Note.—This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC–F–14294F, published in this same **Federal Register** issue.

MC 120181 (Sub-12F) republication, filed August 24,1979. Applicant: MAIN LINE HAULING, INC., P.O. Box C, St. Clair, MO 63077. Applicants Representative: William H. Shawn, Suite 501, 1730 M Street NW., Washington, D.C. 20036. The application was originally published in the **Federal Register** in volume 43, No. 222, of the **Federal Register** at page *53561* (November 16, 1978), as a matter directly related to the finance proceeding in Docket No. MC–F–13712, in which Main Line Hauling, Inc., sought to purchase the authority of Heiser Truck Line, Inc., of Herington, KS. Upon review of the application the authority set forth below was found not to be directly related to the finance proceeding but to be new, unrelated authority. In order to provide notice of not only the commodities and territory involved in the application, but also the character of the proceeding, the portion of the application seeking the new unrelated authority is being republished. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, in tank trucks), between Kansas City, MO, and St. Louis, MO, from Kansas City over Int Hwy to St. Louis, and return over the same route. An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before October 27, 1980. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding. A copy of the pleading shall be served concurrently upon the carrier's representative. All material previously submitted by the parties to this proceeding will remain a part of the record and will be considered by the Commission.

MC 85530 (Sub-8F), filed January 22, 1980. Applicant: BLALOCK TRUCK LINE, INC.—gateway elimination, P.O. Box 734, Charleston, SC 29402. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *agricultural products, and cotton seed meal*, from points in Charleston County, SC, to Gastonia, NC, and points within 15 miles of Gastonia, (2) *bottles*, from points in Charleston County, SC, to Charlotte, NC, (3) *wooden telephone, telegraph, and electric power poles*, from points in Charleston County, SC, to points in Gaston, Cleveland, Mecklenburg, Rowan, Lincoln, and Catawba Counties, NC, (4) *cotton*, between points in NC on and west of a line beginning at the SC–NC state line, and extending along U.S. Hwy 1 to Rockingham, NC, then along U.S. Hwy 74 to junction U.S. Hwy 220, then along U.S. Hwy 220 to Greensboro, NC, and then along U.S. Hwy 29 to the NC–VA state line, on the one hand, and, on the other, points in Charleston County, SC, and (5) *cotton yarn*, between Gastonia, NC, and points in NC within 15 miles of Gastonia, on the one hand, and, on the other, points in Charleston County, SC. (Hearing site: Charlotte, NC, or Charleston, SC.)

Note.—This appplication is directly related to a proceeding pursuant to 49 U.S.C. § 11343

in MC–F–14298F, published in this same **Federal Register** issue. The purpose of this application is to eliminate the gateways of (1) points in Barnwell and Bamberg Counties, SC, (2) Laurens, SC, (3) points in Spartanburg County, SC, and (4) Lancaster and Clover, SC.

MC 23618 (Sub-58F) (amendment), filed May 16, 1979. Applicant: McALISTER TRUCKING COMPANY, d.b.a. MATCO, 2041 S. Treadaway Blvd., Abilene, TX 79604. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. To operate as a *common carrier*, over *regular routes* transporting *machinery, materials, equipment, and supplies, incidential to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum* between Miami, OK and Joplin, MO, serving all intermediate points: From Miami, OK over IH 44 to Joplin, MO and return over the same route.

Note.—The purpose of amending the application from irregular route to regular route is to allow tacking of MATCO's existing authority with the authority it seeks to purchase in the finance docket set forth in the paragraph above. This matter is directly related to MC–F–14031F, and was previously published in the November 27, 1979, issue of the **Federal Register.**

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–29772 Filed 9–25–80; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Operating Rights Authority; Petitions for Modification, Interpretation or Reinstatement

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g. M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 10343 (M2F) (Notice of Petition for Modification of Certificate), filed May 7, 1979. Petitioner: CHURCHILL TRUCK LINES, INC., P.O. Box 250, Chillicothe, MO 64601. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Petitioner holds motor *common carrier* Certificate in MC–10343, issued March 20, 1975, authorizing transportation of (A) Regular routes: *General commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Between Meadville, Mo., and Springfield, Mo., serving Chillicothe, Mo., as an intermediate point for purposes of joinder only: From Meadville over U.S. Highway 36 to junction U.S. Highway 65 at Chillicothe, Mo., and thence over U.S. Highway 65 to Springfield and return over the same route. Restriction: The authority granted above shall not be severable, by sale or otherwise, from the irregular-route authority contained in Section (D) herein. (B) Regular routes: *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, Between Kansas City, Mo., and Quincy, Ill., serving the intermediate and off-route points of Cameron, Hamilton, Nettleton, Mooresville, Laclede, Brookfield, Callao, Macon, Kidder, Breckenridge, Utica, Chillicothe, Wheeling, Meadville, Marceline, Bucklin, New Cambria, and Bevier, Mo., and Kansas City, Kans.: From Kansas City over U.S. Highway 69 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 24, thence over U.S. Highway 24 to Quincy, and return over the same route. Between Laclede, Mo., and Unionville, Mo.: From Laclede over Missouri Highway 5 to Unionville. Service is authorized to and from the intermediate and off-route points of Linneus, Purdin, Browning, Milan, Lemons, Cora, Green City, Greencastle, Boynton, and Pollock, Mo. Return from Unionville over U.S. Highway 136 to junction Missouri Highway 139 near Lucerne, Mo., thence over Missouri Highway 139 to junction Missouri Highway 6, thence over Missouri Highway 6 to junction Missouri Highway 5, thence over Missouri Highway 5 to Laclede. Service is authorized to and from the intermediate and off-route points of Lucerne, Newtown, Harris, Humphreys, Reger, Browning, Linneus, Purdin, Powersville, Galt, Dunlap, Laredo, and Cora, Mo. Between Chillicothe, Mo., and Princeton, Mo., serving the intermediate points of Farmersville, Trenton, Tindall, Spickard, and Mill Grove, Mo.: From Chillicothe over U.S. Highway 65 to Princeton, and return over the same route. Between St. Joseph, Mo., and Cameron, Mo., serving no intermediate points but serving the off-route point of Osborn, Mo.: From St. Joseph over U.S. Highway 36 to Cameron, and return over the same route. (C) Regular routes. *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Serving all intermediate points on U.S. Highway 36 between St. Joseph, Mo., and Cameron, Mo., in connection with carrier's regular-route operations authorized in Section (B) above (except those points that carrier is already authorized to serve in Section (B). Between Kansas City, Mo., and Chillicothe, Mo., serving all intermediate points: From Kansas City over U.S.

Highway 24 to Waverly, Mo., thence over U.S. Highway 65 to Chillicothe, and return over the same route. Between junction U.S. Highways 36 and 61 and Chicago, Ill., serving no intermediate points, and serving junction U.S. Highways 24 and 66 for purposes of joinder only.

From junction U.S. Highways 36 and 61 over U.S. Highway 36 to Springfield, Ill., thence over U.S. Highway 66 via its junction with U.S. Highway 24 to Chicago, and return over the same route. Between junction Illinois Highway 96 and U.S. Highway 24, and junction U.S. Highways 24 and 66, serving no intermediate points and serving junction Illinois Highway 96 and U.S. Highway 24 and junction U.S. Highways 24 and 66 for purposes of joinder only: From junction Illinois Highway 96 and U.S. Highway 24 over U.S. Highway 24 to junction U.S. Highway 66, and return over the same route. Between Monmounth, Ill., and Good Hope, Ill., serving all intermediate points: From Monmouth over U.S. Highway 67 to Good Hope, and return over the same route. Between juction Iowa Highway 22 and U.S. Highway 61, and Dubuque, Iowa, serving all intermediate points: From junction Iowa Highway 22 and U.S. Highway 61 over U.S. Highway 61 to Dubuque, and return over the same route. Between Davenport, Iowa, and Junction U.S. Highways 6 and 63, serving all intermediate points: From Davenport over U.S. Highway 6 to junction U.S. Highway 63, and return over the same route. Between junction U.S. Highways 6 and 63 and Princeton, Mo., serving no intermediate points, and serving junction U.S. Highways 6 and 63 and Princeton for purposes of joinder only: From junction U.S. Highways 6 and 63, over U.S. Highway 6 to junction U.S. Highway 65, thence over U.S. Highway 65 to Princeton, and return over the same route. Between Donnelson, Iowa, and Cedar Rapids, Iowa, serving all intermediate points: From Donnelson over U.S. Highway 218 to Cedar Rapids, and return over the same route. Between Ottumwa, Iowa, and Waterloo, Iowa, serving all intermediate points: From Ottumwa over U.S. Highway 63 to Waterloo, and return over the same route. Between junction U.S. Highway 63 and Iowa Highway 149 and Iowa City, Iowa serving all intermediate points: From junction U.S. Highway 63 and Iowa Highway 149 over Iowa Highway 149 to Sigourney, Iowa, thence over Iowa Highway 92 to junction Iowa Highway 1, thence over Iowa Highway 1 Iowa City, and return over the same route. Between Bloomfield, Iowa, and Kirksville, Mo., serving all intermediate points: From Bloomfield, over U.S. Highway 63 to Kirksville, and return over the same route. Between St. Joseph, Mo., and Kansas City, Mo., serving no intermediate points and serving the temini for purposes of joinder only: From St. Joseph over Interstate Highway 29 to Kansas City, and return over the same route. In connection with the routes described above in Section (C) service is authorized to all points in that part of Iowa on and east of U.S. Highway 63; those in that part of Missouri on and north of U.S. Highway 40; those in that part of Illinois north of a line beginning at a point on U.S. Highway 24 at the Illinois-Missouri State line and extending along U.S. Highway 24 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago Ill., (including all points in the Chicago, Ill., Commercial Zone as defined by the Commission as off-route points in connection with carrier's authorized regular-route operations in Section (C) above, and with carrier's otherwise authorized regular-route operations). Restriction: The operations authorized above in Section (C) are subject to the following conditions: Said operations are restricted to the transportation of traffic moving between Meadville, Mo., and points within 10 miles thereof, on the one hand, and, on the other, Kansas City, Kans., and points in Iowa, Missouri, Illinois. Said operations shall not be severable by sale or otherwise from the underlying irregular-route authority contained in Section (D) below. (D) Irregular routes: *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, Commidities in bulk, and commodities requiring special equipment: Between Meadville, Mo., and points within 10 miles thereof,on the one hand, and, on the other, Kansas City, Kans., and points in Iowa Missouri, and Illinois. By the instant petition, petitioner seeks to delete the Meadville, MO gateway and modify the first grant paragraph in Section (D) of its lead certificate so as to read as follows: Irregular routes, *general commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, between applicant's authorized regular-route authority in part (A), (B), and (C), of the lead certificate, noted above, on the one hand, and, on the other, points in IA, MO and IL. MC–116736 (Subs 10, 19, 27, 32, 57, 60, 61, 65, 68, 82, 84, 89, 90, 99, 106, 118, 119, 129, 132, 136, 137, 145, 153, 154, 159, 161, 167, 169, 172, 174, 176, 179, 182, 183, 185, 187, 188, 191, 192, 193, 199, 203, 204, 215, 217, 218, 220, 221, 227, 233, 235, 242, 247, 250, 255, 259, 277, 279, 283G, 285, 294, 295, 296, 304, 305, 306, 309, 313, 317, 320, 321, 322, 327, 329, 333, 341, (Map), 345, 346, 348, 351, 353, 362, 367, 368, 370, 377, 380, 383, 385, 389, 401, 402, 403, 407, 409, 413, 414, (Map), 417, 418, 420, 421, 424, 426, 427, 429, 430, 433, 434, 436, 437, 438, 444, 445, 446, 454, 455, 458, 459, 461, 462, 464, 465, 466, 467, 468, 469, 471, 473, 474, 475, 478, 480, 481, 486, 487, 489, 493, 499, 500, 501, 502, 504, 510, 514, 518, 519, 524, 526, 529, 538, 539, E–7, E–21, E–22, E–24, E–27, and E–29) (M-1F) (Petition For Modification of Certificates), filed May 14, 1980 Petitioner: CARL SUBLER TRUCKING, INC., P.O. Box 81, Versailles, OH 45380. Representative: J. G. Dail, Jr., P.O. Box LL, Mclean, VA 22101. Petioner holds motor *common carrier* certificates authorizing transportation, over irregular routes, of specified commodities described herein. By the instant petition, petitioner seeks to modify the certificates by deleting certain restrictions as follows:

MC–116763 Sub 10, issued July 18, 1979: (2) *tobacco,* with stems removed, in containers, from Versailles, OH, to Tampa, FL; * * * (4) *tobacco,* tobacco with stems removed, and tobacco with stems removed and leaves cut, chopped, or shredded, from points in Darke County, OH, to Jacksonville, Tampa, and Quincy, FL, and Waycross, GA: * * * (13) *fruit, vegetable, and poultry containers* except paper baskets) and such related incidential facilities as are used in the transportation of fruits, vegetables, and poultry, from Albany, Macon, and Savannah, GA, and High Point, NC, to points in FL, KY, and OH. Restriction: The service authorized herein is subject to the condition that carrier shall maintain completely separate accounting systems for its private and for-hire carrier operations. *Delete "with stems removed, in containers" from part (2), "tobacco with stems removed, and tobacco with stems removed and leaves cut, chopped, or shredded" from part (4), "(except paper baskets)" from part (13), and the Restriction. Sub 19, issued November 4, 1970: * * * Empty cans, and can lids, ends, and labels, from Elmwood, IN, Cincinnati and Hamilton, OH, Burlington, WI, and points, in IL, IA, the Lower Peninsula of MI, MO, NY, PA, and WV to points in KY, located in the Owensboro, KY, commercial zone as defined by the Commission, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized

herein is restricted insofar as traffic originating at points in IL, IN, the Lower Peninsula of MI, NY, OH, PA, WI, and the St. Louis, MO—East St. Louis, IL, commercial zone as defined by the Commission, is concerned, against the interchange of such traffic with other carriers and against the tacking or joining of the authority granted herein with any other authority presently held by carrier, by purposes of rendering through service. *Delete "against the interchange of such traffic with other carriers." Sub 27, issued November 6, 1963: *Charcoal* and *charcoal briquettes,* from Lyles, TN, to St. Louis, MO, and points in FL, GA, IL, IN, KY, MI, (except Detroit, MI, and points in the Detroit, MI, commercial zone as defined by the Commission), NC, OH, SC, and WV, with no transportation for compensation on return except as otherwise authorized. *Charcoal* and *charcoal briquettes,* in truckload shipments of not less than 20,000 pounds, from Cookeville, TN, to St. Louis, MO, and points in FL, IN, KY, MI, OH, WV, and that part of PA–OH, State line and extending along the PA Turnpike to Somerset, PA, and then along U.S. Hwy 219 to the PA–MD State line, with no transportation for compensation on return except as otherwise authorized, *Delete "(except Detroit, MI, and points in the Detroit, MI commercial zone as defined by the Commission)"; "in trunkload shipments of not less than 20,000 pounds." Sub 32, issued February 28, 1964: *Charcoal briquettes* and *wood chips,* from Lexington, MS, to points in FL, GA, MD, the lower Peninsula of MI, NJ, NY, NC, OH, PA, SC, VA, WV, IL (except Chicago and points in the Chicago, IL, Commercial Zone, as defined by the Commission), and IN (except points in the Chicago, IL, Commercial Zone, as defined by the Commission), with no transportation for compensation on return except as otherwise authorized. *Delete "(except Chicago and points in the Chicago, IL, Commercial Zone, as defined by the Commission)"; "except points in the Chicago IL, Commercial Zone, as defined by the commission)." Sub 57, issued September 20, 1966: *Animal and poultry feed and animal and poultry feed ingredients, and supplements (other than in bulk),* from Mendota, IL, and points in IA (except points in Scott, Lee and Muscatine Counties), to points in the lower peninsula of MI, and those in OH south of the Ohio Turnpike (except Akron), with no transportation for compensation on return except as otherwise authorized. *Delete "(except points in Scott, Lee and Muscatine Counties)"; "those in"; "south of the Ohio Turnpike (except Akron)". Sub 60, issued October 21, 1966: *Building supplies and building materials,* except stone, from points in IL (except Breese, Carlinville, Centralia, Chicago, Flora, Irvington, and Sparta), IN (except Elkhart, Indianapolis, Kokomo, and South Bend), points in the Lower Peninsula of MI (except Alpena and points in its commercial zone as defined by the Commission), and OH (except points in Medina, Portage, Stark, Summit, and Wayne Counties, and Cleveland, OH, and points in its commercial zone as defined by the Commercial), to points in FL, and that part of GA on and south of U.S. Highway 80, with no transportation for compensation on return except as otherwise authorized. *Delete "except stone"; "(except Breese, Carlinville, Centralia, Chicago, Flora, Irvington, and Sparta)"; and (except Elkhart, Indianapolis, Kokomo, and South Bend)"; "(except Alpena and points in its commercial zone as defined by the Commission)"; "(except points in Medina, Portage, Stark, Summit, and Wayne Counties, and Cleveland, OH, and points in its commercial zone as defined by the Commission)". Sub 61, issued October 6, 1966: *Building materials and supplies* (except cement, lumber, plywood, and forest products), from points in AR on and south of U.S. Hwy 79 (except Crossett and West Memphis, AR, and points in their respective commercial zones as defined by the Commission), and points in LA on and north of U.S. Hwy 80 (except Shreveport, LA, and points in the commercial zone thereof as defined by the Commission), to points in FL, and that part of GA on and south of U.S. Hwy 80, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the origin points specified above. *Delete "(except cement, lumber, plywood, and forest products)"; "(except Crossett and West Memphis, AR, and points in their respective commercial zones as defined by the Commission)"; "(except Shreveport, LA, and points in the commercial zone thereof as defined by the Commission)"; and the Restriction. Sub 65, issued December 6, 1966: *Ingredients, materials,* and *supplies* (except foodstuffs and commodities in bulk), used in the packaging, processing, or manufacturing and distribution of foodstuffs, from points in AL, that part of LA south of U.S. Hwy 80, and that part of MS south of U.S. Hwy 80, to points in FL on and south of U.S. Hwy 92, with no transportation for compensation on return except as otherwise authorized. *Delete "that part of"; "south of U.S. Hwy 80". Sub 68, issued March 20, 1967: *Building materials and supplies,* except commodities in bulk and articles which because of size or weight require the use of special equipment), from Dover and Zanesville, OH, and points in MI on and south of Michigan Hwy 55 (except points in Macomb, Oakland, Wayne Counties, MI), to points in CT, MA, NH, RI, and VT, with no transportation for compensation on return except as otherwise authorized. From points in NY on and west of NY Hwy 14, except Rochester, NY, and points in the Rochester, NY commercial zone as defined by the Commission, to points in FL and those in GA south of U.S. Hwy 80, with no transportation for compensation on return except as otherwise authorized. *Delete "on and south of MI Hwy 55 (except points in Macomb, Oakland, Wayne Counties, MI)"; "except Rochester, NY, and points in the Rochester, NY commercial zone as defined by the Commission". Sub 82, issued April 18, 1967: *Building materials* and *building supplies,* except lumber, plywood, veneer, and cement, from points in that part of GA south of U.S. Hwy 80, to points in IL, IN, KY, MI, those in that part of NY on and west of Interstate Hwy 81 (except Endicott and Binghamton), OH, WV, and WI, with no transportation for compensation on return except as otherwise authorized. *Delete "except lumber, plywood, veneer, and cement"; "(except Endicott and Binghamton)". Sub 84, issued March 3, 1967: *Building materials and supplies,* from points in IA, (except those in Scott County, IA), and points in WI (except those in Marathon, Marinette, Forest, Waukesha, Waupaca, Winnebago, and Wood Counties, WI), to those points in that part of FL east of the Suwanne River and those points in that part of GA on and south of U.S. Hwy 80, with no transportation for compensation on return except as otherwise authorized. *Building materials and supplies (except lumber and plywood),* from points in MO (except St. Louis, MO, and points in the St. Louis, MO commercial zone as defined by the Commission, and points in Jefferson, Marion, Ste. Genevieve, and St. Francois Counties, MO), to those points in that part of FL east of the Suwanee River and those points in that part of GA on and south of U.S. Hwy 80, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is restricted to the transportation of traffic originating in the described origin areas. *Delete

"(except those in Scott County, IA)"; "(except those in Marathon, Marinette, Forest, Waukesha, Waupaca, Winnebago, and Wood Counties, WI); "(except lumber and plywood)"; "(except St. Louis, MO, and points in the St. Louis, MO commercial zone as defined by the Commission, and points in Jefferson, Marion, Ste. Genevieve, and St. Francois Counties, MO)"; "those"; "in that part of"; "east of the Suwanee River"; and the Restriction. Sub 89, issued July 21, 1967: *Building materials* (except lumber and commodities in bulk), from points in KY (except Calvert City, Catlettsburg, Louisville, and Owensboro, KY, and their commercial zones as defined by the Commission), and Parkersburg, WV, to points in FL, and points in GA on and south of U.S. Hwy 80, with no transportation for compensation on return except as otherwise authorized. *Delete "lumber and"; "(except Calvert City, Catlettsburg, Louisville, and Owensboro, KY, and their commercial zones as defined by the Commission)". Sub 90, issued June 29, 1967: *Building materials and building supplies* (except cement, lumber, stone, and commodities in bulk), from points in IN (except Elkhart, Indianapolis, Kokomo, and South Bend and points in their respective commercial zones, as defined by the Commission, and points in Lake County, IN), those points in that part of the Lower Peninsula of MI on and south of MI Hwy 21, and OH (except Coshocton and Ironton and points in their respective commercial zones as defined by the Commission), to points in that part of AL located south of U.S. Hwy 80, LA (except New Orleans and points in its commercial zone as defined by the Commission), and MS (except Jackson and Meridian and points in their respective commercial zones as defined by the Commission), with no transportation for compensation on return except as otherwise authorized. *Delete "cement, lumber, stone, and"; "(except Elkhart, Indianapolis, Kokomo, and South Bend and points in their respective commercial zones as defined by the Commission, and points in Lake County, IN),"; "(except Coshocton and Ironton and points in their respective commercial zones as defined by the Commission)"; "(except New Orleans and points in its commercial zone as defined by the Commission)"; "(except Jackson and Meridian and points in their respective commercial zones as defined by the commission)". Sub 99, issued April 12, 1967: *Tires, tire tubes, rubber retreading materials, and plastic tire materials* (except such commodities in bulk), between Greenville and Bryan, OH, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, RI, VT, WI, and DC, points in that part of MI north of Interstate Hwy 96 (except Muskegon, MI), points in that part of NY east of Interstate Hwy 81, and those in that part of PA east of U.S. Hwy 220 (except Scranton and Philadelphia, PA). *Delete "points in that part of"; "north of Interstate Hwy 96 (except Muskegon, MI), points in that part of"; "east of Interstate Hwy 81, and those in that part of"; "east of U.S. Hwy 220 (except Scranton and Philadelphia, PA)". Sub 106, issued January 23, 1968: *Wood pulp dishes, plates, trays, and partitions,* from the plant site of the Keyes Fibre Company, at Waterville, ME, and from its warehouse at Portland, ME, to points in AL, AR, KY, LA, MS, TN, IL, IN, IA, MI, MN, MO, OH, and WI, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the plant site at Waterville and the warehouse at Portland. *Delete "the plant site of the Keyes Fibre Company, at"; "from its warehouse at"; and the Restriction. Sub 118, issued April 10, 1975: *Washing and cleaning compounds, fuel lighting liquids, antifreeze, lubricating oils,* and *materials and supplies* used in connection with painting, all in mixed loads with paint (otherwise authorized), except commodities in bulk, from the plant site and storage facilities of Standard T Chemical Company, Inc., at or near Chicago Heights, IL, to points in FL, (except points in Escambia and Santa Rosa Counties), with no transportation for compensation on return except as otherwise authorized. *Delete "all in mixed loads with paint (otherwise authorized)"; "the plant site and storage facilities of Standard T Chemical Company, Inc., at or near"; "(except points in Escambia and Santa Rosa Counties)". Sub 119, issued July 4, 1968:

Cabinets, in packages, and *accessorial parts and materials* used in the installation of cabinets, from Union City, IN, to points in CT, DE, GA, IL, IA, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI (except Superior, WI), and DC, and *Materials, supplies and equipment* used in the manufacturing, packaging, or distribution of cabinets (except commodities in bulk), from points in the above-described destination territory to Union City, IN. Restriction: the authority granted herein is restricted to the transportation of traffic originating at the described origins and destined to the described destinations. *Delete "(except Superior, WI)"; and the Restriction. Sub 129, issued March 17, 1969: *Building materials and supplies* (except lumber and commodities in bulk), from the plant and warehouse sites of the Celotex Corporation at Lagro and Wabash, IN to points in that part of GA north of U.S. Hwy 80, those in that part of AL on and north of U.S. Hwy 80, Jackson and Meridian, MS and New Orleans, LA, with no transportation for compensation on return except as otherwise authorized. *Paper, paper articles, and printed materials,* from the facilities of Kimberly-Clark Corporation at West Carrollton, OH to Boston, MA, with no transportation for compensation on return except as otherwise authorized. *Delete "lumber and"; "the plant and warehouse sites of the Celotex Corporation at"; "the facilities of Kimberly-Clark Corporation at". Sub 132, issued March 12, 1969: (1) *Furnaces, furnace radiators, air conditioners, air cleaners, coolers, heaters,* and *roof fasteners,* and (2) *accessories* used in the installation of the commodities named in (1) above (except commodities which because of size or weight require the use of special equipment), from Bryan, OH, to points in CT, ME, MA, NH, RI, and VT, and to New Orleans, LA, and Jackson and Meridian, MS, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the facilities of Bard Manufacturing Company, at Bryan, OH. *Delete the Restriction. Sub 136, issued April 1, 1969: *Window glass,* from Shreveport, LA, to points in FL, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authority herein is restricted to the transportation of traffic originating at the plant site or storage facilities of Libbey-Owens-Ford Company at Shreveport, LA. *Delete the Restriction. Sub 137, issued August 20, 1969: *Telephone directories,* from the plant site and warehouse facilities of the R. R. Donnelley & Sons Company at Dwight, IL, to points in MI, OH, PA, and WV, with no transportation for compensation on return except as otherwise authorized. *Delete "the plant site and warehouse facilities of the R. R. Donnelley & Sons Company at". Sub 145, issued November 6, 1969: (1) *Furnaces, furnace radiators, air conditioners, air cleaners, coolers, heaters, roof fasteners,* and (2) *parts and accessories* used in installation of items named in (1) above, from Bryan, OH, to points in AR, those in that part of AL on and north of U.S. Hwy 80, those in that part of GA north of U.S. Hwy 80, and

points in OK and TX, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is restricted to the transportation of traffic originating at the facilities of Bard Manufacturing Company at Bryan, OH. *Delete the Restriction. Sub 153, issued September 10, 1970: *Such commodities* as are used, distributed, or dealt in by automotive, vehicular, or engine supply outlets, manufacturers, or distributors, from points in AZ, CA, ID, points in that part of IL north of U.S. Hwy 24 (except Chicago, Aurora, Joliet, and Deerfield and points in their commercial zones as defined by the Commission), IN (except Indianapolis, Kokomo, South Bend, and Terre Haute, and points in their commercial zones as defined by the Commission), KY (except Louisville and points in its commercial zone as defined by the Commission), ME, MO (except St. Louis and points in its commercial zones as defined by the Commission), MT, NV, NH, NM, that part of NY west of NY Hwy 14, ND, OH (except Cincinnati and points in its commercial zone as defined by the Commission), OR, that part of PA on and north of a line beginning at the PA–OH State line and extending along the PA Turnpike to junction U.S. Hwy 15, then along U.S. Hwy 15 to the PA–MD State line, including Harrisburg, PA, that part of TX on and east of a line beginning at the OK–TX State line at Interstate Hwy 35 and extending along Interstate Hwy 35 to Denton, TX, then along Interstate Hwy 35 to Denton, TX, then along Interstate Hwy 35W to junction Interstate Hwy 35E near Hillsboro, TX, then along Interstate 35 Hwy 35 to San Antonio, TX, then along U.S. 181 to Hwy 181 to Corpus Christi, TX, UT, VT, WA, that part of WV on and west of Interstate Hwy 77, and WV, to points in FL, with no transportation for compensation on return except as otherwise authorized. *Delete "(except Chicago, Aurora, Joliet, and Deerfield and points in their commercial zones as defined by the Commission)"; "(except Indianapolis, Kokomo, South Bend, and Terre Haute, and points in their commercial zones as defined by the Commission)"; "(except Louisville and points in its commercial zone as defined by the Commission)"; "(except St. Louis and points in its commercial zones as defined by the Commission)"; "(except Cincinnati and points in its commercial zone as defined by the Commission)". Sub 154, issued September 24, 1970: *Cheese, cheese products,* and *ingredients* used in the manufacturing or processing of cheese and cheese products, unfrozen (except commodities in bulk), from points in AL, AZ, AR, CT, DE, FL, GA, ID, KS, KY, LA, ME, MD, MA, MI, MS, MO, (except St. Louis), MT, NV, NH, NJ, (except points in Union County), NM, MY, (except points in that part of New York, NY, commercial zone within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the act (the "exempt" zone) and points in Monroe and Wayne Counties, NY), NC, OK, PA (except Philadelphia, and points in its commercial zone as defined by the Commission), RI, SC, TN, TX, UT, VT, VA, WV, WY, and DC, to the plant site and storage facilities of the Fisher Cheese Company at Lima and Wapakoneta, OH, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized immediately above are restricted to the transportation of traffic destined to the immediately above-named plant site and storage facilities. *Delete "(except St. Louis)"; "(except points in Union County)"; "(except points in that part of New York, NY commercial zone within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the act (the "exempt" zone) and points in Monroe and Wayne Counties, NY)"; "(except Philadelphia, and points in its commercial zone as defined by the Commission)"; "the plant site and storage facilities of the Fisher Cheese Company at"; and the Restriction. Sub 159, issued January 6, 1971: *Building materials and supplies* (except lumber, plywood, and commodities in bulk), from Westlake, OH, to New Orleans, LA, Jackson and Meridian, MS, points in FL, points in that part of AL on and north of U.S. Hwy 80, and points in that part of GA on and south of U.S. Hwy 80 (except Savannah, GA, and its commercial zone as defined by the Commission), with no transportation for compensation on return except as otherwise authorized.

Restriction: The authority granted herein is restricted to the transportation of shipments originating at the facilities of Donn Products, Inc., at Westlake, OH. *Delete "lumber, plywood, and"; "(except Savannah, GA, and its commercial zone as defined by the Commission)"; and the Restriction. Sub 161, issued January 14, 1971: Carpet, and *materials and supplies* used in the manufacturing, installation, and distribution of carpet (except in bulk), from the plant site and storage facilities of Florida Tile Industries, Inc., Lakeland, FL, to points in AR, LA, MS, OK, and TX, with no transportation for compensation on return except as otherwise authorized. From points in AR, MS, OK, and TX, to the plant site and storage facilities of Florida Tile Industries, Inc., Lakeland, FL, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic originating at or destined to the above-named plant site and storage facilities. *Delete "the plant site and storage facilities of Florida Tile Industries, Inc."; "the plant site and storage facilities of Florida Tile Industries, Inc."; and the Restriction. Sub 167, issued September 20, 1971: *Such commodities* as are manufactured, processed or dealt in by rubber products manufacturers, from the plant site of General Tire and Rubber Company at or near Mayfield, KY, to points in AL, AR, FL, GA, LA, MI, and MS, with no transportation for compensation on return except as otherwise authorized. *Materials and supplies* used in the conduct of such businesses (except in bulk), from points in AL, AR, FL, GA, LA, MI, and MS, to the plant site of General Tire and Rubber Company at or near Mayfield, KY, with no transportation for compensation on return except as otherwise authorized. *Delete "the plant site of General Tire and Rubber Company at or near"; "the plant site of General Tire and Rubber Company at or near". Sub 169, issued March 5, 1971: *Air cleaning, heating, and cooling systems and roof fasteners,* from Bryan, OH, to points in NY, and PA, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized above are restricted to the transportation of shipments originating at the facilities of Bard Manufacting, at Byran, OH, and destined to points in the above-named destination. *Delete the Restriction. Sub 172, issued February 1, 1972: *Food and foodstuffs* (except frozen), and *ingredients, materials, equipment and supplies,* used in the manufacturing, packaging and distribution of food and foodstuffs, from points in AL, CT, DE, FL, GA, IN, KY, ME, MD, MA, MT, NV, NH, NY, (except New York City and its commercial zone, as defined by the Commission), NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, WY, and DC, to Hannibal, MO, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted immediately above is restricted to the transportation of traffic originating at the above-named origins and destined to the facilities of the William Underwood Company at or near Hannibal, MO. Restriction: The authority granted herein

is restricted against the transportation of commodities in bulk. *Delete "(except New York City and its commercial zone, as defined by the Commission)"; and the first Restriction. Sub 174, issued May 5, 1972: *Filters,* and *filter parts and accessories,* from Los Angeles, CA, to points in AL, AR, GA, KY, LA, MS, NC, OK, SC, TN, TX, VA, and WV, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted above is restricted to the transportation of traffic originating at Los Angeles, CA, or points in its commercial zone as defined by the Commission. *Delete the Restriction. Sub 176, issued September 15, 1975: *Paper, paper articles,* and *printed materials,* from the plant site of the Miami Paper Corporation, a subsidiary of Pentair. Industries, Inc., at West Carrollton, OH, to points in CT, MA, and RI, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized above are restricted to the transportation of shipments originating at the above-named plant site and destined to the above-named destination points. From the plant site of the Beveridge Paper Company, at Indianapolis, IN, to points in AL, CT, FL, GA, LA, ME, MA, MS, NH, OK, RI, TX, and VT, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized immediately above are restricted to the transportation of shipments originating at the immediately above named plant site, *Delete "the plant site of the Miami Paper Corporation, a subsidiary of Pentair Industries, Inc., at"; "the plant site of the Beveridge Paper Company, at"; and both Restrictions. Sub 179, issued July 21, 1972: *Lighting fixtures,* from the facilities of Lithonia Lighting, at Conyers, GA, to points in that part of the U.S. in and west of MN, IA, MO (except St. Louis and Kansas City), AR, and LA, except AK and HA, with no transportation for compensation on return except as otherwise authorized. *Delete "the facilities of Lithonia Lighting, at"; "(except St. Louis and Kansas City)." Sub 182, issued October 2, 1972: *Clay,* in containers, from the plant site of Waverly Mineral Products Company, located approximately 3 miles from Ochlocknee, GA, to points in AR, IL (except Chicago and its commercial zone), IN (except Indianapolis and its commercial zone), IA, KY, LA, ME, MI, MN, MS, MO, NH, OH, OK, TN, TX, VT, and WI with no transportation for compensation on return except as otherwise authorized. From the plant site of Superior Pet Products, Inc., at Quincy, FL, to points in AR, IL (except Chicago and its commercial zone), IN (except Indianapolis and its commercial zone), IA, KY, LA, ME, MI, MN, MS, MO, NH, OH, OK, TN, TX VT, and WI with no transportation on return except as otherwise authorized. From the plant site of Waverly Mineral Products Company, located approximately 3 miles from Ochlocknee, GA, to points in FL with no transportation for compensation on return except as otherwise authorized. *Delete "(except Chicago and its comnmercial zone)"; (except Indianapolis and its commercial zone)"; "the plant site of Superior Pet Products, Inc., at"; "(except Chicago and its commercial zone)"; "(except Indianapolis and its commercial zone)". Sub 183, issued December 28, 1971: *Such commodities* as are used, distributed, or dealt in by automotive, vehicular, or engine supply outlets, manufacturers, or distributors, from points in FL to Versailles, OH, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted against the transportation of (a) commodities, the transportation of which because of size or weight requires the use of special equipment, (b) paper and paper products, (c) automobiles, trucks, and buses, as designated in the report in *Descriptions of Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (d) passenger or property carrying golf buggies or commercial adaptations thereof, and (3) commodities in bulk. *Delete from the Restriction "(b) paper and paper products"; "(d) passenger or property carrying golf buggies or commercial adaptations thereof". Sub 185, issued August 22, 1972: *Building materials, building supplies, furnaces, air conditioners, air cleaners, coolers* and *heaters,* from Bryan, Bellevue, and Westlake, OH, to points in that part of the U.S. in and west of NM, CO, WY, and MT (except AK and HI), with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted against the transportation of commodities in bulk, and commodities, the transportation of which, because of size or weight, requires the use of special equipment. the operations authorized herein are restricted to traffic originating at the plant sites and storage facilities of Bard Manufacturing Co., Bryan, OH, Johnson Furnace, Co., Bellevue. OH, and Donn Products. Inc., Westlake. OH. *Delete from the Restriction "The operations authorized herein are restricted to traffic originating at the plant sites and storage facilities of Bard Manufacturing Co., Byran, OH, Johnson Furnace Co., Bellevue, OH, and Donn Products, Inc., Westlake, OH. Sub 187, issued January 13, 1972: (1) *Such commodities* as are manufactured, processed, or dealt in by tobacco and tobacco product growers, manufacturers, processors and distributors, and (2) Materials, supplies and equipment used in the conduct of their businesses described in (1) above, from Cullman, AL, to points in AZ, AR, CA, CO, ID, IA, MT, NE, NV, NM, ND, OR, SD, UT, WA, and WY, with no transportation for compensation on return except as otherwise authorized. From Jacksonville, FL, and Waycross, GA, to points in AZ, AR, CA, CO, ID, IA, KS, MN, MO (except St. Louis, MO, and points in the St. Louis, Missouri-East St. Louis, IL commercial zone, as defined by the Commission), MT, NE, NV, NM, ND, OK, OR, SD, TX, (except Beaumont and Houston, TX) and points in the Beaumont and Houston commercial zones, as defined by the Commission, UT, WA, and WY, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic originating at the facilities of Jno. H. Swisher and Son, Inc., and destined to the above-named destination points. Said operations are restricted against transportation of commodities in bulk. *Delete "(except St. Louis, MO, and points in the St. Louis, MO-East St. Louis, IL, commercial zone, as defined by the Commission)"; (except Beaumont and Houston, TX) and points in the Beaumont and Houston commercial zones, as defined by the Commission"; "Said operations are restricted to the transportation of traffic originating at the facilities of Jno. H. Swisher and Son, Inc., and destined to the above-named destination points." Sub 188, issued February 27, 1974: *Paper, paper articles,* and *printed materials,* from Lincoln, Millinocket, East Millinocket, Rumford, Westbrook, and Woodland, ME, Gilman, VT, Nashua and Merrimack, NH, the facilities of Kimberly-Clark Corporation at or near Lee, MA, and New Milford, CT, and the facilities of Georgia-Pacific Corporation at or near Lyons Falls, Plattsburgh, Utica, and Guilderland Center, NY, to points in AL, AZ, AR, CA, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NV, NM, NC, OH, OK, SC, TN, TX, UT, VA, WV, WI, DC, and Harrisburg, Pa, and points in

that part of PA on and west of U.S. Hwy 15, with no transportation for compensation on return except as otherwise authorized. *Delete "the facilities of Kimberly-Clark Corporation at or near"; "the facilities of Georgia-Pacific Corporation at or near". Sub 191, issued July 24, 1972: *Foundry equipment, and supplies, medical furniture, cabinets, equipment and supplies,* and *fabricated metal products,* from Versailles and Minster, OH, to points in AZ, AR, CA, CO, CT, DE, ID, IA, KS, LA, ME, MD, MA, MS, MO (except points in the St. Louis, MO commercial zone as defined by the Commission), MT, NE, NV, NH, NM, ND, OK, OR, RI, SD, TX, UT, VT, VA, WA, WY, and DC, and *foundry equipment, and supplies, medical furniture, cabinets, equipment and supplies, fabricated metal products,* and *materials and supplies* used in the items named above, from points in the above-specified destination States to Versailles and Minster, OH. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic originating at and destined to the named origin and destination points. Said operations are restricted against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment. *Delete "(except points in the St. Louis, MO commercial zone as defined by the Commission)"; "Said operations are restricted to the transportation of traffic originating at and destined to the named origin and destination points". Sub 192, issued September 1, 1972: *Iron and steel wire, cable, strand, and spirals,* from Jacksonville, FL, to points in WA, OR, CA, ID, NV, UT, AZ, MT, WY, CO, NM, ND, SD, NE, KS, OK, TX, MN, IA, MO, and AR, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the plant facility of Florida Wire and Cable Company at or near Jacksonville, FL, and destined to points in the above-described destination territory. *Delete the Restriction. Sub 193, issued July 11, 1972: *Clay tile* and *commodities* used in the manufacturing, installation and distribution of clay tile (except in bulk), between Lawrenceburg, KY, on the one hand, and, on the other, points in AZ, CA, ID, MT, NV, NM, OR, UT, WA, and WY. From Lakeland, FL, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA, and WY, with no transportation for compensation on return except as otherwise authorized. From points in AL, AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI, WY, and points in that part of NY west of Interstate Hwy 81, to Lakeland, FL, with no transportation for compensation on return except as otherwise authorized. *Clay tile,* from points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, to Lawrenceburg, KY, with no transportation for compensation on return except as otherwise authorized. *Carpet* and *commodities* used in the manufacturing, installation, and distribution of carpet (except in bulk), between Lakeland, FL, on the one hand, and, on the other, points in AZ, CA, CO, ID, IA, KS, MN, MO, MT, NE, NV, NM, ND, OR, SD, UT, WA, and WY. Restriction: The authority granted herein is restricted to the transportation of traffic originating at, or destined to, the facilities of Florida Tile Industries, Inc., *Delete the Restriction. Sub 199, issued April 10, 1975: (1) *Doors* and *door sections* and (2) *accessories and materials* used in the installation of the commodities named in (1) above, from Russia, OH, to points in the U.S. (except AK, HA, and OH), with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the facilities of Clopay Corporation, at or near Russia, OH. *Delete the Restriction. Sub 203, issued January 26, 1973: *Paper* and *paper products,* from Eaton, IN, to points in OK, TX, MS, LA, NC, and AR, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein is restricted to the transportation of traffic originating at the plant site or storage facilities of Cleveland Partition Corporation at or near Eaton, IN. *Delete the Restriction. Sub 204, issued April 16, 1973: *Floor coverings,* and *materials and supplies* (except commodities in bulk) used in the distribution and installation of floor coverings, from Marcus Hook, Pa, Trenton, and Kearny, NJ, and Wilburton, OK, to points in AZ, CA, ID, MT, NV, NM, OR, UT, WA, and WY, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is restricted to the transportation of shipments originating at the plant sites and facilities of Congoleum Industries, Inc. at or near Marcus Hook, PA, Trenton and Kearny, NJ and Wilburton, OK. *Delete the Restriction. Sub 215, issued October 31, 1972: *Paints, stains, and varnishes, caulking and glazing compounds, roofing, cement, petroleum oils and greases, and sealants and adhesives* (except in bulk), from the facilities of Parr, Inc., at Cleveland, OH, to Americus, GA, Shreveport, LA, Ocala, FL, and Richland Hills, TX, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above described origin point. *Delete "the facilities of Parr, Inc., at"; and the Restriction. Sub 217, issued February 26, 1973: *Gypsum* and *gypsum products, composition boards, insulating materials, roofing* and *roofing materials, urethane* and *urethane products,* (except commodities in bulk), from the facilities of Celotex Corporation at Lagro and Wabash, IN, to points in AR, OK, TN, and TX, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the above-named origin points and destined to points in the above-named States. *Delete "the facilities of Celotex Corporation at"; and the Restriction. Sub 218, issued December 18, 1972: *Petroleum products,* (except in bulk, in tank vehicles), from Wichita, KS, to points in KY and VA, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the facilities of Southwest Grease & Oil Co., Inc., at Wichita, KS, and destined to points in the named destination States. *Delete the Restriction. Sub 220, issued August 24, 1977: *Animal feeds* (except commodities in bulk), from Sebring, OH to points in that part of the U.S. in and east of MN, IA, MO, AR, and LA (except OH), with no transportation for compensation on return except as otherwise authorized. *Materials and supplies* used in the manufacture, packaging, and distribution of animal feed (except commodities in bulk), from points in AL, DE, FL, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, PA, TN, TX, WI, and points in that part of CO east of U.S. Hwy 85, to Sebring, OH with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of shipments originating at or destined to the facilities of Carnation Company, at Sebring, OH. *Delete the Restriction. Sub 221, issued April 6, 1973: *Such*

commodities as are produced, used or distributed by manufacturers and converters of paper and paper products (except commodities in bulk, and commodities which because of size or weight require the use of special equipment), from the facilities of the Northwest Paper Company at Brainerd and Cloquet, MN, to points in AL, CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, and DC, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the above-named facilities and destined to the above-named States. *Delete "the facilities of the Northwest Paper Company at"; and the Restriction. Sub 227, issued October 9, 1973: *Air cleaning, heating and cooling systems* (except commodities which because of size or weight require the use of special equipment), from Bryan, OH, to points in DE, KY, MD, NC, SC, TN, VA, WV, and DC, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plant site and storage facilities of Bard Manufacturing Company, at Bryan, OH, and destined to the named destinations. *Delete the Restriction Sub 233, issued August 29, 1975: *Paper* and *paper articles,* from the facilities of the Miami Paper Corporation, a subsidiary of Pentair Industries, Inc., at West Carrollton, OH, to points in MD, NJ, that part of NY on and east of Interstate Hwy 81, that part of PA on and east of U.S. Hwy 220, TN, VA, and DC, with no transportation for compensation on return except as otherwise authorized. From the facilities of Bergstrom Paper Company, at West Carrollton, OH, to points in MD, NJ, that part of NY on and east of Interstate Hwy 81, that part of PA on and east of U.S. Hwy 220, TN, VA, that part of AL on and north of U.S. Hwy 80, CT, GA, (north of U.S. Highway 80), MA (except Boston), RI, and DC, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named facilities and destined to the named destinations States. *Delete "the facilities of the Miami Paper Corporation, a subsidiary of Pentair Industries, Inc., at"; "that part of "; "on and east of Interstate Hwy 81, that part of "; "on and east of U.S. Highway 220"; "the facilities of Bergstrom Paper Company, at"; "that part of ";"on and east of Interstate Hwy 81, that part of";"on and east of U.S. Hwy 220"; "(except Boston)"; and the Restriction. Sub 235, issued March 7, 1974: (2) *Foodstuffs,* and *materials and supplies* used in the manufacture and distribution of foodstuffs, from Memphis, TN, to Orrville, OH, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority is restricted in parts (1) (a), (b) and (c), and part (2) to traffic originating at the facilities of the J.M. Smucker Co., and destined to points in the described destination territories. *Delete "and part (2)". Sub 242, issued January 2, 1974: (1) *Swimming and wading pools.* (2) *filters,* cleaners, and *purifiers* for the commodities described in (1) above, and (3) *parts, attachments, and accessories* for the commodities described in (1) and (2) above, from Versailles, OH, to points in the U.S. in and east of LA, AR, MO, IA, and MN, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the facilities of Doughboy Recreational Products Division, Domain Industries, Inc.

*Delete the Restriction. Sub 247, issued March 19, 1974: *Meat, meat products, meat by-products, foodstuffs, canning plant materials, equipment, and supplies* (except hides or commodities in bulk), from points in MI, OH, PA, IN, AL, FL, GA, MS, and MN, to the facilities utilized by Geo. A. Hormel & Co., at or near Beloit, WI, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted next-above is restricted to the transportation of shipments originating at the named origins and destined to the named destination. *Delete "the facilities utilized by Geo. A. Hormel & Co., at or near"; and the Restriction. Sub 250, issued September 11, 1974: *Molded woodpulp products* and *materials, supplies, and equipment* used in the manufacturing, packaging, and distribution of molded woodpulp products (except in bulk), between Welch, WA, on the one hand, and, on the other, points in the U.S. (except AK, HI, and WA). Between Florin, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI, and CA.) Restriction: The authority granted herein is restricted to the transportation of traffic which either originates at or is destined to the facilities of Keyes Fibre Company at Welch, WA, or Florin, CA. *Delete the Restriction. Sub 255, issued March 30, 1976: *Clay* (except in bulk), from the plant site of Waverly Mineral Products Co., in Thomas County, GA, to Chicago, IL, Indianapolis, IN, points in that part of NY north of NY Hwy 7, and points in CO, KS, and NE, with no transportation for compensation on return except as otherwise authorized. From Quincy, FL, and from the plant site of Floridin Company in Thomas County, GA, to points in that part of NY north of NY Hwy 7, and points in AR, CO, IL, IN, IA, KS, KY, LA, ME, MI, MN, MS, MO, NE, NH, OH, OK, TN, TX, VT, and WI, with no transportation for compensation on return except as otherwise authorized. *Delete "the plant site of Waverly Mineral Products Co., in"; "points in that part of"; "north of NY Hwy 7, amd points in"; "from the plant site of Floridin Company in"; "that part of"; "north of NY Hwy 7, and points in". Sub 259, issued March 12, 1974: *Building materials and supplies* (except commodities in bulk), from Westlake, OH, to points in AR, OK, and TX, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the facilities of Donn Products, Inc., at Westlake, OH. *Delete the Restriction. Sub 277, issued January 20, 1975: *Yarn,* from the facilities of La Costa Industries, at Costa Mesa, CA, to Wilburton, OK, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named facilities and destined to the named destination. *Delete "the facilities of La Costa Industries at"; and the Restriction. Sub 279, issued May 20, 1975: *Lumber, plywood, shingles,* and *shakes,* from points in CO, ID, MT, UT, WY, OR, and WA, to points in AL, CT, DE, FL, GA, ME, MD, MA, MS, NH, NJ, NY, NC, RI, SC, VT, VA, DC, and Versailles, OH, with no transportation for compensation on return except as otherwise authorized. From points in ID, UT, WY, OR, and WA, to points in AR, LA, OK, TN, and TX, with no transportation for compensation on return except as otherwise authorized. From points in CO, UT, and WY, to points in PA and WV, with no transportation for compensation on return except as otherwise authorized. From points in UT (except Uintah and Wasatch Counties and Kamas, UT), to points in KS, KY, MI, and OH, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to traffic originating at the named origins and destined to the

named destination States. *Delete "(except Uintah and Wasatch Counties and Kamas, UT)"; and the Restriction. Sub 283G, issued April 16, 1975: (1) *Woodpulp, dishes, plates,* and *trays,* from the plant site and warehouse of the Keyes Fibre Company at Waterville and Portland, ME, to points in FL, GA, and those in that part of OK on and east of Interstate Hwy 35, with no transportation for compensation on return except as otherwise authorized. (2) *Such commodities* as are used, distributed, or dealt in by automotive, vehicular, or engine supply outlets, manufacturers, or distributors, (a) from points in AZ, AR, CA, ID, those in that part of IL north of U.S. Hwy 24 (except Chicago, Aurora, Joliet, Deerfield, and points in their commercial zones as defined by the Commission), IN (except Indianapolis, Kokomo, South Bend, Terre Haute, and points in their commercial zones as defined by the Commission), KY (except Louisville and points in its commercial zone as defined by the Commission), LA, ME, MO (except St. Louis and points in its commercial zone as defined by the Commission), MT, NV, NH, NM, those in that part of NY west of NY Hwy 14, ND, OR, those in that part of PA on and north of a line beginning at the PA–OH State line, and extending along the PA Turnpike to junction U.S. Hwy 15, then along U.S. Hwy 15 to the PA–NY State line (including Harrisburg, PA), those in that part of TX on and east of a line beginning at the OK–TX State line at Interstate Hwy 35 and extending along Interstate Hwy 35 to Denton, then along Interstate Hwy 35E near Hillsboro, then along Interstate 35 to San Antonio, then along U.S. Hwy 181 to Corpus Christi, UT, VT, WA, that part of WV on and west of Interstate Hwy 77, and WY, to Versailles, OH, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted under (a) above is restricted against the transportation of (I) commodities the transportation of which because of size or weight requires the use of special equipment, (II) automobiles, trucks, and buses as described in the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (III) commodities in bulk, (IV) paper and paper products, and (V) Passenger or property carrying golf buggies or commercial adaptations thereof. (b) from points in CO, IA, KS, MN, NE, OK, and SD, to Versailles, OH with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted under (b) above is restricted against the transportation of (I) commodities the transportation of which because of size or weight requires the use of special equipment, (II) automobiles, trucks, and buses as described in the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 299 and 766, (III) tractors and farm machinery, (IV) commodities in bulk, (V) paper and paper products, and (VI) passenger or property carrying golf buggies or commercial adoptations thereof. *Delete "the plant site and warehouse of the Keyes Fibre Company at"; "(except Chicago, Aurora, Joliet, Deerfield, and points in their commercial zones as defined by the Commission)"; "(except Indianapolis, Kokomo, South Bend, Terre Haute, and points in their commercial zones as defined by the Commission)"; "(except Louisville and points in its commercial zone as defined by the Commission)"; "(except St. Louis and points in its commerical zone as defined by the Commission)"; "(IV) paper and paper products, and (V) passenger or property carrying golf buggies or commerical adaptations thereof," "(III) tractors and farm machinery"; "(V) paper and paper products, and (VI) passenger or property carrying golf buggies or commerical adaptations thereof." Sub 285, issued September 29, 1975: *Lighting fixtures,* and *lighting fixtures parts,* from Cochran, GA, to points in AZ, AR, CA, CO, ID, IA, FL, KS, KY, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY, with no transportation for compensation on return except as otherwise authorized. From Conyers, GA, to St. Louis and Kansas City, MO, and points in KY and WI, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of shipments which originate at the plant sites and warehouse facilities of the Lithonia Lighting Division, of National Service Industries, Inc., at or near Cochran and Conyers, GA. *Delete the Restriction. Sub 294, issued August 27, 1976: *Clay* and *clay products,* from the facilities of Waverly Mineral Products Co., at or near Pinewood, SC, to points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, ME, MI, MN, MS, MO, NE, NH, NM, ND, OH, OK, SD, TX, VT, and WI, with no transportation for compensation on return except as otherwise authorized. *Delete "the facilities of Waverly Mineral Products Co., at or near". Sub 295, issued August 11, 1975: *Flat glass,* from the facilities of PPG Industries, Inc., at or near Mt. Holly Springs, PA, and Cumberland, MD, to points in FL, with no transportation for compensation on return except as otherwise authorized. *Delete "the facilities of PPG Industries, Inc., at or near". Sub 296, issued March 10, 1976: *Flat glass,* from the facilities of PPG Industries, Inc., located at or near Wichita Falls, TX, to points in AL, FL, GA, MS, ND, and TN, with no transportation for compensation on return except as otherwise authorized. From the facilities of PPG Industries, Inc., at or near Crystal City, MO, to points in AL, FL, and MS, with no transportation for compensation on return except as otherwise authorized. *Delete "the facilities of PPG Industries, Inc., located at or near"; "the facilities of PPG Industries, Inc., located at or near". Sub 304, issued September 9, 1976: *Glass* and *glass products,* between the facilities of Fourco Glass Company Float Plant, Jerry Run (Flemington District, Taylor County), WV, on the one hand, and, on the other, points in GA and FL. *Delete "the facilities of Fourco Glass Company Float Plant, Jerry Run (Flemington District)." Sub 305, issued December 28, 1977: *Printed matter, publications,* and *exempted matter* as described by Section 203(b)(7) of the Interstate Commerce Act, when transported at the same time and in the same vehicle with printed matter and publications, from the plant sites and facilities of R. R. Donnelley & Sons and/or its subsidiaries, at or near Glasgow, KY, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic which originates at the specified origins and is destined to points in the specified destination territory. *Delete "the plant site and facilities of R. R. Donnelley & Sons and/or it subsidiaries, at or near"; and the Restriction. Sub 306, issued December 29, 1976: *Paper, paper products, labels,* and *wrappers,* from the facilities of Georgia-Pacific Corporation at or near Norwood and Cincinnati, OH, to points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, and TX, with no transportation for compensation on return except as otherwise authorized. *Materials, equipment and supplies* used in the manufacturer of the commodities above (except commodities in bulk, in tank vehicles), from points in AR, MS, and TN, to the facilities of Georgia-Pacific Corporation at or near Norwood and Cincinnati, OH, with no transportation for compensation on return except as otherwise authorized. *Delete the facilities of Georgia-Pacific Corporation at or near"; "the facilities of Georgia-Pacific Corporation at or near". Sub 309, issued February 28, 1977: (2)

Meats, meat products, meat byproducts, articles distributed by meat-packing houses, and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in Sections A, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and *foodstuffs,* from the points specified in (1) above to the plant site of Geo. A. Hormel & Co., at or near Ottumwa, IA. Restriction: The authority granted herein is restricted against the transportation of hides and commodities in bulk and further restricted to the transportation of traffic originating at, or destined to, the named plant site. *Delete "the plant site of Geo. A. Hormel & Co., at or near"; "and further restricted to the transportation of traffic originating at, or destined to, the named plant site." Sub 313, issued December 9, 1976. *Such commodities* as are dealt in by health and beauty aid distributors and wholesalers, (1) from the facilities of Supreme Distributors Company at or near Detroit, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, MN, MO, NE, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VA, WV, WI, and DC; and (2) from points in the destination States in (1) above, to the facilities of Supreme Distributors Company, at or near Detroit, MI. Restriction: The authority granted herein is restricted to the transportation of traffic originating at or destined to the above specified points. *Delete "the facilities of Supreme Distributors Company at or near"; "the facilities of Supreme Distributors Company, at or near"; and the Restriction. Sub 317, issued March 30, 1976:

Hair care accessories, from the facilities of Tip-Top Division of Faberge, Inc., located at Omaha, NE, to Atlanta, GA, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to traffic originating at the named origin. *Delete "the facilities of Tip-Top Division of Faberge, Inc., located at"; and the Restriction. Sub 320, issued November 5, 1976: *Clay* and *clay products* (except in bulk, in tank vehicles), from Mounds, IL, to points in AR, IL, IN, IA, KS, KY, MI, MO, NC, OH, PA, TN, and TX, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the facilities of Absorbent Clay Products, Inc., at or near Mounds, IL. *Delete the Restriction. Sub 321, issued December 28, 1977: *Lighting fixtures,* from Crawfordsville, IN, to points in the U.S. (except AK, HI, and IN), with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the plant site of Lithonia Lighting Division of National Service Industries, Inc., at or near Crawfordsville, IN. *Delete the Restriction. Sub 322, issued January 17, 1977: *Lighting fixtures,* from Cochran and Conyers, GA, to points in AL, CT, DE, IL, IN, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the plant sites of Lithonia Lighting Division of National Service Industries, Inc., at or near Cochran and Conyers, GA. *Delete the Restriction. Sub 327, issued June 2, 1977: *Paperboard,* from Indianapolis, IN, to points in NY, NJ, and PA, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the facilities of Beveridge Paper Company, Division of Scott Paper Company, at or near Indianapolis, IN. *Delete the Restriction. Sub 329, issued August 23, 1976: *Paper, paper articles,* and *printed materials,* from the facilities of S. D. Warren Company, division of Scott Paper Company, at Westbrook, ME, to points in ID, WA, OR, and NE, with no transportation for compensation on return except as otherwise authorized. *Delete "the facilities of S. D. Warren Company, division of Scott Paper Company, at". Sub 333, issued April 6, 1977: *Building* and *construction materials and supplies* (except commodities in bulk, and clay products), from the facilities of Donn Products, Inc., located in Medina County, OH to points in the United States (except AK, HI, DE, ID, KY, ME, ND, OH, SD, VT, WI, and WY), with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the facilities of Donn Products, Inc., in Medina County, OH, and destined to points in the named destination States. *Delete "the facilities of Donn Products, Inc., located in"; and the Restriction. Sub 341, issued August 30, 1979: (1) *Such commodities as are dealt in by wholesale and retail food chains and grocery houses* (except in bulk and except foodstuffs), (2) *foodstuffs* (except in bulk) in mixed loads with items in (1) above, and (3) *agricultural commodities and seafoods which are otherwise exempt from economic regulation pursuant to 49 U.S.C. 10762 (1978)/ formerly section 203(b)(6) of the Interstate Commerce Act/, when moving in mixed loads with items in (1) and (2) above,* from points in that part of the U.S. in and east of MN, IA, MO, AR, and LA, to Norfolk, VA, Atlanta, and Thomasville, GA, Columbia, SC, and Raleigh, NC, restricted to the transportation of shipments originating at the named origins and destined to the facilities of Colonial Stores, Inc., at the named destinations, and further is restricted against the transportation of fresh meats. *Delete "restricted to the transportation of shipments originating at the named origins and destined to the facilities of Colonial Stores, Inc., at the named destinations and further is". Sub 345, issued November 2, 1978: *Such merchandise as is dealt in or used by retail, wholesale, or chain grocery, drug, and food business houses* (except commodities in bulk, in tank vehicles, and frozen commodities), from the facilities of Gulf Atlantic Distribution Services, at Forest Park, GA, to points in AL, on, east, and south of Interstate Hwy 59, points in FL, and points in GA on and south of U.S. Hwy 80. *Delete "the facilities of Gulf Atlantic Distribution Services, at"; "on, east, and south of Interstate Hwy 59,". Sub 346, issued May 19, 1977: *Clay* (except in bulk), from the plant site of Floridin Company at or near Havana, FL, to points in AR, CO, IL, IN, IA, KS, KY, LA, ME, MI, MN, MS, MO, NE, NH, OH, OK, TN, TX, VT, WI, and those in that part of NY north of NY Hwy 7, with no transportation for compensation on return except as otherwise authorized. *Delete "the plant site of Floridin Company at or near". Sub 348, issued July 10, 1978: *Such commodities* as are manufactured, processed, sold, used, distributed, or dealt in by manufacturers, converters, and printers of paper and paper products (except commodities in bulk), from the facilities of (1) Alrosil Corporation at or near Menasha, WI, (2) Appleton Papers Division of NCR at or near Appleton, Combined Locks, and Portage, WI, (3) Badger Paper Mills, Inc., at or near Peshtigo, WI, (4) George Banta Company, Inc., and subsidiaries at or near Neenah, Menasha, and Rhinelander, WI, (5) Bay West Division of Mosinee Paper Corporation at or near Green Bay and Columbus, WI, (6) Bergstrom Paper Company at or near Neenah, WI, (7) Brown Company at or near Eau Claire and Ladysmith, WI, (8)

Callenor Company, Inc., at or near Menomonee Falls, WI, (9) Central Paper Co., at or near Menasha, WI, (10) Flambeau Paper Co., at or near Park Falls, WI, (11) Georgia Pacific Corporation at or near Tomahawk, WI, (12) Gilbert Paper Co., at or near Menasha, WI, (13) Hoffmaster Co., Inc., at or near Oshkosh, WI, (14) Kimberly Clark Corporation at or near Neenah, WI, (15) Midtec Paper Corp., Inc., at or near Kimberly, WI, (16) Pacon Corp., at or near Appleton, WI, (17) Thilmany Pulp & Paper Co., Division of Hammermill Paper at or near Kaukauna, WI, (18) Ward Paper Company at or near Merrill, WI, (19) Wausau Paper Mills Co., at or near Brokaw, WI, (20) Weyerhaeuser Company at or near Rothschild, WI, (21) Wisconsin Paper Group, Inc., at or near Menasha, WI, (22) Wisconsin Tissue Mills, Inc., at or near Menasha, WI, (23) Consolidated Papers, Inc., at or near Appleton, Biron, Stevens Point, and Wisconsin Rapids, WI, and (24) Fort Howard Paper Company, at or near Green Bay, WI, to points in CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Restriction: The service described herein is restricted to the transportation of traffic originating at the above-named facilities and destined to points in the above-named States (except that the destined-to restriction shall not apply to movements in foreign commerce). *Delete "the facilities of (1) Akrosil Corporation at or near"; "(2) Appleton Papers Division of NCR at or near"; "(3) Badger Paper Mills, Inc., at or near"; "(4) George Banta Paper Company, Inc., and subsidiaries at or near"; "(5) Bay West Division of Mosinee Paper Corporation at or near"; "(6) Bergstrom Paper Company at or near"; "(7) Brown Company at or near"; "(8) Callenor Company, Inc., at or near"; "(9) Central Paper Co., at or near"; "(10) Flambeau Paper Co., at or near"; "(11) Georgia Pacific Corporation at or near"; "(12) Gilbert Paper Co., at or near"; "(13) Hoffmaster Co., Inc., at or near"; "(14) Kimberly Clark Corporation at or near"; "(15) Midtec Paper Corp., Inc., at or near"; "(16) Pacon Corp., at or near"; "(17) Thilmany Pulp & Paper Co., Division of Hammermill Paper at or near"; "(18) Ward Paper Company at or near"; "(19) Wausau Paper Mills Co., at or near"; Weyerhaeuser Company at or near"; "(21) Wisconsin Paper Group, Inc., at or near"; (22) Wisconsin Tissue Mills, Inc., at or near"; "(23) Consolidated Papers, Inc., at or near"; "(24) Fort Howard Paper Company, at or near"; and the Restriction. Sub 351, issued May 26, 1978: *Such commodities* as are manufactured, processed, sold, used, distributed or dealt in by manufacturers and converters of paper and paper products (except commodities in bulk), from the facilities of Union Camp Corporation, at or near Franklin, VA, to points in IL, IN, KY, MI, OH, and WI, with no transportation for compensation on return except as otherwise authorized. *Delete "the facilities of Union Camp Corporation, at or near". Sub 353, issued May 26, 1978: *Such commodities* as are manufactured, processed, sold, used, distributed or dealt in by manufacturers and converters of paper and paper products (except commodities in bulk), from the facilities of Union Camp Corporation located at or near Franklin, VA, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, WV, and DC, with no transportation for compensation on return except as otherwise authorized. *Delete "the facilities of Union Camp Corporation located at or near". Sub 362, issued April 11, 1978: (1) *Expanded foam plastic articles and woodpulp aritcles,* from the facilities of Huntsman Container Corporation at Troy and Dayton, OH, to points in the U.S. in and east of CO, NE, ND, OK, SD, and TX (except points in IN, MI, IA, and NE); and (2) *Commodities named in (1) above, and equipment, materials and supplies used in the manufacture and distribution of the commodities named in (1) above,* from points in the U.S. in and east of CO, NE, ND, OK, SD, and TX (except points in IN, MI, IA, and NE), to the facilities of Huntsman Container Corporation at Troy and Dayton, OH. Restriction: The authority granted herein is subject to the following conditions: This authority is restricted to the transportation of traffic originating at or destined to the facilities of Huntsman Container Corporation at Troy and Dayton, OH. This authority is restricted against the transportation of commodities in bulk. *Delete "the facilities of Huntsman Container Corporation at"; "the facilities of Huntsman Container Corporation at"; "This authority is restricted to the transportation of traffic originating at or destined to the facilities of Huntsman Container Corporation at Troy and Dayton, OH.". Sub 367, issued December 28, 1977: *Paper, paper products,* and *woodpulp,* from the facilities of Bowater Southern Paper Corporation, at or near Calhoun (McMinn County), TN, to points in IL, IN, MI, OH, and WI, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. *Delete "the facilities of Bowater Southern Paper Corporation, at or near"; and the Restriction. Sub 368, issued May 26, 1978: (1) *Plastic articles, containers, woodpulp articles, dishes, plates and trays,* from the facilities of Huntsman Container Corporation at or near Memphis, TN, to points in the U.S. in and east of ND, SD, NE, CO, OK, and TX: and (2) *Commodities named in (1) above; and equipment, materials, and supplies used in the manufacture and distribution of the commodities named in (1) above,* from points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, to the facilities of Huntsman Container Corporation at or near Memphis, TN. RESTRICTION: The authority granted herein is subject to the following conditions: This authority is restricted to shipments originating at or destined to the facilites of Huntsman Container Corporation, at or near Memphis, TN. This authority is restricted against shipments in bulk, in tank vehicles. *Delete "the facilities of Huntsman Container Corporation, at or near"; "the facilities of Huntsman Container Corporation located at or near"; "This authority is restricted to shipments originating at or destined to the facilities of Huntsman Container Corporation, at or near Memphis, TN." Sub 370, issued February 27, 1978: *Paper* and *paper products,* from the facilities of Fort Howard Paper Company, at or near Muskogee, OK, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, and *Materials, supplies and equipment* used in the manufacture and distribution of paper and paper products (except commodities in bulk and those which because of size or weight require the use of special equipment), from the above-specified destinations to the above-specified origin point. Restriction: The authority granted herein is restricted to the transportation of shipments originating at or destined to the facilities of the named shipper, at or near Muskogee, OK. *Delete "the facilities of Fort Howard Paper Company, at or near"; and the Restriction. Sub 377, issued January 10, 1978: *Paper, paper products,* and *woodpulp,* from the facilities of Bowater Southern Paper Corporation, at or near Calhoun, TN, to points in KY, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are

restricted to the transportation of traffic originating at the above-named facilities and destined to the named destination States. *Delete "the facilities of Bowater Southern Paper Corporation, at or near"; and the Restriction. Sub 380, issued April 25, 1978: *Building mortar, concrete surface curing compounds, and adhesives,* from Conyers, GA, to points in AL, AR, FL, LA, MS, NC, OK, SC, TN, TX, and VA. RESTRICTION: The authority granted herein is restricted to the transportation of traffic originating at the facilities of Upco Company, located at or near Conyers, GA. * Delete the Restriction. Sub No. 383, issued June 7, 1978: (1)(a) *Clay and clay products; and (b) animal and fish feed,* from the plant site of The Anschutz Corp., and warehouse facilities utilized by Sunshine Mills, Inc., at or near Ochlocknee, GA, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, NE, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC. and (2) *equipment, materials and supplies used in the manufacture, packaging, and distribution of the commodities named in (1) above,* from points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, NE, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC to the plant site of The Anschutz Corp. and warehouse facilities utilized by Sunshine Mills, Inc., at or near Ochlocknee, GA. * Delete "the plant site of The Anschutz Corp., and warehouse facilities utilized by Sunshine Mills, Inc., at or near"; "the plant site of The Anschutz Corp. and warehouse facilities by Sunshine Mills, Inc., at or near". Sub 385, issued March 20, 1978: *Paper* and *paper products,* from the facilities of International Paper Company, located at or near Jay and Livermore Falls, ME, to points in AL, AZ, AR, CA, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE NV, NM, NC, OH, OK, SC, TN, TX, UT, VA, WV, WI, points in that part of NY on and north of Interstate Hwy 84, points in that part of PA on and west of U.S. Hwy 15, Harrisburg, PA, and DC, with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The authority granted herein is restricted to the transportation of traffic originating at the facilities of International Paper Company located at or near Jay and Livermore Falls, ME. * Delete "the facilitities of International Paper Company, located at or near"; "points in that part of"; "on and north of Interstate Highway 84"; and the Restriction. Sub 389, issued November 13, 1978: Paper and paper products, from Ludlow and Covington, KY, to points in the U.S. (except AK and HI). Restriction: The authority granted herein is restricted to traffic originating at the facilities of Duro Paper Bag Manufacturing Company at or near Covington and Ludlow, KY. * Delete the Restriction. Sub. 401, issued January 8, 1979: (1) *Foodstuffs* (except frozen foods and commodities in bulk, in tank vehicles), (a) from the facilities of the J.M. Smucker Company at or near Orrville, OH, to points in IL, IN, IA, points in KS on and east of U.S. Hwy 281, MI, points in MO on and west of U.S. Highway 65, and St. Louis, MO, points in NE on, east, and south of a line beginning at the NE-KS State line and extending along U.S. Hwy 83 to North Platte, NE, and then along U.S. Hwy 36 to the Missouri River, points in NY west of NY Hwy 12, NC, OK, points in PA west of U.S. Hwy 220, Philadelphia and Scranton, PA, SC, TX, VA south of U.S. Hwy 60, WV, WI, and Minneapolis-St. Paul, MN. (b) From the facilities of H. W. Madison Company, Division of the J. M. Smucker Company, at or near Medina, OH, to points in AL, AR, CT, DE, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, NY, NC, ND, OK, PA, RI, SC, SD, TX, VA, WV, WI and DC. (c) From the facilities of H.W. Madison Company, Division of The J. M. Smucker Company, at or near Delta, OH, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. (d) From the facilities of H. V. DeViney Company, Inc., a subsidiary of the J. M. Smucker Company, at or near New Bethlehem, PA to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, (except Memphis, TN and Orrville, OH). (e) From the facilities of A.F. Murch Company, a subsidiary of the J.M. Smucker Company at or near Paw Paw, MI, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, (except FL, ME, VT, NH, MA, CT, and RI). (f) From the facilities of J. M. Smucker Company at or near Memphis, TN to points in DE, IN, Aroostook County, ME, MN west and south of a line beginning at the MN-IA State line near Elmore and extending along U.S. Highway 169 to Amboy, then along Minnesota Hwy 30 to junction U.S. Hwy 59, then along U.S. Hwy 59 to the junction of U.S. Hwy 14, then along U.S. Hwy 14 to the MN-SD State line, ND, SD, VA, WI, (except Kenosha, Milwaukee and Racine), and MD (except Baltimore). (2) *Ingredients, materials and supplies used in the manufacturing, processing, sale, and distribution of foodstuffs,* (except commodities in bulk, in tank vehicles), from points in the U.S. in and east of ND, SD, NE, KS, IK, and TX, to the origins named in (1)(a), (b), (c), (d), (e), and (f) above. RESTRICTION: The services authorized herein is restricted to traffic originating at the named origins and destined to the named destinations. * Delete "the facilities of the J.M. Smucker Company at or near" from part (1)(a); "the facilities of H.W. Madison Company, Division of the J.M. Smucker* Company at or near" from part (1)(b); "the facilities of H.W. Madison Company, Division of the J.M. Smucker Company, at or near" from part (1)(c); "the facilities of H.B. DeViney Company, Inc., a subsidiary of the J.M. Smucker Company, at or near" from part (1)(d); "the facilities of A.F. Murch Company, a subsidiary of the J.M. Smucker Company, at or near" from part (1)(e); " the facilities of J.M. Smucker Company at or near" from part (1)(f); and the Restriction. Sub 402F, issued January 8, 1979: *Paper and paper products, printed matter, and products* distributed by manufacturers and converters of paper and paper products, from the facilities of Scott Paper Company at Winslow and Portland, ME, and Somerest County, ME, to points in AL, AZ, AR, CA, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NV, NM, NC, OH, OK, SC, TN, TX, UT, VA, WV, WI, and DC and those in that part of PA on and west of U.S. Hwy 15 and Harrisburg, PA. RESTRICTION: The authority granted herein is subject to the following conditions: The authority granted herein is restricted against the transportation of commodities in bulk, in tank vehicles. The authority granted herein is restricted against the transportation of printed matter from the named origins to Washington, D.C. and points in its commerical zone, and Wilmington, DE. * Delete "the facilties of Scott Paper Company at"; "The authority granted herein is restricted against the transportation of printed matter from the named origins to Washington, D.C. and its commerical zone, and Wilmington, DE". Sub 403F, issued December 1, 1978: *Paper and paper products,* from the facilities of Scott Paper Company at Mobile, AL, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH (except Toledo and points in its commerical zone), PA, RI, VT, VA, WV, and DC. * Delete "the facilties of Scott Paper Company at"; "(except Toledo and points in its commerical zone)". *Sub 407F, issued January 11, 1979: Such commodities* as are dealt in by paint and chemical manufacturers (except commodities in bulk, in tank vehices), from the facilities of Standard T Chemical Company, Inc., at or near Chicago Heights, IL, to points in WI and the Upper Peninsula of MI.

RESTRICTION: The authority granted herein is restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. * Delete "the facilities of Standard T Chemical Company, Inc., at or near"; and the Restriction. *Sub 409F, issued January 4, 1979: Plastic articles* and *paper and plastic bags,* from the facilities of Great Plains Bag Corp., at or near Jacksonville, AR, to points in FL, GA, IL, IN. OH, and WI. RESTRICTION: The authority granted herein is restricted to the transportation of shipments originating at the plant site of Great Plains Bag Corp., and destined to the named States. * Delete "the facilities of Great Plains Bag Corp., at or near" and the Restriction. *Sub 413 F, issued May 1, 1979:* (1) *doors* and *door sections,* from the facilities of the Clopay Corporation, at Ludlow, VT, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, and RI, and DC, and (2) *accessories and materials* used in the manufacture and installation of the commodities named in (1) above in the reverse direction, restricted to the transporation of traffic originating at the named origins and destined to the involved destinations. * Delete "the facilities of the Clopay Corporation, at"; and the Restriction. *Sub 414F, issued April 26, 1979: Such products as are sold, distributed, manufactured, or used in the milling, processing, or manufacturing of grain and soybean products* (except commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Restricted to the transportation of traffic originating at, or destined to, the facilities of Central Soya Company, Inc., in the authorized territory. * Delete the Restriction. *Sub 417F, issued January 23, 1979: Animal feed, feed ingredients, additives and materials and supplies used in the manufacture and distribution of animal feeds* (except commodities in bulk), between the facilities of Kal Kan Foods, at or near Mattoon, IL; on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. RESTRICTION: The authority granted herein is restricted to the transportation of traffic originating at or destined to Kal Kan Foods, Inc., at or near Mattoon, IL. * Delete "the facilities of Kal Kan Foods, at or near," and the restriction. *Sub 418F, issued June 14, 1979: Such commodities* as are dealt in or used by manufacturers and converters of paper and paper products (except commodities which because of size or weight require the use of special equipment), from the facilities of Georgia-Pacific Corp., at or near Gary, IN, to points in OH, PA, DE, MD, NJ, NY, TN, VA, WV, CT, MA, NH, VT, RI, ME, KY, MI, WI and DC. Restricted to the transportation of traffic originating at the named facilities. * Delete "the facilities of Georgia-Pacific Corp., at or near"; and the Restriction. *Sub 420F, issued June 14, 1979:* (1) *foodstuffs* (except commodities in bulk, in tank vehicles), from the facilities of Miami Margarine Co., at or near Albert Lea, MN, to points in AL, FL, GA, MS, NC, SC, and TN, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk, in tank vehicles), from points in AL, FL, GA, MS, NC, SC, and TN, to the facilities of Miami Margarine Co., at or near Albert Lea, MN. * Delete "the facilities of Miami Margarine Co., at or near"; "the facilities of Miami Margarine Co., at or near". *Sub 421F, issued January 26, 1979: Automobile* and *truck bodies,* and *parts* and *accessories for automobile and truck bodies,* from the facilities of Rockwell International, at or near Ashtabula, OH, and the facilities of McLaughlin Body Co., at or near Moline, IL, to the facilities of Mack Trucks, Inc., at or near Allentown and Macungie, PA, Restricted to the transportation of traffic originating at and destined to the named facilities. * Delete "the facilities of Rockwell International, at or near"; "the facilities of McLaughlin Body Co., at or near"; "the facilities of Mack Trucks, Inc., at or near"; and the Restriction. *Sub 424F, issued June 12, 1979: Such commodities as are dealt in or manufactured by manufacturers of chemicals, and paper and paper products,* (except commodities in bulk), between the facilities of Georgia-Pacific Corporation at or near (1) Crossett and Pine Bluff, AR, (2) Monroe, LA, and (3) Jackson, MS, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, Restricted to the transportation of traffic originating at and destined to the named facilities. * Delete "the facilities of Georgia-Pacific Corporation at or near"; and the Restriction. *Sub 426F, issued June 14, 1979:* (1) *Pulpboard products,* (except in bulk, in tank vehicles), from Germantown, WI, to points in AR, IL, IN, IA, KS, KY, MD, MI, MO, NC, OH, OK, PA, TN, VA, TX, and WV, and (2) *materials, equipment and supplies* (except commodities in bulk, in tnak vehilces), used in the manufacture and distribution of pulpboard products, in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of Fibreform Containers Corp., at Germantown, WI. * Delete the Restriction. *Sub 427F, issued August 8, 1979:* (1) *Paper and paper products,* from the facilities of Bowater Southern Paper Corporation, at or near Calhoun, TN, to points in CT, IA, ME, MA, MN, NH, NJ, NY, PA, RI, and VT, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of paper and paper products, (except commodities in bulk, in tank vehicles), from points in CT, IA, ME, MA, MN, NH, NJ, NY, PA, RI, and VT, to the facilities of Bowater Southern Paper Corporation, at or near Calhoun, TN, restricted in parts (1) and (2) above, to the transporation of traffic originating at, or destined to the named facilities. * Delete "the facilities of Bowater Southern Paper Corporation, at or near"; "the facilities of Bowater Southern Paper Corporation, at or near"; and the Restriction. *Sub 429 F, issued May 1, 1979: Foodstuffs* (except in bulk, in tank vehicles), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs (except commodities in bulk, in tank vehicles), from points in MI, and those in IL on and north of Interstate Hwy. 70, to the facilities of Oconomowoc Canning Co., at Sun Prairie, Poynette, Waunakee, Deforest, Cobb, and Oconomowoc, WI. Restricted against the transportation of foodstuffs from Chicago, IL. * Delete "those in"; "on and north of Interstate Hwy. 70,"; "the facilities of Oconomowoc Canning Co., at"; and the Restriction. *Sub 430F, issued August 23, 1979: Bicycles, tricycles, and parts and accessories for bicycles and tricycles,* (except commodities in bulk), from Celina, OH, to those points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated. destinations. * Delete the Restriction. *Sub 433F, issued November 23, 1979: Lawn and garden care products, agricultural insecticides, and agricultural fungicides,* (except commodities in bulk), from the facilities of O. M. Scott & Sons Company, Inc., at or near Marysville, Columbus, and Vermilion, OH, to those points in NY on and north of NY Hwy. 7, and points in IA, KY, MN, TN, and WI. * Delete "the facilities of O. M. Scott & Sons Company, Inc., at or near". *Sub 434F, issued February 20, 1979, Clay and clay products,* (except commodities in bulk), from Paris, TN, to points in AL, AR, CT, DE, FL, GA, IL, IN, KY, ME, ND, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, VT, VA, WV, and DC. Restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. * Delete the Restriction. *Sub 436F, issued September 27, 1979:*

Yarn, from points in NC, IL, and OH, to facilities of Reliable of Milwaukee, at or near Milwaukee and Campbellsport, WI, restricted to the transportation of traffic originating in the named States and destined to the indicated destinations. * Delete "to facilities of Reliable of Milwaukee, at or near" and the Restriction. *Sub 437F, issued September 26, 1979:* (1) *Foodstuffs*, (except in bulk, in tank vehicles), from Cobb, DeForest, Merrill, Oconomowoc, Poynette, and Waunakee, WI, to those points in the United States in and east of ND, SD, IA, MO, KS, OK and TX, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of foodstuffs, and *foodstuffs* (except in bulk, in tank vehicles), from those points in the U.S. in and east of ND, SD, IA, MO, KS, OK, and TX, to Cobb, DeForest, Merrill, Oconomowoc, Poynette, and Waunakee, WI., restricted to the transportation of traffic originating at or destined to the facilities of Oconomowoc Canning Company, at the above-named origins. * Delete the Restriction. *Sub 438F, issued November 23, 1979: (1) Building materials* and *building supplies* (2) *chalk, tackboards, lockers*, and *toilet compartments*, and (3) *supplies* used in the manufacture and installation of doors and door sections, from points in AR, CT, NJ, NY, OH, PA to points in IL, MI, MN, and WI. RESTRICTIONS: The above service authorization is restricted: (1) to the transportastion of traffic originating at the named origins and destined to points in the above described destination territory. (2) against the transportation of lumber, plywood, paper, paper articles, and commodities in bulk, in tank vehicles. * Delete "(1) to the transportation of traffic originating at the named origins and destined to points in the above described destination territory.": "lumber, plywood, paper, paper articles, and". *Sub 444F, issued November 23, 1979:* (1) *foodstuffs*, (except commodities in bulk, in tank vehicles), from the facilities of Miami Margarine Co., at or near Cincinnati, OH, to points in AL, FL, GA, LA, MS, NC, SC, and TN, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs, from points in AL, FL, GA, LA, MS, NC, SC, and TN, to the facilities of Miami Margarine Co., at or near Cincinnati, OH, restricted in (1) and (2) above (a) against the transportation of commodities in bulk, in tank vehicles, and (b) to the transportation of traffic originating at or destined to the above named points. * Delete "the facilities of Miami Margarine Co., at or near"; "the facilities of Miami Margarine Co., at or near"; "and (b) to the transportation of traffic originating at or destined to the above named points." *Sub 445, issued December 31, 1979: Such commodities* as are dealt in or used by manufacturers and distributors of plastic bottles and containers (except commodities in bulk, in tank vehicles), between Columbus, OH, on the one hand, and, on the other, points in AL, IL, IN, KY, MI, PA, TN, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Hoover Universal, Inc., Beverage Bottle Division, of Georgetown, KY. * Delete the Restriction. *Sub 446F, issued June 14, 1979: Such commodities* as are dealt in by manufacturers and distributors of plastic products (except commodities in bulk, in tank vehicles), from the facilities of Hoover Universal, Inc., Plastic Products Division, at Nicholasville, KY, to points in GA and MO, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destination. * Delete "the facilities of Hoover Universal, Inc., Plastic Products Division, at"; and the Restriction. *Sub 454F, issued September 26, 1979: Such commodities* as are dealt in or used by manufacturers, converters, and printers of paper and paper products (except commodities in bulk), between the facilities of Kimberly-Clark Corporation, in Calhoun County, MI, on the one hand, and, on the other, points in the U.S. (except in AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities of Kimberly-Clark Corporation, in Calhoun County, MI. * Delete "the facilities of Kimberly-Clark Corporation, in" and the Restriction. *Sub 455F, issued March 4, 1980: Materials and supplies* used in the manufacture, distribution, and sale of foodstuffs (except commodities in bulk, in tank vehicles), from those points in the U.S. in and east of MN, IA, MO, OK, and TX, to Greenville, MS, restricted to the transportation of traffic originating at the named origin and destined to the indicated destination. * Delete the Restriction. *Sub 458F, issued September 20, 1979:* (1) *Paper, paper products, and woodpulp*, from the facilities of International Paper Company, at or near (a) Camden and Pine Bluff, AR, (b) Bastrop and Springhill, LA, (c) Natchez and Redwood, MS, and (d) South Texarkana, TX, to those points in the U.S. in and east of MN, IN, MO, TN, AL and FL, restricted to the transportation of traffic originating at the named origins, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk, in tank vehicles), from those points in the U.S. in and east of MN, IA, MO, TN, AL and FL, to the facilities of International Paper Company, at or near (a) Camden and Pine Bluff, AR, (b) Bastrop and Springhill, LA, (c) Natchez and Redwood, MS, and (d) South Texarkana, TX, restricted to the transportation of traffic destined to the facilities of International Paper Company at or near points described in (1)(a) through (d) above. * Delete "the facilities of International Paper Company, at or near" as to parts (1)(a), (b) and (c), and (2)(a), (b), and (c); and the Restrictions in parts (1) and (2). *Sub 459F, issued November 21, 1979:* (1) *Paper, paper products, and woodpulp*, from the facilities of International Paper Company, at or near (a) Mobile, AL, (b) Moss Points, MS, and, (c) Georgetown, SC, to those points in the U.S. in and east of MN, IA, MO, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products, (except commodities in bulk, in tank vehicles), in the reverse direction, restricted to the transportastion of traffic (A) in (1) above originating at the named origins and (B) in (2) above destined to the facilities of International Paper Compaany at or near the points described in (1)(a) through (c) above. * Delete "the facilities of International Paper Company, at or near"; and the Restriction. *Sub 461F, issued January 18, 1980: Such commodities* as are dealt in by manufacturers, distributors, and converters of paper and paper products, (except commodities in bulk), from the facilities of The Mead Corporation, at Chillicothe and Schooleys, OH, and Kingsport and Grey, TN, to points in FL, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. *Delete "the facilities of The Mead Corporation, at"; and the Restriction. *Sub 462F, issued November 29, 1979:* (1) *Building materials and building supplies* and (2) *floor coverings, and materials and supplies* used in the distribution and installation of floor coverings (except commodities in bulk, in tank vehicles), from the facilities of Kentile Floors, Inc., at or near Chicago, IL, to points in AL, FL, GA, KY, MI, NC, SC, TN and VA. *Delete "the facilities of Kentile Floors, Inc., at or near". *Sub 464F, issued January 18, 1980: Petroleum, petroleum products, vehicle body sealer and sound deadener compounds and filters* (except commodities in bulk, in tank vehicles), from points in Warren County, MS, to those points in the U.S. in and east of MN, IA, MO, OK, and TX, and (2) *petroleum, petroleum products, vehicle*

body sealer and sound deadener compounds, filters, and materials, equipment and supplies (except commodities in bulk, in tank vehicles), used in the manufacture and distribution of the commodities named in (1) above, from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV, to points in Warren County, MS, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation at points in Warren County, MS. *Delete the Restriction. *Sub 465F, issued August 9, 1979:* (1) *Doors, door sections, and accessories and materials* used in the installation and distribution of doors and door sections (except commodities in bulk, in tank vehicles), from the facilities of Clopay Corporation, Overhead Door Division, at or near Hialeah and Orlando, FL, to points in OH, OK, and VT, and (2) *accessories, equipment, materials, and supplies* used in the manufacture, distribution, and installation of the commodities named in (1) above, from points in OH, OK and VT, to the facilities of Clopay Corporation, Overhead Door Division, at or near Hialeah and Orlando, FL, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. *Delete "the facilities of Clopay Corporation, Overhead Door Division, at or near"; "the facilities of Clopay Corporation, Overhead Door Division, at or near"; and the Restriction. *Sub 466F, issued December 13, 1979: Heating and air conditioning equipment, and parts and accessories* for heating and air conditioning equipment, (except commodities the transportation of which because of size or weight require the use of special equipment, and commodities in bulk, in tank vehicles), from the facilities of Heil Quaker Corporation at or near LaVergne and Nashville, TN, to points in AL, FL, GA, KY, MS, NC, SC, and VA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. *Delete "the facilities of Heil Quaker Corporation at or near"; and the Restriction. *Sub 467F, issued January 18, 1980: Such commodities* as are dealt in by grocery and food business houses (except commodities in bulk, in tank vehicles), between the facilities of Kraft, Inc., at points in Clayton, Cobb, DeKalb, Fulton, and Gwinnett Counties, GA, on the one hand, and, on the other, points in AL, FL, KY, LA, MS, NC, SC, TN, VA, and WV, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. *Delete "the facilities of Kraft, Inc., at"; and the Restriction. *Sub 468F, issued August 9, 1979: Furnaces, heating and air conditioning units, and equipment parts, and accessories* for furnaces, heating and air conditioning units, (except commodities the transportation of which because of size and weight require the use of special equipment, and commodities in bulk, in tank vehicles), from the facilities of Johnson Corporation, at or near Columbus and Bellevue, OH, to points in FL, GA, NC, and SC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. *Delete "the facilities of Johnson Corporation, at or near"; and the Restriction. *Sub 469F, issued March 24, 1980: Petroleum products,* in packages, from the facilities of Texaco, Inc., in Jefferson County, TX, to points in AL, CT, DE, GA, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC. *Delete "the facilities of Texaco, Inc., in". *Sub 471F, issued December 11, 1979:* (1) *Bricks, blocks, slabs, tile, cement, mortar, fire clay, caulking compounds, masonry products,* and (2) *materials, equipment and supplies* used in the installation of the commodities in (1) above, (except commodities in bulk, in tank vehicles), from (A) points in the U.S. (except AK, HI, MO, and OK), and (B) Mexico, MO, to points in WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. *Delete the Restriction. *Sub 473F, issued October 3, 1979:* (1) *floor coverings,* and (2) *materials, equipment, and supplies* used in the manufacture, installation, and sale of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of GAF Corporation, (a) at Vailes Gate, NY, and (b) in Lehigh County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. *Delete "the facilities of GAF Corporation, (a) at"; and the Restriction. *Sub 474F, issued February 26, 1980: Rubber or plastic products* (except plastic pipe), plastic granules, powder, lumps, flakes, film, sheets, and pellets, and resins, (except commodities in bulk, in tank vehicles), from points in the U.S. in and east of MN, IA, MO, OK, and TX, to the facilities of (1) LaBelle Industries, at or near Oconomowoc, WI, (2) Pereless Brothers Division of Beatrice Foods, Inc., at or near Milwaukee, WI, (3) The Kelch Corp., at or near Cedarburg and Mequon, WI, and (4) Plastic-O-Meric, Inc., at or near Waukesha, WI, restricted to the transportation of shipments originating at the named origins and destined to the indicated destinations. *Delete "(except plastic pipe)"; "the facilities of (1) LaBelle Industries located at or near"; "(2) Pereless Brothers Division of Beatrice Foods, Inc., located at or near"; "(3) The Kelch Corp., located at or near"; "(4) Plastic-O-Meric, Inc., located at or near"; and the Restriction. *Sub 475F, issued December 13, 1979: Textile products and wearing apparel* (except carpeting), from those points in the U.S. in and east of MN, IA, MO, OK, and TX, (except WI), to points in WI, restricted to the transportation of shipments destined to the indicated destinations. *Delete "(except carpeting)"; and the Restriction. *Sub 478F, issued August 23, 1979:* (1) *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs, furniture, and commodities in bulk), and (2) *foodstuffs* (except in bulk), and *furniture,* in mixed loads with the commodities in (1) above, from the facilities of K-Mart Corporation, at or near Charlotte, NC, to points in MA, NJ, PA, TN, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. *Delete "the facilities of K-Mart Corporation, at or near"; and the Restriction. *Sub 480F, issued October 25, 1979: Charcoal briquettes, fireplace logs, barbeque accessories, and charcoal lighter fluid,* from Marion, OH, to points in ME, MA, NH, VT, IA, MN, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. * Delete the Restriction. *Sub 481F, issued February 11, 1980: Printed matter,* and *materials, equipment, and supplies* used in the manufacture and distribution of printed matter (except commodities in bulk, in tank vehicles), between the facilities of Rand McNally & Company, at (a) Chicago, Downers Grove, Naperville, and Skokie, IL, (b) Hammond and Indianapolis, IN, (c) Versailles and Lexington, KY, (d) Taunton, MA, (e) Ossining, NY, and (f) Nashville, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities of Rand McNally & Company. * Delete "the facilities of Rand McNally & Company at"; and the Restriction. *Sub 486F, issued April 21, 1980: Leather, leather products, hides, and tanning materials and supplies* (except commodities in bulk, in tank vehicles), from points in the U.S. in and east of ND, SD, NE, CO, and NM (except

WI), to Cudahy, Milwaukee and South Milwaukee, WI, restricted to the transportationof shipments originating at the named origins and destined to the indicated destinations. * Delete the Restriction. *Sub 487F, issued October 16, 1979: Such commodities* as are dealt in or used by manufacturers and distributors of appliances and cookware (except commodities in bulk, in tank vehicles), from points in the U.S. in and east of MN, IA, MO, OK, and TX to the facilities of The West Bend Co., Division of Dart Ind., at or near West Bend and Rockfield, WI, restricted to the transportation of traffic destined to the named destination facilities. * Delete "the facilities of The West Bend Co., Division of Dart Ind., at or near"; and the Restriction. Sub 489F, issued March 24, 1980: *Such commodities as are dealt in or used by grocery and food business houses* (except (a) commodities in bulk, in tank vehicles; (b) meat, meat byproducts and articles distributed by meat-packing houses, as described in Section A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766; (c) dairy products, dairy byproducts and dairy gift paks; (d) frozen foods; (e) bananas; (f) malt beverages; (g) charcoal; and (h) chemicals), between points in WI (except Burlington & Green Bay, WI), on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX (except WI), (1) restricted to the transportation of shipments originating at or destined to points in WI, and (2) restricted against the transportation of canned goods from points in WI, to points in IA and MO, and from points in PA, VA, and WV, to points in WI. * Delete "(g) charcoal; and (h) chemicals,"; "(except Burlington & Green Bay, WI),"; "(1) restricted to the transportation of shipments originating at or destined to points in WI, and (2)". *Sub 493F, issued November 6, 1979: Such commodities* as are dealt in or used by wholesalers, distributors, retailers, and manufacturers of automotive and transportation equipment, parts, and accessories (except (a) commodities in bulk, in tank vehicles, (b) commodities the transportation of which because of size or weight requires the use of special equipment; and (c) automobiles, trucks, and buses, as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from the facilities of Kinpak, Inc., at or near Altanta, GA, to points in AL, FL, NC, SC, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. * Delete "the facilities of Kinpak, Inc., at or near"; and the Restriction. *Sub 499F, issued April 3, 1980: Such commodities* as are dealt in or used by wholesalers, distributors, retailers, and manufacturers of automotive and transportation equipment, parts, and accessories except (a) commodities in bulk, in tank vehicles, (b) commodities the transportation of which because of size or weight requires the use of special equipment, (c) automobiles, trucks, and buses, as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and (d) paper and paper products, from those points in the U.S. in and east of MN, IA, MO, OK, and TX (except WI), to the facilities of (1) Oshkosh Truck Corp., at or near Oshkosh, WI, (2) Wells Manfacturing Co., at or near Fond du Lac, WI, (3) Lehman Tire Service Ltd., at or near Milwaukee, WI, and (4) J & L Distributing Co., at or near Milwaukee, WI, restricted to the transportation of traffic orignating at the named origins and destined to the indicated destinations. * Delete "and (d) paper and paper products,"; "the facilities of (1) Oshkosh Truck Corp., at or near"; "(2) Wells Manufacturing Co., at or near"; "(3) Lehman Tire Service Ltd., at or near"; "(4) J & L Distributing Co., at or near"; and the Restriction. *Sub 500F, issued December 10, 1979: Clay and clay products* (except commodities in bulk), from the facilities of Oil-Dri Corporation of America, at or near Ochlocknee, GA, to points in IL, IN, and OH, restricted to the transportation of traffic orignating at the named origin and destined to the indicated destinations. * Delete "the facilities of Oil-Dri Corporation of America, at or near"; and the Restriction. *Sub 501F, issued February 1, 1980: Charcoal, charcoal briquettes, activated carbon, hickory chips, lighter fluid, and barbecue supplies* (except commodities in bulk), (1) from the facilities of Husky Industries, Inc., at or near (a) Ocala, FL, and (b) Pachuta, MS, to points in AL, GA, KY, LA, MS, NC, SC, TN, TX, and VA, and (2) from the facilities of Husky Industries, Inc., at or near Romeo, FL, to Kansas City, KS, and those points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted in (1) and (2) above to the transportation of traffic orignating at the named origin and destined to the indicated destinations. * Delete "the facilities of Husky Industries, Inc., at or near"; "the facilities of Husky Industries, Inc., at or near"; and the Restriction. *Sub 502F, issued March 11, 1980: Such commodities* as are dealt in or used by manufacturers of cleaning, preserving, protecting, and polishing compounds, waxes, insecticides, disinfectants, and deodorants (except commodities in bulk, in tank vehicles), between the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI, on the one hand, and on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI. * Delete "the facilities of S.C. Johnson & Son, Inc., at or near"; and the Restriction. *Sub 504F, issued February 1, 1980: Such materials, equipment and supplies* as are used in the manufacturing, processing, and distribution of paper and paper products (except commodities in bulk, in tank vehicles), from points in the U.S. (except AK, HI, IL, IN, and MI), to the facilities of Bergstrom Paper Co., a Division of P. H. Glatfelter Co., at or near (a) Neenah, WI, and West Carrollton, OH, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. *Delete "the facilities of Bergstrom Paper Co., a Division of P.H. Glatfelter Co., at or near (a)"; and the Restriction. *Sub 510F, issued January 28,1980: Such comodities* as are manufactured or dealt in by manufacturers of rubber products (except commodities in bulk, in tank vehicles), from those points in the U.S. in and east of MN, IA, MO, OK, and TX, to the facilities of J. & L. Distributing Company, at or near (a) Chicago, IL, and (b) Milwaukee, WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations.*Delete "the facilities of J. & L. Distributing Company, at or near"; and the Restriction. *Sub 514F issued January 28, 1980, (1) Doors, door sections, accessories and materials* used in the installation and distribution of doors and door sections (except commodities in bulk, in tank vehicles), from the facilities of McKee Door Company, at or near Aurora, IL, to points in the U.S. in and east of MN, IA, MO, OK, and TX, and (2) *accessories, equipment, materials and supplies* used in the manufacturing, distribution and installation of commodities named in (1) above, from points in the U.S. in and east of MN, IA, MO, OK, and TX, to the facilities of McKee Door Company, at or near Aurora, IL, restricted to the transportation of traffic originating at or destined to the named facilities.*Delete "the facilities of McKee Door Company, at or near"; "the facilities of McKee Door Company, at or near"; and the Restriction. *Sub 518F, issued February 15, 1980: Such commodities* as are dealt in or used by manufacturers, and distributors of rubber products, (except

commodities in bulk, in tank vehicles), from Barberton, OH, to the facilities of Wagner Products Division, at or near Hustisford, WI, restricted to the transportation of traffic originating at the named origin and destined to the named facilities. *Delete "the facilities of Wagner Products Division, at or near"; and the Restriction. *Sub 519F, issued April 7, 1980: Such commodities* as are dealt in or used by manufacturers, converters, and distributors of (a) paper and paper products, and (b) cellulose or synthetic materials and products (except commodities in bulk), between the facilities of Kimberly-Clark Corporation, at or near Corinth, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportation of Kimberly-Clark Corporation, at or near Corinth, MS. *Delete "the facilities of Kimberly-Clark Corporation, at or near"; and the Restriction. *Sub 524F, issued April 23, 1980: Such commodities* as are dealt in or used by manufacturers, converters, and distributors of paper and paper products (except commodities in bulk, in tank vehicles), between points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Eastern Fine Paper, Inc. *Delete the Restriction. *Sub 526F, issued April 7, 1980: (1) Paper and paper products,* and (2) *materials, equipment and supplies,* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of Champion International Corporation at or near Cincinnati and Hamilton, OH, on the one hand, and, on the other, points in CT, ME, MA, NH, RI, and VT, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. *Delete "the facilities of Champion International Corporation at or near"; and the Restriction. *Sub 529F, issued May 6, 1980: containers and container ends, tips, and covers,* from the facilities of Container Corporation of America, at or near Piqua, OH, to points in OK and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. *Delete "the facilities of Container Corporation of America, at or near"; and the Restriction. *Sub 538F, issued May 6, 1980: Such commodities* as are manufactured, processed, or dealt in by rubber manufacturers (except commodities in bulk, in tank vehicles), from those points in the U.S. in and east of MN, IA, MO, OK, and TX, to the facilities of Central Delta, Inc., at or near Chicago, IL, restricted to the transportation of traffic originating at the named origins and destined to the named destination. *Delete "the facilities of Central Delta, Inc., at or near" and the Restriction. *Sub 539F, issued April 3, 1980: Such commodities* as are dealt in by chain grocery and food business houses, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, CT, FL, GA, IA, IL, IN, KY, MA, MD, MI, MN, MO, MS, NC, NY, NJ, OH, PA, SC, TN, TX, VA, VT, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. *Delete "in vehicles equipped with mechanical refrigeration,"; and the Restriction. *Sub E-7, issued August 19, 1974: Woodpulp plates, woodpulp dishes and woodpulp trays,* from the plantsite of the Keyes Fibre Company at Waterville, ME, and from its warehouse at Portland, ME, to points, in OK on, east, and south of a line beginning at the OK–TX State line and extending along Interstate Hwy 35 to Oklahoma City, then along Interstate Hwy 40 to the OK–AR State Line, restricted to the transportation of shipments originating at the plantsite at Waterville and the warehouse at Portland. *Delete "the plantsite of the Keyes Fibre Company at"; "from its warehouse at"; and the Restriction. *Sub E-21, issued August 20, 1974: Telephone directories,* from the plantsite and warehouse facilities of the R.R. Donnelley & Sons Company at Dwight, IL, to points in that part of AL south of U.S. Hwy 80, points in ME, NH, and VT. *Delete "the plantsite and warehouse facilities of the R.R. Donnelley & Sons Company at". *Sub E-22, issued August 20, 1974: Such commodities* as are used, distributed, or dealt in by automotive, vehicular, or engine supply outlets, manufacturers, or distributors (except (a) commodities, the transportation of which, because of size or weight, requires the use of special equipment, (b) paper and paper products, (c) automobiles, trucks, and buses, as described in the report in *Descriptions of Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (d) passenger or property carrying golf buggies or commercial adaptations thereof, and (e) commodities in bulk), (a) from points in TX on, north, and east of a line beginning at Corpus Christi, and extending along U.S. Hwy 181 to Beeville, then along U.S. Hwy 59 to Houston, then along Interstate Hwy 10 to the TX–LA State line; and (b) from points in LA on, south, and east of a line beginning at the TX–LA State line, and extending along Interstate Hwy 10 to the junction of U.S. Hwy 165, then along U.S. Hwy 165, to Kinder, then along U.S. Hwy 190 to Baton Rouge, then along U.S. Hwy 61 to the LA–MS State line, to Versailles, OH. *Delete "(b) paper and paper products,"; (d) "passenger or property carrying golf buggies or commercial adaptations hereof, and". *Sub E-24, issued August 20, 1974: Tires, tire tubes, rubber retreading materials, and plastic tire materials* (except such commodities in bulk), from points in WI and that part of MI north of Interstate 96 (except Muskegon, MI), to points in FL, restricted against the transportation of commodities, the transportation of which because of size or weight requires the use of special equipment. *Delete "that part of"; "north of Interstate Highway 96 (except Muskegon, MI),". *Sub E-27, issued August 20, 1974: Clay,* in containers, from the plantsite of Waverly Mineral Products Co., located approximately 3 miles from Ochlocknee, GA, and the plantsite of Superior Pet Products, Inc., at Quincy, FL, to points in KS and NE.

*Delete "the plantsite of Superior Pet Products, Inc., at". *Sub E-29, issued October 17, 1974: Building materials and building supplies* (except lumber, plywood, veneer, forest products, and cement), from points in LA on and north of U.S. Hwy 80 (except Shreveport, LA, and points in the commercial zone thereof as defined by the Commission), to points in NY on and west of Interstate Hwy 81 (except Endicott and Binghamton), restricted to the transportation of traffic originating at the origin points specified above. *Delete "(except lumber, plywood, veneer, forest products, and cement),"; "(except Shreveport, LA, and points in the commercial zone thereof as defined by the Commission),"; "(except Endicott and Binghamton),"; and the Restriction. By the instant petition, petitioner seeks to modify the authorities above by deleting therefrom the language identified by asterisks.

MC 135633 (Subs-1, 4, 5, 10, and 12 (M1F)) (notice of filing of petition to modify certificates), filed June 26, 1980. Petitioner: NATIONWIDE AUTO TRANSPORTERS, INC., 140 Sylvan Avenue, Englewood Cliffs, NJ 07632. Representative: Jay Hernly, 110 South Columbus St., Alexandria, VA 22314. Petitioner holds motor common carrier certificates in (1) MC–135633 Sub 1, issued April 17, 1973; (2) MC–135633 Sub 4, issued April 19, 1976; (3) MC–135633 Sub 5, issued June 19, 1975; (4) MC–135633 Sub 10, issued May 11, 1978; and (5) MC–135633 Sub 12, issued July 18, 1978, authorizing transportation in

interstate or foreign commerce, over irregular routes, (1) *Automobiles,* (other than those moving to or from a point of manufacture or assembly), new, used, unfinished, and wrecked, in subsequent or secondary movement in drive-away service, between points in the U.S., except those in AK, AZ, HI, NV, OR and VT, and except between plant sites or other facilities including railheads of Ford Motor Company in the Chicago, IL, Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in IL, IN, MI, WI, IA, MN and OH. (2) *Motor homes,* in secondary movements, in driveaway service, between Dublin, Edgemont, Ontario, Perris, Riverside, San Fernando, San Marcos, Sun Valley, Hemet, and Lindsay, CA, Colorado Springs and Lafayette, CO, Eberton, Ellaville and Thomasville, GA, Boise and Payette, ID, Macomb, IL, Decatur, Elkhart, Nappanee, Breman, and New Paris, IN, Algona, IA, Arkansas City, KS, Southbridge, MA, Benton Harbor and Imlay City, MI, Winona, MN, Kosciusko, MS, York, NE, Canastota, NY, McMinnville, OR, Carbondale, Paxinos, and Shartlesville, PA, New Tazewell, TN, Brigham City, UT, Saginaw, Sanger, Van Alstyne, McKinney, and Sulphur Springs, TX, Sunnyside, WA, and the facilities of Recreational Enterprises, Inc., at or near Gainesville, FL, the facilities of Georgie Boy Manufacturing Company, Inc., at or near Edwardsburg, MI, and the facilities of Travel Equipment Corporation, at or near Howe, IN, on the one hand, and, on the other, points in the U.S. (including AK but excluding HI). (3) *Buses,* in secondary movements, in driveaway service, from the plant site and other facilities of Sheller-Globe, Inc., located at or near Lima, OH, to points in the U.S. (except AK and HI), with no transportation for compensation on return except as otherwise authorized. (4) *Automobiles,* in secondary movements, in driveaway service, between points in AZ, NV, OR and VT, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI). This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49 CFR 1065 may not be tacked or joined with the carrier's other irregular-route authority unless specifically authorized herein. (5) *Buses, in driveaway service,* (1) Between Fort Valley, GA, Buena Vista, VA, and Mt. Pleasant, IA, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI). (2) Between ports of entry on the US-Canada Boundary line, located at Buffalo, Niagara Falls, and Champlain, NY, and Detroit, MI, on the one hand, and, on the other, points in the U.S. (including AK but excluding HI). Restriction: The authority granted in (2) above is restricted to the transportation in foreign commerce only of shipments originating at or destined to points in the Provinces of Quebec and Ontario, Canada. This certificate may not be joined or tacked with the carrier's other irregular-route authority. By the instant petition, petitioner seeks to modify the authority as follows: Combine the above Certificates to read: *Motor Vehicles, in driveaway service, between points in the U.S., including AK but excluding HI.* Condition: Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of Certificate No. MC-135633, Sub 1, issued April 17, 1973, Sub 4, issued April 19, 1976, Sub 5, issued June 19, 1975, Sub 10, issued May 11, 1978, and Sub 12, issued July 18, 1978, respectively.

MC 139112 (Sub-17 (M1F)) (notice of petition for modification of certificate), filed April 4, 1980. Petitioner: CALEX EXPRESS, INC., 149 Warden Ave., Trucksville, PA 18708. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Petitioner holds a motor *common carrier* certificate in MC-139112 Sub 17, issued September 3, 1980, authorizing transportation in interstate or foreign commerce, over irregular routes, transporting *confectionery and cough drops,* from the facilities of Luden's Inc., at or near Reading, PA, to points in WA, OR, CA, TX, OK, NM, UT, CO, and AZ, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. By the instant petition, petitioner seeks to modify the authority by removing the restriction of the facilities of Luden's, reading as follows: Transporting *Confectionery and cough drops* from Reading, PA, to points in . . .

Republications of Grants of Operating Rights Authority Prior to Certification—Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before October 27, 1980. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 47583 (Sub-79F) (republication), filed December 27, 1978, published in the **Federal Register** issue of March 1, 1979, and republished this issue. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. A Decision of the Commission, *Review Board 3,* decided November 20, 1979, and served December 6, 1979, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of (1) *paper and paper products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between the facilities used by Packaging Corporation of America, at or near Denver, CO; Macon, GA; Tama, IA; Griffith, IN; Hutchinson, KS; Filer City and Grand Rapids, MI; Kansas City and St. Louis, MO; Garfield, NJ; Rittman and Mentor, OH; Stroudsburg, PA; Counce, TN; and Salt Lake City, UT; on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities used by Packaging Corporation of America at or near the points named above; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to add Kansas City, MO.

MC 121082 (Sub-12) (republication), filed March 22, 1976, published in the **Federal Register** issue of May 20, 1976, and republished, this issue. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, MI 48238. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. A Decision of the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis, decided October 10, 1979, and served November 7, 1979, finds that the

present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Buffalo, NY, and points in Michigan, Ohio, Illinois, and Indiana. RESTRICTIONS: (a) restricted to the transportation of traffic moving from, to, or through agency facilities of American Delivery Systems, Inc., a freight forwarder as defined in section 10102 of the revised Interstate Commerce Act; (b) no service shall be rendered in the transportation of any package or articles weighing more than 100 pounds; and (c) no service shall be rendered in the transportation of packages or articles to one consignee at one location on any 1 day. Applicant is permitted to tack the above-described grant of authority with the authority to be issued in No. MC 121082 Sub 15F, and its existing authority at common service points; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to indicate tacking between the grant of authority authorized by the Commission in No. MC 121082 Sub 12 and MC 121082 Sub 15F, as authorized by the decision of the Commission.

MC 121082 (Sub-15) (republication), filed February 8, 1978, published in the **Federal Register** issue of March 23, 1978, and republished, this issue. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, MI 48238. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. A Decision of the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis, decided October 10, 1979, and served November 7, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Vanderburgh, Floyd, and Clark Counties, IN, Massac and Alexander Counties, IL, Florence, Washington, Hamilton, and Belmont Counties, OH, Kentucky, Virginia, and Maryland. Restrictions: (a) restricted to the transportation of traffic moving from, to, or through agency facilities of American Delivery Systems, Inc., a freight forwarder as defined in section 10102 of the revised Interstate Commerce Act; and (b) no service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any 1 day. Applicant is permitted to tack the above-described grant of authority, with the authority to be issued in MC 121082 Sub 12, and its existing authority at common service points; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulation. The purpose of this republication is to indicate tacking between the grant of authority authorized by the Commission in No. MC 121082 Sub 12 and MC 121082 Sub 15F, as authorized by the decision of the Commission.

Motor Carrier Operating Rights Applications—Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications *will be rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or busines of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 150996F, filed April 1, 1980, previously noticed in the **Federal Register** issue of August 13, 1980, and republished this issue. Applicant: FRANK GONZALEZ, d.b.a. RELIABLE DRIVE-AWAY, 125 Given Place, Montebello, CA 90640. Representative: Frank Gonzalez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *motor vehicles* owned by other persons or entities, between points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to notify all interested parties that when originally published this case appeared under that portion of the FR devoted to "Single-line for Joint-line Substitution" applications, when in fact it should have appeared under "Motor Carrier Operating Rights Applications; Notice.

Broker, Water Carrier and Freight Forwarder Operating Rights Applications—Notice

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which

protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such an authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues of allegations phrased generally. protests not in reasonable compliance with the requirements of the rules may be rejected.

MC 151172F, filed June 27, 1980. Applicant: EXECUTIVE COACH LEASING, INC., 4805 W. 96th St., Indianapolis, IN 46268. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *passengers and their baggage, in the same vehicle with passengers,* limited to the transporation of not more than 22 passengers in any one vehicle, not including the driver and children under 10 years of age who do not occupy a seat or seats, in special and charter operations, between points in the U. S. (including AK, but excluding HI).

Permanent Authority Decisions; Decision-Notice Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: September 5, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in § 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission on or before October 27, 1980.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occured within the one-year period immediately proceding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are coinsistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before October 27, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4, Members Fitzpatrick, Fisher and Dowell.

MC 8535 (Sub-121F), filed June 4, 1980. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 16th St. NW., Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *iron and steel articles, machinery, machinery parts,* and *commodities* which because of size or weight require special handling or the use of special equipment, (1) from points in KY, MD, NJ, NY, NC, OH, PA, and VA, to points in CT; (2) from points in DE, NJ, NY, OH, PA, VA, and WV, to points in GA; (3) from points in DE, KY, MD, NJ, NY, NC, OH, PA, VA, and WV, to points is IL; (4) from points in DE, KY, MD, NJ, NY, NC, OH, PA, and VA, to points in IN; (5) from points in KY, MD, NJ, NY, PA, and VA, to points in MA; (6) from points in KY, NJ, NY, OH, PA, and VA, to points in MI; (7) from points in DE, KY, NJ, NY, PA, and VA, to points in SC; and (8) from points in DE, KY, MD, NJ, and PA, to points in TN.

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 43593 (Sub-9F), filed February 1, 1980. Applicant: FUNK'S HAULING SERVICE, INC., 2750 Grant Ave., Philadelphia, PA 19114. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes

transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia, PA and Washington, DC: (a) from Philadelphia over U.S. Hwy 13 to junction U.S. Hwy 40, then over U.S. Hwy 40 to Baltimore, MD, and then over U.S. Hwy 1 to Washington, DC, and return over the same route; (b) between junction U.S. Hwy 13 and Interstate Hwy 95, at Philadelphia, and Baltimore, MD, over Interstate 95; (c) between Philadelphia, PA and junction Interstate Hwys 95 and 295, at Newport, DE: from Philadelphia over the Tacony-Palmyra Bridge, then over NJ Hwy 73 to junction U.S. Hwy 130, then over U.S. Hwy 130 to junction Interstate 295, then over Interstate 295 to junction Interstate 295 and 95, and return over the same route; and (d) between junction NJ Hwy 73 and U.S. Hwy 130, and, Interstate 295 and U.S. Hwy 130—from junction NJ 73 and U.S. Hwy 130 over NJ 73 to junction NJ 73 and Interstate 295, then over Interstate 295 to junction U.S. Hwy 130 and Interstate 295 and return over the same route, serving all intermediate points, and off-route points in MD, on and east of Interstate Hwy 81, and those in VA, on and east of U.S. Hwy 15 from the VA-MD State Line to its intersection with VA Hwy 3, and on and north of VA Hwy 3, from that intersection to junction U.S. Hwy 301, then northeast over U.S. Hwy 301, to the Potomac River.

Note.—The purpose of this application is to substitute applicant's single-line service for its existing joint-line operations.

MC 111545 (Sub-303F), filed July 1, 1980. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, S.E., Marietta, GA 30067. Representative: J. Michael May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *commodities, the transportation of which because of size or weight require the use of special equipment, and self-propelled articles each weighing 15,000 pounds or more*, (1) between points in TX, on the one hand, and, on the other, points in AR, KY and TN (except those points in KY and TN within 175 miles of Chattanooga, TN), LA and WV; and (2) between points in TN, on the one hand, and, on the other, points in DE, IN, KS, MD, MI, NJ, NY, NC, OH, OK, PA, SC, VA, and WV.

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 133965 (Sub-19F), filed May 20, 1980. Applicant: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, AZ 85005. Representative: William J. Lippman, Suite 330, Steele Park, 50 South Steele St., Denver, CO 80209. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *refined petroleum products* (except asphalts, road oils and residual fuel oils) in bulk, in tank vehicles, from points in CA (except Colton, Niland and Los Angeles), to points in AZ, and San Juan, McKinley, Valencia, Catron, Bernalillo, Sandoval, and Rio Arriba Counties, NM; and (2) *contaminated petroleum products*, in bulk, in tank vehicles, from Phoenix and Tucson, AZ, to points in CA (except Niland and Colton).

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-29771 Filed 9-25-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Section 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before October 27, 1980. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC-F-13050 et al. In a decision of July 30, 1980, corrected by Notice to the Parties of August 29, 1980, the Commission approved the requested removal of restrictions in No. MC-95336 (Sub-No. 9), *J.B. Williams, Inc.-Modification* subject to publication in the **Federal Register**. The following authority was approved subject to such publication: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over irregular routes, between New York, NY, and Philadelphia, PA and Camden, NJ, on the one hand, and, on the other, points in Union, Essex, Hudson, Bergen, Middlesex, Passaic, Mercer, Morris, and Somerset Counties, NJ. Between Newark, NJ, on the one hand, and, on the other, points in Middlesex County, NJ. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Middlesex, Somerset and Union Counties, NJ, on the one hand, and, on the other, New York, NY, and points in Nassau, Orange, Westchester, Putnam, Dutchess, Rockland, Ulster, Sullivan and Delaware Counties, NY, and those in Fairfield County, CT and Berks, Lehigh, and Northampton Counties, PA.

Operating Rights Application(s) Directly Related to Finance Proceedings—Notice

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

On applications filed before March 1, 1979, an original and one copy of *protests* to the granting of authorities must be filed with the Commissison within 30 days after the date of this **Federal Register** notice. Such protests shall conform with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission within 30 days after date of publication. A petition for intervention must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting

performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points. Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Verified statements in opposition should not be tendered at this time. A copy of the protest or petition to intervene shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 127602 (Sub-17F) (republication), filed September 1, 1978, published in the **Federal Register** issue of February 2, 1979, and republished this issue. Applicant: DENVER-MIDWEST MOTOR FREIGHT, INC., P.O. Box 996, 555 East 58th Avenue, Denver, CO 80201. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebraska 68501. A Decision of the Commission, Geraldine R. Keyes, Administrative Law Judge, Decided May 30, 1980, and served June 20, 1980, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over regular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Grand Junction, CO, and Denver, CO, from Grand Junction over Interstate Hwy 70 to Denver, CO and return over the same route. Authority is granted to tack the operating authority in No. MC-127602 (Sub-No. 17F) with the authority transferred in No. MC-F-13723F in order to provide a through-service between Phoenix, AZ and Denver, CO, restricted against the interline at Denver and its Commercial Zone of traffic destined to or originating at Grand Junction, Delta and Montrose, CO; that applicant is fit, willing and able properly to perform such service and to conform to requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this re-publication is to show the scope of the authority approved and authorized.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-29773 Filed 9-25-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Council on the Role of Courts; Meeting

Notice is hereby given that the Council on the Role of Courts will meet in Washington, D.C. on Saturday, October 11, 1980. The meeting, which is scheduled for 9:00 a.m. to 5:15 p.m. on Saturday, will be held at the Federal Judicial Center, 1520 H Street, NW., Washington, D.C.

The Council will consider sections of a draft of its final report. Essays commissioned by the Council on specialized courts and the role of the courts in housing cases may also be discussed.

The meeting will be open to the public. Minutes of the proceedings will be furnished upon request.

Additional information may be obtained from Richard B. Hoffman, Office for Improvements in the Administration of Justice, United States Department of Justice, Washington, D.C. 20530. Telephone: (202) 633-4609.

Harry A. Scarr,

Administrator, Federal Justice Research Program.

[FR Doc. 80-29975 Filed 9-25-80; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree and Action To Obtain Damages for Violations of the Clean Air Act by Alabama By-Products Corp.

In accordance with Department policy, 28 CFR § 40.7, 38 FR 19029, notice is hereby given that on August 5, 1980, a proposed consent decree in *United States of America* v. *Alabama By-Products Corp. et al.*, Civil Action No. 77-M-1455-5, was lodged with the United States District Court for the Northern District of Alabama, Southern Division.

The proposed consent decree requires Alabama By-Products Corp. to achieve compliance with the applicable regulations and to install certain control equipment. In some cases, the required control equipment will result in the achievement of compliance with emission limitations more stringent than those contained in the Alabama State Implementation Plan. Additionally, the decree provides for testing procedures, reporting requirements and alternative emission reduction provisions. Stipulated penalties are set for failing to meet the applicable final compliance dates.

The proposed consent decree may be examined at the Office of the United States Attorney for the Northern District of Alabama in Birmingham, Alabama; at the Region IV office of the Environmental Protection Agency, Enforcement Division, 345 Courtland Street, N.E., Atlanta, Georgia 30308; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 1734, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the Proposed Consent Decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of $2.10 (10 cents per page reproduction charges) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of 30 days from the date of this notice, comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *Alabama By-Products Corp., et al.*, (W.D. Ala., Civil Action 77-M-1455-5; D.J. 90-5-2-11-88).

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-29768 Filed 9-25-80; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants; City of Carson City, Nev.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on September 5, 1980, a proposed Consent Decree in *United States* v. *City of Carson City, Nevada*, Civ. R. 78-0152 BRT, was

lodged with the United States District Court for the District of Nevada. The proposed consent decree will require the City of Carson City's wastewater treatment facility to come into compliance with standards set forth in NPDES Permit No. NV0020222 and Order of November 7, 1977, issued by the State of Nevada, Department of Conservation and Natural Resources, Division of Environmental Protection.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments related to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *City of Carson City*, DJ Ref. 90–5–1–1–986.

The proposed consent decree may be examined at the office of the United States Attorney, United States Courthouse, 300 Booth Street, Reno, Nevada, 89509, at the Region IX Office of Environmental Protection Agency, Enforcement Division, 215 Fremont Street, San Francisco, California 94105, and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice (Room 2644), Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of $5.70 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80–29769 Filed 9–29–80; 8:45 am]

BILLING CODE 4410–01–M

Business Research Advisory Council Meeting

The regular fall meeting of the Business Research Advisory Council will be held at 1:30 p.m., Wednesday, October 15, 1980, in Room N–5437 A, B, & C of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry. The agenda for the meeting is as follows:

1. Chairman's Opening Remarks—Noel A. McBride
2. Statement by the Commissioner—Janet L. Norwood
3. Committee Reports:
(a) Productivity—Foreign Labor
(b) Wages and Industrial Relations
(c) Price Indexes
(d) Occupational Safety and Health
(e) Employment and Unemployment
4. Other Business
5. Chairman's Closing Remarks

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523–1559.

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

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 80–29873 Filed 9–25–80; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Business Research Advisory Council's Committee on Employment and Unemployment, Meeting

The BRAC Committee on Employment and Unemployment will meet on Wednesday, October 15, 1980, at 9:30 a.m., in Room N–5437 A, B, & C of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. The agenda for the meeting is as follows:

1. Election of Vice Chairmen
2. Job Vacancy—Current Status
3. Other Business

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523–1559.

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

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 80–29880 Filed 9–25–80; 8:45 am]

BILLING CODE 4510–24–M

Business Research Advisory Council's Committee on Occupational Safety and Health, Meeting

The BRAC Committee on Occupational Safety and Health will meet on Tuesday, October 14, 1980, at 1:30 p.m., in Room S–4215 A and B of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. The agenda for the meeting is as follows:

1. Supplementary Data System
(a) Discussion of generating national estimates from SDS data
(b) Presentation of September *Monthly Labor Review* article on Work Injuries to Women
2. Recordkeeping
(a) Discussion of recordkeeping seminars
(b) Discussion of slide-sound show
3. Status of State statistical grants for FY 1981 and 1982
4. Work Injury Reports surveys scheduled for 1980–81
5. Results of Work Injury Reports surveys of injuries to the eye, face, head, and foot
6. Discussion of proposed lead exposure survey

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523–1559.

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

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 80–29879 Filed 9–25–80; 8:45 am]

BILLING CODE 4510–24–M

Business Research Advisory Council's Committee on Price Indexes, Meeting

The BRAC Committee on Price Indexes will meet on Tuesday, October 14, 1980, at 9:30 a.m., in Room 2433 of the General Accounting Office Building, 441 G Street, N.W., Washington, D.C. The agenda for the meeting is as follows:

1. Status Report on the Producer Price Index Revision
2. Status Report on the Consumer Expenditure Survey Program
3. Status Report on the Consumer Price Index Program
4. Discussion of the New American Family Budget Standards Report
5. Other Business

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523–1559.

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

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 80–29881 Filed 9–25–80; 8:45 am]

BILLING CODE 4510–24–M

Federal Committee on Apprenticeship; Public Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given of an open meeting of the Subcommittee on Equal Apprenticeship Opportunity to be held on October 9, 1980, Room 10017, Patrick Henry Building, 601 D Street NW., Washington, D.C. The meeting will be in session from 1:00 p.m. until 3:00 p.m.

The agenda for the meeting includes:

(1) Status Report on the information flow progress on legislation and regulations related to apprenticeship.

(2) Handicap information booklet as it applies to apprenticeship.

(3) Intent of Title VII in the spirit of Equal Employment Opportunity.

(4) Status Report on SAC States complying with the provisions of 29 CFR 30—Equal Employment Opportunity in Apprenticeship and Training.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary at any time prior to the meeting. Thirty duplicate copies are needed for the members and for incusion in the minutes of the meeting. If time permits, members may be permitted to address the Subcommittee on the above issues.

Any member of the public who wishes to speak at this meeting should so indicate in a written statement, also the nature of the intended presentation and amount of time needed. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows: Mrs. M. M. Winters, Bureau of Apprenticeship and Training, ETA, U.S. Department of Labor, 601 D Street NW, (Room 5434), Wash., D.C. 20213.

Signed at Washington, D.C.

Charles B. Knapp,

Deputy Assistant Secretary for Employment and Training Administration.

[FR Doc. 80–29882 Filed 9–25–80; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

[Docket No. M–80–121–C]

Bethlehem Mines Corp.; Petition for Modification of Application of Mandatory Safety Standard

Bethlehem Mines Corporation, Martin Tower, Bethlehem, Pennsylvania 18016 has filed a petition to modify the application of 30 CFR 75.1701 (abandoned areas, adjacent mines; drilling of boreholes) to its Mine No. 132 located in Boone County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petitioner's mine is now approaching an abandoned mine, Wharton No. 4, of the Eastern Associated Coal Corporation.

2. To comply with regulations, petitioner would be required to drill boreholes into the rib at 8 feet intervals, which would limit the continuous miner to an eight-foot cut, thus interrupting production.

3. As an alternative method to complying with the standard, petitioner proposes to:

a. Drive a room off the entry closest to the adjacent mine, drill three boreholes 12 feet apart and approximately 200 feet long parallel to the projected path of the entry located closest to the adjacent mine; and

b. Drive another room off the entry, after the boreholes have been drilled and after advancing the entry as projected, and repeat the drilling pattern.

4. Tests conducted by the U.S. Bureau of Mines using similar equipment and drilling techniques have proven that a borehole can be drilled horizontally to distances up to 600 feet without significant drifting.

5. In order to further assure that there is no significant drifting of the boreholes, petitioner proposes to remove a cut of coal from the barrier at every second breakthrough (approximately 200 feet).

6. Petitioner states that this alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before October 27, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 16, 1980.

Frank A. White,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 80–29872 Filed 9–25–80; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–80–93–M]

Cathedral Bluffs Shale Oil Co.; Petition for Modification of Application of Mandatory Safety Standard

Cathedral Bluffs Shale Oil Company, P.O. Box 2687, Grand Junction, Colorado 81501 has filed a petition to modify the application of 30 CFR 57.21–78 (permissible equipment) to its Federal Prototype Oil Shale Lease Tract C–b located in Rio Blanco County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1979.

A summary of the petitioner's statements follows:

1. Methane samples taken at the mine indicate that dangerous quantities of methane are nonexistent for this mine.

2. Larger concentrations, or gas pockets, if they exist, would first be encountered either with pneumatic drilling equipment which operate under wet conditions or at the time of blasting when the shaft is completely evacuated of personnel.

3. Petitioner asserts that nonpermissible equipment wil not be used where methane concentration is in excess of one percent (1%), and therefore seeks a modification of the standard to permit the use of nonpermissible equipment in the ventilation and escape shaft of the mine under the following conditions.

a. Ventilation will be initiated by a twin 50 Hp permissible type fan, directing air down a 30" diameter rigid vent line. The fan is located on the surface approximately 30 feet from the mine opening and provided with a blast door. The shaft diameter is 15 feet and concrete lined to a nominal 12 inches.

b. The 960 foot elevation breakout is ventilated in accordance with 30 CFR 57.21–34. Ventilation is regulated and distributed to three faces with 24" diameter rigid tubing. This station contains electrical gear situated in the main drift.

c. All levels that contain electrical and pump gear will be ventilated in accordance with the criteria established for the 960 foot breakout.

d. During the sinking phase, the shaft bottom is provided with fresh air from the 30" diameter rigid vent line in accordance with 30 CFR 57.21–33.

e. Development of each level hereafter will be supported by ventilation in accordance with 30 CFR 57.21–33. These quantities will be distributed to each work face by 24" diameter rigid vent line.

f. All deadend breakouts that are no longer necessary to shaft sinking will have all electrical and pump gear removed and be declared abandoned

areas regulated in accordance with 30 CFR 57.21–43.

4. Petitioner states that the procedures outlined above will provide no less degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before October 27, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 16, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-29874 Filed 9-25-80; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-7589]

Dayton Tire & Rubber Co.; Affirmative Determination Regarding Application for Reconsideration

On September 2, 1980, the United Rubber Workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of the Dayton Tire and Rubber Company, Dayton, Ohio, a subsidiary of the Firestone Tire and Rubber Company. This determination was published in the **Federal Register** on August 5, 1980, (45 FR 51963).

The application for reconsideration claims that the Department was inconsistent in certifying workers at the Barberton, Ohio facility of the Seiberling Tire and Rubber Company, TA–W–6906 and denying workers at the Dayton, Ohio plant of the Dayton Tire and Rubber Company inasmuch as both facilities were in the same tire division of the Firestone Tire and Rubber Company and produced the same tires with frequent interchanges of production between the two plants. The union also attacks the adequacy of the Department's customer survey.

Conclusion

After review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is therefore granted.

Signed at Washington, D.C. this 17th day of September 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-29876 Filed 9-25-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9783]

Gulf & Western Stamping Division, Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 4, 1980 in response to a worker petition received on July 28, 1980 which was filed on behalf of workers and former workers producing shifting levers, emergency brakes, hood latches and window regulators at the East Jordan, Michigan plant of Gulf and Western Stamping Division.

On June 13, 1980 a petition was filed on behalf of the same group of workers (TA–W–9206).

Since the identical group of workers is the subject of the ongoing investigation TA–W–9206, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 16th day of September 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-29889 Filed 9-25-80; 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 October 6, 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 October 6, 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 22nd day of September 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
H. M. White, Inc. (SMW)	Detroit, MI	9-15-80	9-5-80	TA-W-10,912	Air and sound pollution control devices.
J. Brodie & Sons, Inc. (SMW)	Oak Park, MI	9-15-80	9-5-80	TA-W-10,913	Fabricate duct work for ventilation systems.
J. L. Sherk Co. (SMW)	Detriot, MI	9-15-80	9-5-80	TA-W-10,914	Construction and maintenance of auto plants.
John Palen Corp. (SMW)	Sterling Heights, MI	9-15-80	9-5-80	TA-W-10,915	Ventilation systems.
Limbach Co. (SMW)	Pittsburgh, PA	9-15-80	9-5-80	TA-W-10,916	Ventilation systems.
Mid Continent Spring Co. (UAW)	Hopkinsville, KY	9-15-80	9-5-80	TA-W-10,917	Precision springs.
Sperry Rubber & Plastic Co., Inc.	Brookville, IN	9-15-80	9-5-80	TA-W-10,918	Rubber and plastic components for auto industry.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Ventcon, Inc. (SMW)	Allen Park, MI	9-15-80	9-5-80	TA-W-10,919	Duct work manufacturing for ventilation systems.
White Motor Corp. (workers)	Cleveland, OH	9-15-80	9-5-80	TA-W-10,920	Truck parts.
General Seal Corp. (workers)	Roseville, MI	9-10-80	9-4-80	TA-W-10,921	Mechanical seals for auto industry.
Inland Steel Mining Co. (USA)	Viginia, MN	9-15-80	9-8-80	TA-W-10,922	Taconite pellets.
Schad Boiler Setting Co. (workers)	Detroit, MI	9-15-80	9-9-80	TA-W-10,923	Auto parts and carpentry services.
Special Machine & Eng., Inc. (UAW)	Southfield, MI			TA-W-10,924	Axle and housing assemblies.
Spectator Casuals (ILGWU)	New York, NY	9-10-80	8-29-80	TA-W-10,925	Ladies apparell.
Stamping Services Inc. (workers)	Bloomfield Hills, MI	9-15-80	8-25-80	TA-W-10,926	Auto stampings and assemblies.
Theodore Bargman Co. (NMAW)	Coldwater, MI	9-15-80	8-25-80	TA-W-10,927	Automative parts for RV industry.
Vassar Manufacturing (Workers)	Vassar, MI	9-11-80	9-8-80	TA-W-10,928	Clutch plates.
White Motor Corp. (UAW)	Farmington Hills, MI	9-11-80	9-8-80	TA-W-10,929	Heavy duty trucks.
Chemical Sealing Corp. (workers)	Tucker, GA	5-28-80	4-29-80	TA-W-10,930	Sealants and adhesives.
Commerical Shearing, Inc. (USWA)	Youngstown, OH	6-10-80	6-4-80	TA-W-10,931	Hydraulic cylinders, pumps, and valves.
Designers Label (ILGWU)	Lodi, NJ	6-23-80	6-19-80	TA-W-10,932	Ladies sportswear.
Elis' Place Ltd.	New York, NY	5-9-80	5-15-80	TA-W-10,933	Ladies sportswear.
Manhatten Shirt Co. (workers)	Americus, GA	7-15-80	6-25-80	TA-W-10,934	Shirts.
Martin Bear Inc. (workers)	New York, NY	6-23-80	6-18-80	TA-W-10,935	Raincoats.
Trafalger Square, Ltd. (ILGWU)	New York, NY	5-19-80	5-14-80	TA-W-10,936	Women's clothes.
U.S. Steel Supply Co. (workers)	Chicago, IL	5-20-80	5-15-80	TA-W-10,937	Hauling of steel.
Walbro Corp. (UAW)	Cass City, MI	9-10-80	9-8-80	TA-W-10,938	Small engine carburetors.
Barnum Bros. Fibre Co. (workers)	Detroit, MI	9-15-80	8-11-80	TA-W-10, 939	Plastic auto parts.
Budd Co., Plastics Division (workers)	North Baltimore, OH	9-15-80	8-6-80	TA-W-10, 940	Auto parts, i.e., moldings.
Dura Corp., Switchers Aftermarket Division (workers).	Humbolt, TN	6-30-80	6-24-80	TA-W-10, 941	Auto. electric parts.
Johns' Manville Sales Corp. (UAW)	Richmond, IN	9-11-80	9-1-80	TA-W-10, 942	Insulation for commercial use.
Marquette Iron Mining Partnership (USA)	Ishpeming, MI	9-15-80	9-11-80	TA-W-10, 943	Iron ore and iron pellets.
McLaughlin Co	Petoskey, MI	9-8-80	8-29-80	TA-W-10, 944	Nuts and fasteners for auto industry.
Minneapolis Electric Steel Castings, Inc. (workers).	Portland, OR	9-15-80	9-9-80	TA-W-10, 945	Crusher liners for mining industry.
Premier Rubber Manufacturing Co. (URW)	Dayton, OH	9-15-80	9-11-80	TA-W-10, 946	Mechanical rubber products.
Saxon Trousers Manufacturing Co., Inc. (workers).	Scranton, PA	9-11-80	9-6-80	TA-W-10, 947	Men's and boy's pants.
Abex Corp. (USWA)	Medina, NY	9-15-80	9-5-80	TA-W-10, 948	Tire moldings and castings.
A. Elbling & Sons (SMW)	Pontiac, MI	9-15-80	9-5-80	TA-W-10, 949	Installation of heating equipment.
John Barnett (workers)	St. Clair Shores, MI	7-25-80	7-23-80	TA-W-10, 950	Extruded rubber and plastics for auto industry.
Joseph Herman Shoe Co. (workers)	Scarborough, ME	9-15-80	9-8-80	TA-W-10, 951	Men's shoes.
Ohio Ferro-Alloys Corp. (USA)	Canton, OH	9-5-80	9-16-80	TA-W-10, 952	Silicon and manganese products.
Plabell Rubber Products (workers)	Toledo, OH	9-15-80	9-5-80	TA-W-10, 953	Molded rubber parts.
Vendo Co. (workers)	Corinth, MS	9-15-80	9-9-80	TA-W-10, 954	Vending machines.
Westinghouse Electric Corp. (IUE)	Bloomfield, NJ	9-12-80	9-16-80	TA-W-10, 955	Lamps.
Collier Division of R.H.W., Inc. (USWA)	Colliers, WV	9-15-80	9-11-80	TA-W-10, 956	Caulking guns.
Erie Mining Co. (company)	Hoyt Lakes, MN	9-15-80	9-8-80	TA-W-10, 957	Iron ore and iron ore pellets.
Mackintosh-Hemphill, Division E. W. Bliss Co. (company).	Pittsburgh, PA	9-15-80	9-8-80	TA-W-10, 958	Iron rolls.
Magda Fashions, Ltd. (workers)	New York, NY	9-15-80	9-9-80	TA-W-10, 959	Leather garments.
Meriden Rolling Mills Ind., Co. (USA)	Meriden, CT	9-15-80	9-11-80	TA-W-10, 960	Nonferrous sheets and hardware fixtures.
Paceco	Alameda, CA	9-15-80	9-8-80	TA-W-10, 961	Fabricated metals.
Partlan Labadie Sheet Metal Co. (workers and company).	Troy, MI	9-15-80	9-5-80	TA-W-10, 962	Construction/maintenance of auto.
Square D Environmental Co. (company)	Detroit, MI	9-15-80	9-5-80	TA-W-10, 963	Construction/maintenance of auto.
Copa Coats Co., Inc. (workers)	Lindenhurst, NY	9-15-80	9-12-80	TA-W-10,964	Ladies coats and sportswear.
Glasgow Ind. (workers)	Glasgow, KY	9-15-80	9-10-80	TA-W-10,965	Wire harness and switches.
Lindell Drop Forge Co. (company)	Lansing, MI	9-12-80	9-5-80	TA-W-10,966	Steering and transmission parts.
Sargent Sand Co. (USA)	Ludington, MI	9-12-80	9-8-80	TA-W-10,967	Sand mining for auto molds.
Tilden Mining Co. (USWA)	National Mine, MI	9-15-80	9-11-80	TA-W-10,968	Wood products, i.e., boards.
Thunder Bay Manufacturing Corp. (UAW)	Alpena, MI	9-15-80	9-12-80	TA-W-10,969	Castings, iron dies.
Uniroyal, Inc. (workers)	Painesville, OH	9-15-80	6-4-80	TA-W-10,970	Synthetic nitrile rubber.
Universal Chain Co., Inc. (company)	Maplewood, NJ	9-15-80	9-11-80	TA-W-10,971	Jewelry chain and wire products.
Universal Cyclops Speciality (USWA)	Pittsburgh, PA	9-15-80	9-11-80	TA-W-10,972	Steel bar products.
Aliquippa & Southern R.R. Co. (TWU)	Aliquippa, PA	9-12-80	6-3-80	TA-W-10,973	Wire rod, roll steel steel pipe and tube.
Conaway-Winter (UFCW)	Willow Springs, MO	9-12-80	9-8-80	TA-W-10,974	Infant shoes.
Cutter Lab., Inc. (workers)	San Diego, CA	9-15-80	9-12-80	TA-W-10,975	Pharmaceuticals.
Electro Wire Products (workers)	Troy, MI	8-6-80	7-24-80	TA-W-10,976	Wire harness for auto industry.
Empire Iron Mining (USWA)	Ishpeming, MI	9-15-80	9-11-80	TA-W-10,977	Iron ore and iron pellets.
Firestone Steel Products (workers)	Riverview, MI	9-12-80	8-27-80	TA-W-10,978	Rims and wheels for trucks and buses.
Jeffrey Chain (IABS&OIW)	Morristown, TN	9-15-80	9-9-80	TA-W-10,979	Chain manufacturing.
Shakeproof Division, ITW (workers)	Russelville, KY	9-15-80	9-10-80	TA-W-10,980	Fasteners for auto industry.
Arrow Molded Plastics Inc. (workers)	Napoleon, OH	9-16-80	9-10-80	TA-W-10,981	Plastic component parts.
Lardens Plastics	Davisburg, MI	9-18-80	9-8-80	TA-W-10,982	Plastic plumbing.
Massey-Ferguson Tractor Division Gear & Shaft Plant (company).	Detroit, MI	9-18-80	9-15-80	TA-W-10,983	Components for tractors.
Massey-Ferguson Tractor Division North American Implement Plant (company).	Des Moines, IA	9-18-80	9-15-80	TA-W-10,984	Components for tractors.
Massey-Ferguson Tractor Division North American Tractor Plant (company).	Detroit, MI	9-18-80	9-15-80	TA-W-10,985	Tractors.
Massey-Ferguson Tractor Division, Tractor Division Headquarters (company).	Detroit, MI	9-18-80	9-15-80	TA-W-10,986	Tractors.
Massey-Ferguson Tractor Division Transmission & Axle Plant (company).	Wayne, MI	9-18-80	9-15-80	TA-W-10,987	Components for tractors.
Monogram Chandler Products Division (workers).	Euclid, OH	9-16-80	9-9-80	TA-W-10,988	Fasteners, bolts.
South Buffalo Railway Co. (USWA)	Lackawanna, NY	9-15-80	9-8-80	TA-W-10,989	Railway switching for Bethlehem.
Alma Plastics Co. (URW)	Milan, MI	9-15-80	9-6-80	TA-W-10,990	Molded plastic parts.
Barjo's Plastic Products (workers)	Burton, MI	9-15-80	9-12-80	TA-W-10,991	Air ducts for auto industry.
Bay State Abrasives (workers)	Westboro, MA	9-15-80	9-5-80	TA-W-10,992	Abrasives, wheels, paper.
General Electric Lexington Lamp Plant (workers).	Lexington, KY	9-15-80	9-12-80	TA-W-10,993	Sealed beam headlamps for auto industry.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Ingersoll-Johnson Steel Co, (UAW)	New Castle, IN	9-15-80	9-8-80	TA-W-10,994	Stainless steel, saw steel tool steel, plow steel.
Rockwell Inter. Auto Mech. Devices Div. (workers).	Logansport, IN	9-15-80	9-12-80	TA-W-10,995	Springs.
Wallover Oil Co. (teamsters)	East Liverpool, OH	9-15-80	9-12-80	TA-W-10,996	Industrial lubricants.
Waumbec Mills (workers)	Manchester NH	9-15-80	9-10-80	TA-W-10,997	Rayon and acetate fibers.
Waumbec Die & Finishing (workers)	Manchester NH	9-15-80	9-10-80	TA-W-10,998	Rayon and acetate fibers.
Butler Taconite Co. (USWA)	Hibbing, MN	9-17-80	9-15-80	TA-W-10,999	Iron ore pellets.
Dresser Industries (IAM & AW)	Defiance, OH	9-17-80	9-12-80	TA-W-11,000	Mechanics hand tools.
Farrel Conn. Div. USM Corp. Ansonia Plant, Derby Plant (AFL-CIO).	Ansonia, CT	9-13-80	9-5-80	TA-W-11,001	Extruders plastic processing machinery.
Lucas Avenue Plant (workers)	Dunkirk, NY	9-15-80	9-13-80	TA-W-11,002	Fine wire and specialty steel alloy wire.
Mepco Electra, Inc. (workers)	Canandiagua, NY	9-15-80	9-8-80	TA-W-11,003	Ceramic capacitors.
Prestolite (workers)	Florence, KY	9-15-80	9-10-80	TA-W-11,004	Auto parts and ignition systems.
Rohm & Haas Tenn. Inc. (workers)	Knoxville, TN	9-15-80	9-11-80	TA-W-11,005	Chemicals and plastics.
Rack Processing (workers)	Dayton, OH	9-15-80	9-3-80	TA-W-11,006	Electro plating racks.
Tenna Corp. (workers)	Warrensville Hts., OH	9-12-80	8-27-80	TA-W-11,007	Automotive antennas.
Westover Knitting Mills (workers)	Indian Orchard, MA	9-16-80	9-4-80	TA-W-11,008	Finished fabric.
Birmington Benders Co. (Co.)	Clawson, MI	9-12-80	9-9-80	TA-W-11,009	Tools, dyes, and machines for auto industry.
Cal-Feather Products (workers)	Sand City, CA	9-15-80	9-8-80	TA-W-11,010	Vinyl covers and pillows.
C. Miller Chevrolet (workers)	Willoughby, OH	9-11-80	8-31-80	TA-W-11,011	Auto parts and service.
Dick Green Chrysler (workers)	Farmington, MI	9-12-80	6-28-80	TA-W-11,012	Auto repair parts.
Goodyear Tire & Rubber Co. (URW)	Akron, OH	9-15-80	9-9-80	TA-W-11,013	Auto air springs.
J. H. Woods Inc. (workers)	Lebam, WA	9-15-80	9-9-80	TA-W-11,014	Cedar shakes and shingles.
Mercier Co. and (workers)	Dearborn, MI	9-17-80	9-12-80	TA-W-11,015	Metalurgical products aiding steel and iron processing.
Pacific Pumping Co. (workers)	Oakland, CA	9-17-80	9-12-80	TA-W-11,016	Industrial pumps.
United Screw & Bolt Co. (UAW)	Cleveland, OH	9-15-80	9-8-80	TA-W-11,017	Washers and sprocket blanks.
Way Mfg. (workers)	Rockland, MA	9-12-80	9-4-80	TA-W-11,018	Ladies sportswear.
A. D. Lugin, Inc. (workers)	New York, NY	9-17-80	9-15-80	TA-W-11,019	Spool, scalloped lace.
Adesol (workers)	Selden, NY	9-8-80	9-3-90	TA-W-11,020	Women's sportswear.
Cases Inc. (workers)	Seattle, WA	9-17-80	9-12-80	TA-W-11,021	Acoustic guitars, banjos.
Doehler, Jarvis (UAW) Public Law 1	Toledo, OH	9-18-80	9-15-80	TA-W-11,022	Die casting for autos.
Doehler, Jarvis Public Law 2 (UAW)	Toledo, OH	9-18-80	9-15-80	TA-W-11,023	Die castings for autos.
Itmann Coal Co. (UMWA)	Itmann, W.VA	9-17-80	8-8-80	TA-W-11,024	Coal mining.
Rockwell International Corp. (workers)	Memphis, TN	9-18-80	9-15-80	TA-W-11,025	Manufacturing tools and dies.
Schlegel Corp. Carolina Division (company)	Chester, SC	9-16-80	9-2-80	TA-W-11,026	Patented wire carrier.
Standard Products Co., Cee Bee Division (workers).	Brooklyn, NY	9-17-80	9-15-80	TA-W-11,027	Manufacturing software trim products.
Tappan Co., Murray Operation (UAW)	Murray, NY	9-16-80	9-5-80	TA-W-11,028	Ovens, garbage disposals.
Herley Shoe Co. (workers)	Haverhill, MA	9-18-80	9-15-80	TA-W-11,029	Men's leather footwear.
Hi Ram Inc. (workers)	Grandville, MI	9-15-80	9-11-80	TA-W-11,030	Electric components.
Keystone Coke Corp. (USA)	Conshohocken, PA	9-19-80	9-16-80	TA-W-11,031	Metallurgical coke.
McBain Lincoln Merc, Ltd. Inc. (workers)	Milwaukee, WI	9-15-80	9-10-80	TA-W-11,032	Dealership.
Smith Corona Plant No. 2 (workers)	Cortland, NY	9-16-80	9-12-80	TA-W-11,033	Assemble typewriters.
Smith Corona Plant No. 3 (workers)	Groton, NY	9-16-80	9-12-80	TA-W-11,034	Assemble typewriters.
Smith Corona Plant No. 5 (workers)	Cortland, NY	9-16-80	9-12-80	TA-W-11,035	Assemble typewriters.
Smith Corona Plant No. 8 (workers)	Coritand, NY	9-16-80	9-12-80	TA-W-11,036	Assemble typewriters.
Smith Corona Plant No. 1	Cortland, NY	9-16-80	9-12-80	TA-W-11,037	Fabricate typewriters.
Boise Cascade Corp., Aberdeen Sawmill (workers).	Aberdeen, WA	8-21-80	8-8-80	TA-W-11,038	Rough-cut "green" lumber and special-order timbers and railroad ties.
Connors Steel Co. (USWA)	Huntington, WV	9-18-80	9-16-80	TA-W-11,039	Steel bar products.
Donnelly Mirrors, Inc. (workers)	Holland, MI	9-15-80	9-10-80	TA-W-11,040	Automotive parts.
Kontz Motor Sales Inc. (workers)	Howell, MI	5-15-80	5-9-80	TA-W-11,041	New car and truck sales.
Lustre Platting Co. (workers)	Detroit, MI	9-17-80	9-11-80	TA-W-11,042	Plated spokes.

[FR Doc. 80-29875 Filed 9-25-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8139]

Julius Simon Ruffolo Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 19, 1980 in response to a worker petition received on May 13, 1980 which was filed on behalf of workers and former workers producing men's swim shorts at Sea Squire, Incorporated, Brooklyn, New York.

The Notice of Investigation was published in the **Federal Register** (45 FR 38177-9). No public hearing was requested and none was held. The investigation revealed that the name of the firm was Sea Squire, Incorporated and that its assets were acquired by Julius Simon Ruffolo Company in July 1978.

During the course of the investigation, it was established that all workers of the appropriate subdivision of Julius Simon Ruffolo Company were separated from employment in April 1979. Section 223(b) of the Trade Act of 1974 states that no certification under this section may apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than one year prior to the date of the petition.

The date of the petition in this case is May 7, 1980, and, thus, workers terminated prior to May 7, 1979 are not eligible for program benefits for program benefits under Section 223 of the Trade Act of 1974. The investigation is therefore terminated.

Signed at Washington, D.C. this 16th day of September 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-29870 Filed 9-25-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6963, 6964 and 6991]

Ford Motor Co., Mount Clemens Paint, Mount Clemens, Mich., Mount Clemens Vinyl, Mount. Clemens, Mich., Green Island Plant, Troy, N.Y.; Amended Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 25, 1980 applicable

to all workers covered under the following petitions: TA-W-6669 and 6916, TA-W-6959 through 6966, TA-W-6968 through 6991, TA-W-6993, TA-W-6995 through 6998 and TA-W-7170. The Notice of Certification was published in the **Federal Register** on May 2, 1980, (45 FR 29433). The Department also issued an Amended Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance on July 16, 1980. The Notice of Amended Determinations was published in the **Federal Register** on July 25, 1980, (45 FR 49703).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification and amended determinations. The additional information revealed that substantial layoffs occurred several weeks prior to the impact dates for the three plants cited above. These layoffs were not covered by the original impact dates set in the certification for workers at Mt. Clemens Paint, Mt. Clemens, Michigan; Mt. Clemens Vinyl, Mt. Clemens, Michigan and the Green Island plant, Troy, New York. All three plants had an impact date of August 1, 1979. Under the circumstances, the original impact date of August 1, 1979 for the Mt. Clemens Paint and Mt. Clemens Vinyl plants of the Ford Motor Company has been changed to July 1, 1979. The original impact date of August 1, 1979 for the Green Island plant of the Ford Motor Company has been changed to June 1, 1979.

The intent of the certification is to cover all workers of the Ford Motor Company who were affected by the decline in the sales or production of passenger cars, pick-up trucks, light trucks, utility vehicles and component parts for passenger cars, trucks vans and general utility vehicles at certain plants of the Ford Motor Company, Dearborn, Michigan related to increased import competition. The Notice of Amended Determinations, therefore, is amended to include a new impact date of July 1, 1979 for the Mt. Clemens Paint plant and the Mt. Clemens Vinyl plant of the Ford Motor Company and a new impact date of June 1, 1979 for the Green Island plant, Troy, New York of the Ford Motor Company.

The certification applicable to TA-W-6963, 6964 and 6991 is hereby amended a second time and issued as follows:

All workers of the Ford Motor Company's Mt. Clemens Paint plant and the Mt. Clemens Vinyl plant both of Mt. Clemens, Michigan who became totally or partially separated from employment on or after July 1, 1979 and all workers of the Ford Motor Company's Green Island plant, Troy, New York who became totally or partially separated from employment on or after June 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter of the Trade Act of 1974.

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

Herbert M. Blackman,

Associate Deputy Under Secretary, International Affairs.

[FR Doc. 80-29877 Filed 9-25-80; 8:45 am]

BILLING CODE 4510-28-M

Mushrooms; Report on Industry Study

On August 14, 1980, the U.S. International Trade Commission (ITC) determined that increased imports of "Mushrooms" are a substantial cause of serious injury, or threat thereof, to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (45 FR 57221).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance, and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The U.S. Department of Labor has concluded its report on "Mushroom". The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the U.S. Department of Labor has received two petitions from workers producing canned mushrooms. One petition was certified and the other was denied. The certified petition has since terminated. As of March 31, 1980, the Department had paid trade readjustment allowances of $18,462 to 15 workers formerly employed in a plant performing the canning of mushrooms. The Department paid no relocation or job search allowances and no workers had entered training as of March 31, 1980.

2. Employment of production and related workers engaged in the canning of mushrooms generally declined from the 1976–1977 marketing year (July 1–June 30) through the 1978–1979 marketing year. The average number of production and related workers employed in mushroom canning operations during July–March 1979–1980 was 8.0 percent less than during the corresponding period of 1978–1979, and the number of hours worked by production and related workers employed in such operations during 1979–1980 was 13.0 percent less. Demand for labor in the industry is unlikely to increase in the near future. Indeed, some erosion of employment may occur, depending on economic conditions and import competition.

3. Based on local unemployment rates for areas having mushroom canning plants and Employment Service Occupational vacancy data, prospects for separated workers range from poor to good. Reemployment prospects for only two areas appear to be good. Three areas appear to have poor reemployment prospects, including Philadelphia, Pennsylvania, where much of the mushroom canning industry is concentrated. The remaining areas are about evenly divided between those with fair and those with unfavorable prospects. Seven of the fourteen producing areas had local unemployment rates (unadjusted) in May 1980 that were above the national rate of 7.0 percent (unadjusted).

4. In cases where trade impacted workers in the mushroom canning industry are ineligible to participate in CETA prime sponsor training programs, the Employment and Training Administration is authorized, within funding limitations, to purchase training in their behalf. Such training may be purchased only if these wokers are certified eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974. However, it should be noted that while $13.7 million in CETA Title III funds were allocated to States for purchasing training spaces and related activities, few dollars remain available for training trade impacted workers this fiscal year. Training demands have been unprecedentedly heavy this year, and virtually all States with heavy training demands have depleted their CETA Title III resources. Additionally, the Department cannot, at this time, certify the availability of training resources for the trade program in fiscal year 1981.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (phone 202–523–7665).

Signed at Washington, D.C. this 19th day of September 1980.

Dean Clowes,

Deputy Under Secretary, International Affairs.

[FR Doc. 80-29878 Filed 9-25-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9958]

Star Cedar Products; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 11, 1980 in response to a worker petition received on June 13, 1980 which was filed on behalf of workers and former workers producing red cedar shakes for Star Cedar Products, Forks, Washington.

In a note received on August 29, 1980 two of the petitioners requested withdrawal of the petition. On September 15, 1980, the third petitioner orally requested withdrawal of the petition. On the basis of these withdrawals, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 16th day of September 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-29871 Filed 9-25-80; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Humanities Panel Advisory Committee; Notice of Changes

This is to announce changes in two meetings of the Humanities Panel Advisory Committee.

1. The meeting to be held September 24, 1980 in Room 314, National Endowment for the Humanities, 806 15th Street, NW., Washington, D.C. to review preliminary proposals for NEH Seminars (practitioner) directorships submitted to the Division of Fellowships and Seminars for persons in the field of Law for programs beginning after January 1, 1981 has been changed. It will be held in Room 1023 of the National Endowment for the Humanities on October 10, 1980.

2. The meeting to be held October 1, 1980 in Room 1023, National Endowment for the Humanities, 806 15th Street, NW., Washington, D.C. to review preliminary proposals for NEH Seminars (practitioner) directorships submitted to the Division of Fellowships and Seminars from persons in the field of History for programs beginning after January 1, 1981.

Both of these meetings were announced on page 57799 of the **Federal Register** dated August 29, 1980.

Stephen J. McCleary,

Advisory Committee Mangement Officer.

[FR Doc. 80-29786 Filed 9-25-80; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel; Meetings

AGENCY: National Endowment for the Hmanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. Law 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

(1) Date: October 10, 1980.
Time: 9:15 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Fellowships for Independent Study and Research in American Literature, Near Eastern Studies, Musicology, Political Science, Philosophy, European History, and other subjects, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(2) Date: October 11, 1980.
Time: 9:15 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Fellowships for Independent Study and Research in American Literature, Near Eastern Studies, Musicology, Political Science, Philosophy, European History, and other subjects, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(3) Date: October 17, 1980.
Time: 9:15 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Fellowships for Independent Study and Research in American History, English Literature, Art History, Spanish Literature, Religion, Anthropology, and other subjects, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(4) Date: October 18, 1980.
Time: 9:15 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Fellowships for Independent Study and Research in American History, English Literature, Art History, Spanish Literature, Religion, Anthropology, and other subjects, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(5) Date: October 20, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023.
Program: This meeting will review applications submitted for the General Research Programs: State, Local and Regional Studies projects, Division of Research Programs, for projects beginning after March 1, 1981.

(6) Date: October 20, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for the Translations: Asian Languages projects, Division of Research Programs, for projects beginning after March 1, 1981.

(7) Date: October 23, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023.
Program: This meeting will review applications submitted for the General Research Program: Research Conferences projects, Division of Research Programs for projects beginning after December 1, 1981.

(8) Date: October 24, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023.
Program: This meeting will review applications submitted for the General Research Program: Research conferences projects, Division of Research Programs for projects beginning after December 1, 1981.

(9) Date: October 23, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for the Research Resources Program: Preservation and Conversation projects, Division of Research Programs, for projects beginning after March 1, 1981.

(10) Date: October 24, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for the Research Resources Program: Preservation and Conversation projects, Division of Research Programs, for projects beginning after March 1, 1981.

(11) Date: October 27, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for the Research Materials Program, Translation: Romance Languages Projects, Division of Research Programs, for projects beginning after March 1, 1981.

(12) Date: October 28, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for the Research Materials Program, Translation: Romance Languages Projects, Division of Research Programs, for projects beginning after March 1, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings

will consider information that is likely to disclose,

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclousure of which would significantly frustrate implementation of proposed agency action

pursuant to authority granted me by the Chairman's Delegation of authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724–0367.

Stephen J. McCleary

Advisory Committee Management Officer.

[FR Doc. 80–29845 Filed 9–25–80; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–320]

Draft Programmatic Environmental Impact Statement for Decontamination of Three Mile Island Nuclear Station, Unit 2; Extension of Comment Period

On August 15, 1980 (45 FR 54493), notice was published providing an opportunity to comment upon the "Draft Programmatic Environmental Impact Statement related to decontamination and disposal of radioactive wastes resulting from March 28, 1979, accident at Three Mile Island Nuclear Station, Unit 2" (NUREG–0683), which was prepared by the Commission's Office of Nuclear Reactor Regulation. Comments on NURG–0683 were requested to be submitted by October 6, 1980.

Pursuant to the National Environmental Policy Act and the U.S. Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the comment period is being extended. Comments are now due by November 20, 1980.

NUREG–0683 is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C., and in the local public document rooms at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126, and at the York College of Pennsylvania, Country Club Road, York, Pennsylvania 17405. It is also availabe at the Pennsylvania State Clearinghouse, Governor's Budget Office, Intergovernmental Relations Division, P.O. Box 1323, Harrisburg, Pennsylvania 17120, and at the Tri-County Regional Planning Commission, Shore Drive Office Center, Building No. 2, Suite 221, 2001 N. Front Street, Harrisburg, Pennsylvania 17102. Requests for copies of the Draft Programmatic Environmental Impact Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control.

Upon consideration of comments submitted with respect to the Draft Programmatic Environmental Impact Statement, the Commission's staff will prepare a Final Programmatic Environmental Impact Statement, the availability of which will be published in the **Federal Register.**

Comments on the Draft Programmatic Environmental Impact Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Three Mile Island Program Office.

Dated at Bethesda, Maryland, this 18th day of September 1980.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 80–29689 Filed 9–25–80; 8:45 am]

BILLING CODE 7590–01–M

PRESIDENT'S ADVISORY COMMITTEE FOR WOMEN

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended), notice is hereby given of a meeting of the President's Advisory Committee for Women.

Date, time and place: October 20, 1980.
Closed business session: 10:00 a.m. to 4:30 p.m., Room N–5437, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C.
Purpose: To discuss the 1980 Report to the President.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. During its closed session, the Committee will discuss and plan the format of the 1980 Report to the President.

Warlene Gary,

Deputy Director.

September 19, 1980.

[FR Doc. 80–29883 Filed 9–25–80; 8:45 am]

BILLING CODE 4510–23–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–17155; File No. SR–PSE–80–16]

Pacific Stock Exchange Inc.; Proposed Rule Change by Self-Regulatory Organization

September 18, 1980.

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. 94–24, 16 (June 4, 1975), notice is hereby given that on September 15, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

Pacific Stock Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE"), pursuant to Rule 19b–4 of the Securities Exchange Act of 1934 (the "Act"), hereby proposes to amend its policies ("the Exercise Price Amendments") relating to the intervals at which the exercise prices of options are fixed. The Exercise Price Amendments are set forth below. Brackets indicate words to be deleted, and italics indicate words to be added.

Exercise prices are generally fixed at 5 point intervals for securities traded below [50] *100*, and 10 point intervals for securities trading [between 50 and 200 and 20 point intervals for securities trading above 200] *above 100.*

In addition, this filing is made to modify the policies regarding (1) the minimum price movement in the underlying security necessary for introduction of new striking prices and (2) the minimum duration of new option series. First, instead of waiting for a stock price to move half the distance between striking-price intervals, new strike prices would be introduced when an old striking price is touched. For example, with strike prices of 35 and 40, it would only be necessary for the underlying security price to reach 40 before the 45 strike price could be introduced. Second, the policy that new option series have at least 60 days until expiration would be changed; new series would be added so long as they do not expire in the calendar month during which they are introduced. For example, no new January series could be opened during the month of January.

PSE's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the Exercise Price Amendments is to enable the PSE to set

the exercise price of series of options opened for trading on the PSE at a price per share which is closer to the market price per share at which the underlying stock is traded in the primary market.

When implemented the Exercise Price Amendments will result in a small increase in the number of series of options opened for trading on the PSE. At present, based upon the market price of the stocks underlying the options traded on the PSE, only eight classes of options would be affected by the Exercise Price Amendments. Consequently, the Exercise Price Amendments will not adversely affect the operational capacity of the PSE.

The ability to open an options series at prices closer to the price of the underlying stock would make it easier for public customers to reduce their risks through increased hedging and other purchasing and writing strategies. Registered Options Market Makers would be better able to make fair and orderly markets in these issues. The public would thus be afforded greater access to a narrow, continuous, two-sided market.

Finally, with respect to the modifications concerning the introduction of new striking prices and the introduction of new series until the month of expiration, these changes insure the existence of striking prices both in and out of the money at all times with one limitation. That limitation, no new series introduced during the month of expiration, provides an adequate safeguard against any proliferation of new series as expiration approaches.

The Exercise Price Amendments are authorized by Section 6(b)(5) of the Securities Exchange Act of 1934 (the "1934 Act"). Such Amendments are designed to permit the narrowing of the markets in options dealt in on the Exchange by enabling the PSE to set the exercise price of series of options opened for trading on the PSE at a price per share which is closer to the market price per share at which the underlying stock is traded in the primary market. The PSE believes that the Exercise Price Amendments will serve to promote just and equitable principles of trade and to protect investors in exchange traded option contracts. Greater liquidity is provided by the modification involving the introduction of new striking prices and the introduction of new series until the month of expiration.

Comments were not solicited with respect to the proposed rule change. The Exercise Price Amendments were considered and approved by the Options Floor Trading Committee of the PSE which is composed of PSE members and representatives of PSE member organizations.

The PSE has determined that the Exercise Price Amendments would not impose any burden on competition.

Or on before October 31, 1980 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six 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 referenced in the caption above and should be submitted on or before October 17, 1980.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

September 18, 1980.

[FR Doc. 80-29889 Filed 9-25-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[CM-81327]

Shipping Coordinating Committee; Meeting

The Shipping Coordinating Committee will conduct an open meeting at 1:30 PM on Thursday, October 16, 1980 in room 3201 of the U.S. Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C. 20590.

The purpose of the meeting is to finalize preparations for the 45th Session of the Council of the Intergovernmental Maritime Consultative Organization (IMCO) which is scheduled for October 20–24 in London. In particular, the SHC will discuss development of U.S. positions dealing with, inter alia, the following topics:

—Personnel matters
—Financial matters
—Recalculation of the budget for 1981
—Reports of the Maritime Safety Committee and the Marine Environment Protection Committee.

Interested persons may seek information by writing Capt. R. A. Biller, U.S. Coast Guard Headquarters (G-CPI), 2100 2nd Street, SW., Washington, D.C. 20593; tel: (202) 426-2280.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

September 16, 1980.

[FR Doc. 80-29799 Filed 9-25-80; 8:45 am]

BILLING CODE 4710-07-M

[CM-81326]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Fire Protection of the Safety of Life at Sea Subcommittee will conduct an open meeting at 9:30 AM on October 7, 1980 in Room 1303 at the Coast Guard Headquarters Building, 2100 2nd St., SW., Washington, D.C. 20593.

The purpose of the meeting will be to:

—Review documents submitted for FP XXV (November 3–7, 1980);

—Review results of FP XXIV.

For further information contact Mr. Daniel F. Sheehan, U.S. Coast Guard (G-MMT-4/13), Washington, D.C. 20593, tel: (202) 426-2197 or Mr. Donald J. Kerlin, U.S. Coast Guard (G-MMT/12), Washington, D.C. 20593, tel: (202) 426-2167.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

September 16, 1980.

[FR Doc. 80-29798 Filed 9-25-80; 8:45 am]

BILLING CODE 4710-07-M

[CM-81328]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Subcommittee on Safety of Life at Sea of the Shipping Coordinating Committee will conduct an open meeting at 9:30 AM on Wednesday, November 19, 1980 in room 3201 of the U.S. Coast Guard Headquarters Building, 2100 2nd Street, SW., Washington, D.C. 20593.

The purpose of the meeting is to finalize preparations for the 43rd Session of the Maritime Safety Committee (MSC) of the

Intergovernmental Maritime Consultative Organization (IMCO) which is scheduled for December 1–5 in London. In particular, the SHC will discuss the development of U.S. positions dealing with, inter alia, the following topics:

—Implementation of instruments and related matters;

—Survey and certification;

—Reports of various Subcommittees of the MSC.

Interested persons may seek information by writing: Capt. R.A. Biller, USCG, U.S. Coast Guard Headquarters (G–GPI), 2100 2nd Street, SW., Washington, D.C. 20593 or by calling (202) 426–2280.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

September 16, 1980.

[FR Doc. 80–29800 Filed 9–25–80; 8:45 am]

BILLING CODE 4710–07–M

VETERANS ADMINISTRATION

Schedule for Granting Fiscal Year 1980 Performance Awards to Members of the Senior Executive Service

AGENCY: Veterans Administration.

ACTON: Agency's schedule for awarding FY 1980 performance awards to members of the Senior Executive Service as recommended in OPM memorandum of July 21, 1980.

SUMMARY: In accordance with the provisions of 5 U.S.C. 5384, the Veterans Administration will grant FY 1980 performance awards to forty-one (41) of its two hundred and five (205) eligible career Senior Executives. The amount of these lump-sum awards is related to a percentage of each Senior Executive's payable salary. The following table indicates the number of awards to be made at various percentages (rounded).

19%	3
16%	2
15%	1
12%	3
11%	8
10%	2
9%	2
8%	5
7%	7
6%	7
2%	1

In accordance with the performance appraisal system established by the VA under the provisions of 5 U.S.C. 4312, eighteen (18) of the Senior Executives to receive performance awards were rated outstanding, twenty-two (22) were rated highly satisfactory and one (1) was rated fully satisfactory.

FOR FURTHER INFORMATION CONTACT:

K. Joyce Edwards, Office of Personnel (05A) Veterans Administration, 810 Vermont Avenue, N.W. Washington, D.C. 20420 (202–389–3423).

Dated: September 23, 1980.

Max Cleland,

Administrator.

[FR Doc. 80–29785 Filed 9–25–80; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 189
Friday, September 26, 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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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday September 30, 1980.

PLACE: Commission Conference Room, No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Freedom Of Information Act Appeal No. 80-5-FOIA-375, concerning a request for documents generated by the Commission in connection with a Title VII charge.
2. Freedom Of Information Act Appeal No. 80-7-FOIA-351, concerning a request for a Commissioner's charge case file.
3. Freedom Of Information Act Appeal No. 80-7-FOIA-356, concerning information pertaining to a charge filed pursuant to the Age Discrimination in Employment Act.
4. Proposed contracts for services needed in connection with court cases.
5. Proposed Final Draft of the OFCCP-EEOC Memorandum of Understanding.
6. Proposed Interim Privacy Act System of Records Pertaining to EEOC complaints.
7. A 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: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 634-6750.

This Notice Issued September 23, 1980.

[S-1781-80 Filed 9-24-80; 10:57 am]

BILLING CODE 6570-06-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1762-80.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, September 23, 1980.

CHANGE IN THE MEETING: The following matter was added to the agenda for the closed portion of the meeting:

Labor Department's Proposed Regulations.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change:

Eleanor Homes Norton, Chair.
Daniel E. Leach, Vice Chair.
Ethel Bent Walsh, Commissioner.
Armando M. Rodriguez, Commissioner.

Opposed:

J. Clay Smith, Jr., Commissioner.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 634-6748.

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Part II

Department of Health and Human Services

Health Care Financing Administration

Medicare Program; Incentive Reimbursement for Outpatient Dialysis and Self-Care Dialysis Training

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Incentive Reimbursement for Outpatient Dialysis and Self-Care Dialysis Training

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY. This proposed regulation provides for reimbursing the cost of outpatient maintenance renal dialysis and self-care dialysis training treatments furnished to Medicare patients dialyzing in a hospital or independent facility. It implements section 1881(b)(2)(B) of the Social Security Act, which provides for an incentive reimbursement method to encourage economies in the delivery of these treatments.

The proposed regulation would establish a prospective payment for various types of dialysis treatments through a set of national rates, periodically adjusted. It would allow a 1-year transition period for those facilities with costs significantly above the rates, and authorize an exception to the established national rate for facilities with an atypical patient mix or other circumstances warranting a higher rate.

Also included in this proposed rule is an explanation of the proposed methodology by which we plan to establish the first set of national rates, if the regulation is adopted. We specifically invite comment on this proposed methodology.

DATES: In order to assure consideration, written comments or suggestions should be submitted on or before November 25, 1980.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver comments to: 309G Hubert H. Humphrey Bldg., 200 Independence Avenue, S.W., in Washington, D.C.; or to Room 789 East High Rise Bldg., 6401 Security Blvd., Baltimore, Maryland.

In commenting, please refer to file code OSP–2–P. Agencies and organizations are requested to submit their comments in duplicate. Comments will be available for public inspection, beginning approximately 2 weeks after publication, in Room 309G of the Department's offices at 200 Independence Avenue, SW Washington, D.C., on Monday through Friday of each week, from 8:30 a.m. to 5:00 p.m. (telephone 202–245–7890).

FOR FURTHER INFORMATION CONTACT: Bernadette Schumaker, 301–597–1048.

SUPPLEMENTARY INFORMATION:

I. Introduction

Legislative Background

The Social Security Amendments of 1972 (Pub. L. 92–603) provided Medicare coverage for end-stage renal disease (ESRD) patients who meet certain entitlement requirements. Since its inception, a number of studies and public hearings have been conducted to assess the operation and effectiveness of the ESRD program. The results indicate that the program has been generally successful in protecting renal disease patients against the catastrophic costs of needed care. However, there have been a number of serious problems which threaten to undermine the stability and effectiveness of the ESRD program. The major problem is the high and steadily rising cost of the program and the burden it can place on the Medicare trust funds unless steps are taken to make it more cost effective.

The End-Stage Renal Disease Program Amendments of 1978 (Pub. L. 95–292) were enacted to alleviate this problem. The amendments added section 1881(b)(2)(B) to title XVIII of the Social Security Act, directing the Secretary of HHS to promulgate regulations establishing an incentive reimbursement method for dialysis services furnished by ESRD facilities to Medicare patients. The amendments provided that an incentive reimbursement method would be established on a cost-related or other equitable and economically efficient basis, with incentives for encouraging more efficient and cost-effective delivery of these dialysis services. The reimbursement method may also provide, to the extent determined feasible by the Secretary, a system for classifying comparable providers and facilities and for prospectively set rates or target rates with arrangements for sharing reductions in cost attributable to more efficient and cost-effective delivery of services.

The rules proposed in this Notice of Proposed Rulemaking apply to outpatient maintenance dialysis and self-care dialysis training provided on the site of the ESRD facility. We have separate rules for reimbursing self-dialysis done in the beneficiary's house. Under section 1881(b)(4), the Secretary is authorized to enter into agreements with providers and independent facilities to pay for home dialysis services on the basis of a target rate. Under section 1881(b)(6), the Secretary is required to set this target rate each year at a level not to exceed 70 percent of the national average payment during the preceding year (adjusted for regional variations) for outpatient dialysis. Regulations implementing these provisions (42 CFR 405.440 and 405.691) were published on October 19, 1979 (44 FR 60287). If this proposed regulation on incentive rates becomes final, the rates set under it (including these exceptions granted in individual cases) would become the basis for setting the target rate for home dialysis.

Summary of Proposed Regulation

Currently, we pay a hospital for an outpatient maintenance dialysis treatment 80 percent of the average cost to the hospital of furnishing that treatment, up to a screen of $138 per treatment (excluding physicians' services) unless an exception is requested and granted. For a self-care dialysis training treatment, we allow a different, greater amount per treatment than the amount we allow for an outpatient maintenance dialysis treatment.

We reimburse facilities that are not hospitals for outpatient maintenance dialysis treatments on a reasonable charge basis, but we allow no more than $138 per treatment (excluding physicians' services) unless an exception is requested and granted. Again, we allow a different, greater amount per treatment for self-care training.

We propose to establish a prospective per treatment incentive reimbursement rate for outpatient maintenance dialysis treatments. Our payment would be 80 percent of this rate.

We propose that the regulation permit an ongoing exception to allow payment above the incentive reimbursement rate to facilities with unusual circumstances; for example, the patients have special needs or the facility is a sole community supplier of services. We also propose that the regulation permit payment above the incentive reimbursement rate for a 1-year transition period to facilities whose costs are above the rate. In this instance, the payment would be 80 percent of the lower of (1) the facility's actual cost or (2) the 75th percentile of the facility's group's array of average costs per treatment. (The average cost would be weighted by number of treatments, and the labor component would be adjusted by the area wage index). We propose to require an audit of the cost report of any facility permitted payment above the incentive reimbursement rate.

We propose to have the regulation require publication of periodic notices to set forth the incentive reimbursement rate and to explain the methodology used to compute the rate.

The last major feature of the regulation is a requirement that all approved end-stage renal disease facilities keep adequate records and submit cost reports.

We anticipate that the establishment and effective administration of this incentive rate system will have a leveling influence on cost for outpatient maintenance dialysis and respond to the mandate in Pub. L. 95–292 to encourage greater program efficiencies. Since facilities will be rewarded for economical and efficient operations under this proposal, we further expect they will be motivated to examine closely the individual cost components of a treatment, such as staffing, supplies, overhead, etc., and introduce more efficiencies into the delivery of these services. At the same time, in the development of this incentive rate, we continue to be very mindful of the need to balance incentives for efficiency in this area with the provision of health care appropriate to the needs and abilities of patients receiving this care.

Summary of Proposed Initial Methodology

In order to implement the proposed regulation, we would classify facilities into four different groups according to the setting (rural vs. urban) and the type (hospital-based or non-hospital-based) of facility. We would calculate a rate for each group equal to the median of the average costs per treatment (after adjusting each wage component by the area wage index) of all facilities in that group. The labor component of the rate for each individual facility would then be adjusted by the area wage index.

In developing this methodology, we have been mindful not only of the need to provide fair and equitable reimbursement with an incentive for efficient operation, but also of the concerns expressed by the HHS Inspector General about our current method of reimbursement. Based on the audit activities of his staff, the Inspector General has expressed concern that the cost data available to us may be overstated in some cases and that our present level of reimbursement may be higher than would be justified by more reliable cost information.

Because we are not confident that the cost data currently available to us is consistently reliable, we are planning to conduct a set of thorough audits of a selected sample of ESRD facilities. We are *not*, at this time, setting forth a proposed rate for public comment. Instead, we are seeking comment on a proposed methodology. If we adopt this methodology, we would apply it to the cost data obtained from our audits. When the audits are completed and analyzed, we will publish a notice in the Federal Register setting forth our proposed rates.

II. Discussion of Proposed Regulation

Major Issues

In developing the incentive reimbursement regulation being proposed in this notice, we identified the following issues and considered the following alternatives.

1. *Prospective Rate vs. Retroactive Settlement.* We are proposing to pay a prospective rate that the end-stage renal disease facility furnishing the dialysis would retain, even if its costs were below that rate. We considered the alternative of having a retroactive adjustment at the end of an accounting year, for the purpose of sharing any savings between the facility and HHS, perhaps on a 50–50 basis or some other formula. We believe, however, that such a system would thwart the statutory purpose of setting a prospective rate and would be administratively cumbersome, since it would entail an extensive, retrospective review of the cost reports for approximately 800 facilities. Moreover, requiring a facility to return a portion of its cost savings to us would clearly diminish its incentives to reduce its costs by a substantial degree. We think that our proposal is consistent with the statutory provision, which is designed to create incentives for more efficient delivery of care, and that the administrative costs and complexities of the alternatives we considered would outweigh the marginal program savings to be achieved by a savings sharing requirement.

2. *National vs. Regional Rates.* The proposed method provides for national rates with an area adjustment for labor costs. We considered a variety of options such as setting rates by geographic region (ESRD network, HHS region, etc.). While the data that we have received from facilities disclosed a range in cost by geographic area, it also disclosed a broad range of cost within a geographic area. The data presently available to us are not adequate to allow us to determine the reasons for the variations. Nor do the data support a pattern of geographical variation sufficient to justify geographical adjustments other than the wage rate adjustments.

As we collect more extensive and more valid data under this regulation, we will analyze them to determine what factors are primarily causing the variations and whether these factors warrant our establishing geographical rates. We also point out that the adjustments available during the proposed transition period would soften greatly the impact of national rates on geographical variations in cost.

3. *One Rate vs. Separate Rates for Staff-Assisted and Self-Dialysis.* We considered establishing separate rates for dialysis that is done with staff assistance and that which is self-administered by the beneficiary. The latter is less expensive in virtually all cases. We decided, however, that a single rate would encourage facilities to maximize the less expensive dialysis whenever it is appropriate. In our view, this approach would not involve a risk that beneficiaries would be placed on self-dialysis who are not capable of doing so properly. The decision whether to place a patient in self-dialysis will be the physician's, who knows best the patient's capabilities.

4. *Adjustment for Large Volume Facilities.* We believe that facilities that furnish a large volume of treatments should be able to achieve economies (by buying supplies in bulk, for example) and that it might be reasonable to make adjustments in the rate to account for and encourage such economies. However, our current data do not provide an adequate basis for such a proposal. We would like comments on possible methods for building reductions for large-scale economies into the incentive reimbursement rate.

5. *Basis of the Rate.* Although the basis of the rate is not part of the regulation itself, the basis of the rate is one of the most important issues we had to consider. The basis of the rate, or methodology, will establish the rate we will allow for reimbursement.

Our proposed methodology is explained in detail below, under the caption, "III. Proposed Methodology of Initial Rates." In brief, on the basis of the cost data we have, we propose to differentiate between hospital-based facilities and non-hospital-based facilities (referred to as "hospitals" and "independents," respectively) and between urban and rural locations. This differentiation results in four groups of facilities: urban hospitals, rural hospitals, urban independents and rural independents.

Each of the rates for these four groups would be a prospective, composite rate constructed using the major cost components of a cost per treatment. These components are labor and nonlabor, the latter consisting of

supplies, overhead and related costs, and other direct costs.

We would periodically publish the specific methodology used to determine the rate in a separate notice with a public comment period.

6. *Bad Debts.* We considered two basic options for treating bad debts under this regulation. Bad debts resulting from uncollectable Medicare deductibles and coinsurance amounts are allowable costs under 42 CFR 405.420. For this reason we think it is appropriate to reimburse the facility for Medicare bad debts.

The first option would allow for the payment of bad debts written off during the year in a special payment at the end of the year. Under this option, a facility would have to prove that it had made a reasonable collection effort. Also, the facility would be expected to comply with the rules in 42 CFR 405.420 regarding the charging of bad debts and recovery of bad debts and the criteria for allowable bad debts.

The second option would not allow a specific write-off of bad debts, but would include an allowance for bad debts in the dialysis charge and the calculation of the rate.

We are proposing the first option, allowing a specific write-off of bad debts, in accordance with the principles set out in section 405.420. This would permit us to pay each facility the exact amount of its bad debts.

7. *Amount of Payment.* In accordance with section 1881(b)(2)(A) of the Act, we propose to pay each approved facility 80 percent of the prospective rate per treatment after the beneficiary meets his or her part B deductible. We would also require that the beneficiary's liability be limited to the deductible and the remaining 20 percent of the reimbursement rate per treatment.

If we permit a facility a retroactive exception (see numbers 8 and 9, below) to the incentive rate, we would pay the facility 80 percent of the difference between the incentive rate and the amount we determine allowable under the exception process. The beneficiaries would be liable for the remaining 20 percent. In some circumstances this will result in a retroactive increase in the amount of a beneficiary's liability. We invite comment on how this situation should be handled and whether we should attempt to assume some of the beneficiaries' liability. For example, if the facility has not collected all the beneficiaries' share of the extra amount allowed after reasonable collection effort, should we treat the uncollected portion as though it were a bad debt and reimburse the facility accordingly?

8. *Payment During Transition Period.* During a 1–year transitional period starting with cost reporting periods beginning after the effective date of this regulation, the regulation would permit payment above the prospective rate. This period would allow facilities whose per treatment costs are above the applicable established prospective rate the opportunity to reduce their costs over the year, rather than having to meet the rates during the first cost reporting period after the rate is established. The amount of payment would be limited to 80 percent of the lower of (1) the amount of the facility's reasonable cost per treatment or (2) the 75th percentile of the average group costs of the appropriate group.

We would determine the 75th percentile as follows. For each of the four groups, we would have two arrays: one of nonlabor costs and one of labor costs, each weighted by the number of treatments. The labor costs would be adjusted, prior to being arrayed, by the area wage index in order to eliminate regional variation. We would compute the 75th percentile for each type of cost and add the two 75th percentiles together to establish the composite 75th percentile for the group. A facility's specific payment would then be determined by adjusting the group labor component by the area wage index applicable to that facility.

Using the 75th percentile would result in our paying 80 percent of the actual cost of services costing more than the prospective rate but less than, or the same as, the 75th percentile amount. The facilities furnishing the remaining services would not be reimbursed for the difference between their actual costs and the amount at the composite 75th percentile.

9. *Ongoing Exceptions to the Incentive Reimbursement Rate.* We would also grant an exception to the incentive reimbursement rate, if justified in limited circumstances, for any year in which the facility's incurred allowable cost exceeds the prospective rate.

The criteria that will be considered in reviewing an exception for reimbursement in excess of the prospective rate are (1) excess cost due to atypical services as compared to the services of other facilities; (2) excess cost due to low utilization incurred by facilities approved by the Secretary for a time limited exception (§405.2122(b)); (3) excess costs due to extraordinary circumstances beyond the control of the facility (e.g., a flood); or (4) excess costs due to the facility being the sole community supplier of services. In these situations we will pay 80 percent of the reasonable cost, to the extent it is justified by the basis for the exception. The beneficiaries would be liable for the remaining 20 percent (and any unmet part B deductible) of the rate.

We are proposing these exceptions because the circumstances are those which seem to justify higher costs than the average. Some of these exceptions parallel the exceptions and exceptions used in setting cost limits. (See 42 CFR 405.460 (e) and (f).) However, we are proposing them only as exceptions, not exemptions.

10. *Amount of Payment Based on Reasonable Cost.* If a facility received an exception, or if it is being reimbursed during the 1-year transition period on the basis of costs higher than the prospective rate, the intermediary would determine the reasonableness of costs in accordance with 42 CFR Subpart D, "Principles of Reimbursement and Services for Provider Costs and for Services by Hospital-Based Physicians." In determining costs for ESRD services, however, the intermediary would not apply certain specified sections of the regulations. These are discussed later in this preamble under the heading "Cost Data." If we decided to pay a facility a higher rate, we would pay it retroactively to the beginning of the facility's cost reporting period (or to the change in circumstances that caused the increased costs) and prospectively to the end of the cost reporting period.

11. *Process for Requesting Payment Above Prospective Rate.* Any facility would be able to request an exception or take advantage of the 1-year transition rate. To do so, it would have to submit its request within 180 days (a) after we have notified the facility of its rate; or (b) after a cost-increasing event (e.g., a flood). The exception would be valid only for the remainder of the cost reporting year for which it was granted; that is, each facility would have to apply yearly for an exception.

12. *Facility's Right to Review.* Any facility whose request for payment above the prospective rate is denied in total, or is not met to the facility's satisfaction, could request a review under 42 CFR Part 405 Subpart R, which sets forth procedures for review by the intermediary, the Provider Reimbursement Review Board (PRRB) and the Administrator.

A facility could request an exception at any time before or during its cost reporting year (as long as the request is made within the 180-day limit mentioned in 11. above). In order to expedite a resolution of this issue, if its exception request is not approved the facility would be able to seek an appeal before the PRRB immediately, without waiting until the end of its cost reporting

year. In this instance, we are making PRRB review available as a matter of our administrative discretion in implementing the ESRD program. This review would not be the normal PRRB review established under section 1878 of the Act.

Under section 1878, the PRRB only has jurisdiction over cases in which there is $10,000 or more in dispute. Even though it will likely be difficult to determine the amount in controversy at this stage of a dispute, we would, as a matter of policy, continue to apply this requirement to a facility's appeal on its exception request. We would retain the Administrator's review of the PRRB decision but, in our view, there would not be jurisdiction for judicial review until after the close of the cost report year.

At the close of its cost reporting year, a facility would be able seek review of its final reimbursement in accordance with Part 405, Subpart R.

In order to implement these review procedures properly, we would have to establish that the amount in controversy is $10,000 or more. For this purpose, the amount per treatment would be limited to the lower of (a) the amount the facility requests minus the amount we agree to pay as a result of its request; or (b) the facility's reasonable cost minus the amount we agree to pay the facility.

For example, suppose a facility requests $181, we allow $177, and the cost turns out to be $183. The amount in controversy per treatment would be $181 minus $177, or $4, not $183 minus $177, or $6.

We are developing a recodification of Subpart R, which would include conforming changes if this proposed regulation is issued as a final rule.

Establishing Rates

We would implement the regulation by publishing proposed and final notices in the **Federal Register** periodically to establish rates applicable to subsequent cost reporting periods. We would explain in these notices the basis on which we established the rates. We may adopt, through the notice, reasonable classifications of facilities and we may establish different rates for different types of treatment.

Cost Data

Under section 1881(b)(2)(B) of the Act, the Secretary must prescribe in regulations any method or procedures to determine the costs incurred in furnishing covered dialysis services to patients dialyzing in the facility. The proposed regulation provides that each facility must keep adequate records and report annually the cost of its services in accordance with current Medicare principles of cost reimbursement. The uniformity in cost reporting will enable the program to compare for the first time, the costs of renal dialysis services furnished by facilities. This will provide a uniform base to be used for program analysis and planning and to assist in establishing future payment rates.

We propose to exclude several otherwise applicable Medicare principles of reimbursement from cost reporting requirements that facilities normally use to determine allowable types and items of cost for outpatient dialysis treatments. These principles would be excluded by facilities when they figure out their costs, whether or not they apply for an exception, and by us when we compute the incentive reimbursement rates.

(a) *Section 405.429.* The first principle we propose to exclude is set forth at § 405.429, Return on equity capital of proprietary providers. The purpose of § 405.429 is to permit payment of an amount above costs to proprietary providers to allow a profit. Since the purpose of the incentive reimbursement rate would be to give facilities an incentive to reduce costs to realize a profit from the rate, § 405.429 would be inappropriate.

(b) *Section 405.436.* This section, "Reimbursement of organ procurement agencies (OPA) and histo-compatibility laboratories," is not applicable to outpatient maintenance dialysis treatments and is therefore excluded from reporting requirements.

(c) *Sections 405.451, 405.454, 405.455, 405.460, and 405.461.* These sections are entitled respectively "Cost related to patient care," "Payments to providers," "Amount of payments where customary charges for services furnished are less than reasonable costs," "Limitations on reimbursable costs," and "Limitations on coverage of costs; charges to beneficiaries where cost limits are applied to services." All of them deal with procedural requirements or provider reimbursement principles not applicable to outpatient maintenance dialysis.

(d) *Sections 405.465 through 405.488.* These sections address the allocation of reimbursement for hospital-based physicians' services between parts A and B. Since we pay for physicians' services for outpatient dialysis solely through Part B, the reimbursement principles involved in these sections do not apply to reimbursement for outpatient dialysis services.

Conforming Changes

We propose to make changes to two regulation sections (§§ 405.502 and 405.541) so that these sections conform to the amendments proposed here. The effect of these changes will be to end payment on a reasonable charge basis to independent facilities when the proposed changes become effective.

III. Proposed Methodology of Initial Rates

A. *Basic methodology.* The methodology we propose to use to develop the initial incentive reimbursement rates is as follows:

1. We would first classify facilities into two groups: "hospitals" and "independents." For purposes of the regulation, a hospital (or hospital-based facility) is any approved ESRD facility that is either owned or operated, or both, by a hospital and furnishes ESRD services directly to its patients. An independent (or non-hospital-based facility) is any approved ESRD facility that is owned and operated independently from a hospital and furnishes ESRD services directly to its patients. We would further break down these groups into urban and rural groups, so that we have 4 groups: urban hospitals, rural hospitals, urban independents and rural independents.

We examined the possibility of having the same rate applied to both hospitals and independents.

However, our data show that hospitals consistently incur higher costs for dialysis treatments than do independents. The data currently available to us indicate that labor costs for hospitals as a group average about 30 percent higher than for independents, and the average costs for supplies, overhead and other costs are about 13 percent higher. We do not have sufficient information at this time to make a reliable conclusion why hospitals incur higher costs. Many hospitals state it is a result of their treating patients who are more seriously ill, or have a higher incidence of multiple diagnoses, than is the case typically of independents. We are investigating the causes of these differential costs with a view towards establishing a single rate. If the data supported one rate, we would examine the results of phasing out the dual rate over a three-year period. At this time, however, we are concerned that our failure to account for these differences, and to set separate rates, would result in inadequate reimbursement for hospital-based facilities. This, in time, might result in their curtailing their activities and might seriously hinder the access of our beneficiaries to adequate care.

A facility would be classified as "urban" if it is located within one of the Standard Metropolitan Statistical Areas

(SMSAs) or, in New England, one of the New England County Metropolitan Areas (NECMAs). All other facilities are "rural."

2. After classifying facilities, we propose to then break down the average cost per treatment (excluding the cost of physician supervisory services) for each facility into the two major components: the labor component and the nonlabor component. We would divide the labor component costs by the appropriate area hospital wage index (using the SMSAs and NECMAs) and array all the adjusted labor components, weighted by the number of treatments, in each group in descending order. We would then set each group's labor component at the median of this array. (That is, we would array the number of treatments furnished at each rate beside the array of labor components and establish the median at the rate corresponding to the 50th percentile of treatments.)

We plan to use the hospital wage index, developed from data supplied by the Bureau of Labor Statistics (BLS), to adjust for area-wage differentials. The data to be used are those for the "hospital group," a standard BLS reporting category.

The hospital wage index was developed by computing the national SMSA (or NECMA) average wage for the hospital group and dividing this average into the average hospital wage for each SMSA (or NECMA). The result is expressed as an index number, which is used to adjust the wage portion of the group limit. For non-SMSA areas, the index was developed by computing the national non-SMSA averge wage for the hospital group and dividing this average into the average hospital wage for all non-SMSA counties in a State. The index then applies to all non-SMSA counties in the State.

To get the nonlabor component for each group, we plan to array the average nonlabor cost for each facility in descending order, weighted by the number of treatments, and compute the median. We would then add the nonlabor component of each group to the labor component for that group to get the basic group incentive reimbursement rate. We propose to adjust the rate for each facility by multiplying the appropriate group labor component by the area wage index for that facility and adding the result to the nonlabor component for the applicable group.

3. The rates we would produce in this fashion would be for outpatient maintenance dialysis treatments. The methodology for deriving payments for peritoneal dialysis, self-care dialysis training treatments and for physicians' services would be as follows.

B. *Reimbursement for Peritoneal Dialysis.* In view of the limited data available on the cost of peritoneal dialysis, we would not compute a separate prospective rate for that mode of dialysis. Rather, we would base our reimbursement of those hospitals and independents whose patients are on peritoneal dialysis on the hemodialysis rate. As more complete cost data for peritoneal dialysis become available, we will review the desirability of developing a specific prospective rate per treatment for peritoneal dialysis.

Hemodialysis for a typical patient might be accomplished in sessions of 5 hours, furnished 3 times per week. Peritoneal dialysis, however, is usually accomplished in sessions of 10–12 hours duration, furnished three times per week, the medical equivalent of 3 hemodialysis sessions. However, because peritoneal dialysis is sometimes accomplished in fewer sessions of longer duration, we compare the total number of hours of peritoneal dialysis furnished in 1 week to a given patient to the typical number furnished to a typical peritoneal patient. Accordingly, reimbursement to the facility for patients on peritoneal dialysis would depend on the length of the dialysis session and the number of sessions furnished per week as described below.

1. Peritoneal dialysis sessions of less than 20 hours duration. For example, when a patient on peritoneal dialysis dialyzes once a week for 12 hours the hospital or independent would be reimbursed the equivalent of one hemodialysis treatment. When a patient dialyzes in two or three 12-hour dialysis sessions in a week, the hospital or independent would be reimbursed the equivalent of two or three hemodialysis treatments respectively.

2. Peritoneal dialysis sessions of less than 30 hours, but 20 hours or more duration. When a patient on peritoneal dialysis dialyzes for one 20–29 hour session in a week, the hospital or independent would be reimbursed the equivalent of one and a half hemodialysis treatments. If a patient has two 20–29 hours dialysis sessions in a week, the hospital or independent will be reimbursed the equivalent of three hemodialysis treatments.

3. Peritoneal dialysis sessions of 30 hours or more duration. When a patient on peritoneal dialysis dialyzes once a week for 30 hours or more, the hospital or independent will be reimbursed the equivalent of three hemodialysis treatments, which is the medical equivalent of 30 hours or more peritoneal dialysis.

4. If additional peritoneal dialysis beyond the usual weekly maintenance dialysis is required because of special circumstances, the facility's claim for extra dialysis sessions would have to be accompanied by a medical justification. Under these circumstances reimbursement for additional peritoneal dialysis treatments may be made.

C. *Reimbursement for Physicians' Services.* We have two methods of reimbursing physicians' supervisory services for end-stage renal disease patients: the "initial" method, where we allow the facility up to an additional $12 per outpatient maintenance treatment; and the "alternate" method, where the physician bills Medicare or his patient directly. Under the incentive reimbursement rate method, we would continue to allow an extra amount of payment per treatment for services furnished under the "initial" method. We plan to reexamine the basis for this amount in the near future.

D. *Reimbursement for Self-Care Dialysis Training.* We now allow an additional amount (up to $20) for each outpatient maintenance treatment furnished during a course of self-care training to cover the additional cost of the training. Under the proposed reimbursement rate method, we would continue to allow an extra amount. We plan to reexamine the basis for this amount in the near future.

Application of Proposed Methodology

As discussed earlier in this preamble, the data currently available to us are not a reliable basis for establishing an incentive reimbursement rate. The cost data we have from hospitals were prepared in accordance with Medicare principles of reimbursement. However, the data submitted by independents were for the most part prepared in accordance with whatever cost accounting principles the independent chose to use. Since the computation of costs according to different sets of cost accounting principles can have differing results, we do not know how the average costs of independents would compare to the average costs of hospitals if both sets of costs were determined in a consistent manner.

In order to reconcile possible discrepancies, we are doing careful audits on a statistically selected sample of over 100 facilities to determine their costs based on Medicare principles of reimbursement. Our initial incentive reimbursement rate will be based on the results of these audits, which we expect to complete in the near future. As noted earlier in this preamble, we intend to use the data from the audits to calculate the applicable rates. We will publish a

notice setting forth, for public comment, our proposed rates and explaining the methodology and data used to derive them.

We believe that the first year of this innovative reimbursement method will provide us with valuable experience in prospective reimbursement rate setting. We will be able to collect reliable cost data from all facilities. In the future, we may propose changes in the methodology of the rate setting process, based on our experience and more extensive data.

42 CFR Part 405 is amended as set forth below:

1. A new § 405.439 is added to read as follows:

§ 405.439 Payments for covered outpatient maintenance dialysis and self-care dialysis training.

(a) *Purpose.* This section implements section 1861(b)(2)(B) of the Act by specifying:

(1) The amount of payment for Part B covered outpatient maintenance dialysis and self-care dialysis training treatments furnished to patients dialyzing in an approved ESRD facility; (see § 405.2102 of this part for definitions)

(2) How the rates will be established; and

(3) Reporting requirements for approved ESRD facilities.

(b) *Amount of payment.* (1) Payment for outpatient maintenance dialysis treatments and self-care training dialysis treatments furnished in a facility in accounting periods beginning after (the effective date of this regulation amendment), will be made at the rate of 80 percent of a prospective per treatment rate established under this section (after first applying any unmet Part B deductible). For purposes of this paragraph, the beginning of a facility's accounting period may not start more than 12 months after the end of its usual accounting period ending before (the effective date of this regulation amendment).

(2) If, during the first cost reporting period starting after (effective date of this regulation amendment), a facility has per treatment costs above the applicable established prospective rate, payment will be made during the transitional period (after first applying any unmet Part B deductible), at the rate of 80 percent of the lesser of

(i) The 75th percentile of the average costs per treatment; or

(ii) The facility's actual allowable costs per treatment.

(3) If a facility's allowable cost per treatment exceeds the applicable prospective rate, payment of 80 percent of a reasonable amount in excess of the prospective rate may be made (after first applying any unmet part B deductible) if the facility can demonstrate to the satisfaction of HCFA that the excess cost per treatment is due to one or more of the conditions below. Extra payment will be made to the extent that the costs are reasonable, attributable to the conditions specified, and separately identified by the facility.

(i) Low utilization is experienced by a facility that is approved and classified by the Administrator for a time limited exception status (see § 405.2122(b) for criteria that must be met for this type of classification);

(ii) A typical renal dialysis services are furnished because of the special needs of the patients treated;

(iii) There are extraordinary circumstances beyond the control of the facility. These circumstances include, but are not limited to, strikes, fires, earthquake, flood, or similar circumstances with substantial cost effects;

(iv) The facility is a sole community supplier of services.

(4) The beneficiary's sole liability under this section would be his or her unmet part B deductible and 20 percent of the facility's per treatment reimbursement rate.

(5) In every case where payment above the incentive reimbursement rate is made, the intermediary will verify the facility's costs by audit.

(6) A facility requesting payment above the propective reimbursement rate imposed under this section must make its request within 180 days after:

(i) The intermediary notifies the facility of the prospective reimbursement rate; or

(ii) An extraordinary circumstance with substantial cost effects occurs.

(7) If the facility disagrees with the amount it receives per treatment after requesting higher payment, the facility may request a review from the intermediary or the Provider Reimbursement Review Board in accordance with subpart R of this part. The facility must request a review within 180 days of the date of the decision on the facility's request for a higher per treatment rate under paragraph (b)(2) or (b)(3) of this section.

(8) For purposes of determining PRRB jurisdiction under subpart R, the amount in controversy per treatment will be determined by subtracting the amount of program payment from the lower of:

(i) The amount the facility requested under paragraph (b) (2) or (3);

(ii) The facility's reasonable cost; or

(iii) Where the facility has requested a higher payment under the phase-in provisions in paragraph (b)(2), the 75th percentile payment cap.

(9) The amount in controversy will then be calculated by multiplying the amount per treatment by the number of treatments the facility furnished during its cost reporting period (or a projected estimated number of treatments for the cost reporting year).

(c) *Publication of rates.* Periodically, the Administrator will publish a notice in the **Federal Register** proposing rates under this section that will be applicable to subsequent cost reporting periods. The notice will also explain the basis on which the rates were established. After reviewing public comments, the Administrator will publish a notice in the **Federal Register** establishing the rates authorized by this section. In setting these rates, the Administrator may adopt reasonable classifications of facilities and may establish different rates for different types of dialysis treatments.

(d) *Recordkeeping and reporting requirements.* (1) Each approved facility must keep adequate records and submit a cost report in accordance with § 405.406 and § 405.453. The allowable cost included in the cost report shall be the reasonable cost related to outpatient dialysis treatments furnished to Medicare beneficiaries. Reasonable cost includes all necessary and proper expenses incurred by the facility in furnishing the dialysis treatments, such as administative costs, maintenance costs, and premium payments for employee health and pension plans. It includes both direct and indirect costs and normal standby costs. It does not include costs that:

(i) Are not related to patient care for outpatient maintenance dialysis and self-care dialysis training;

(ii) Are for services or items specifically not reimbursable under the program; or

(iii) Flow from the provision of luxury items or services (items or services substantially in excess of or more expensive than those generally considered necessary for the provision of needed health services).

(2) The cost reimbursement principles set forth in this subpart D, (beginning with § 405.415, Depreciation), shall generally apply in the determination and reporting of the allowable types and items of cost incurred in furnishing outpatient dialysis treatments to patients dialyzing in the facility. The following principles, however, are not applicable:

(i) Section 405.429, Return on equity capital of proprietary providers;

(ii) Section 405.436, Reimbursement of organ procurement agencies (OPA) and histocompatibility laboratories;

(iii) Section 405.451, Cost related to patient care;

(iv) Section 405.454, Payment to providers through § 405.488, Effect of principles.

2. Section 405.502 is amended by revising paragraph (e) to read as follows:

§ 405.502 Criteria for determining reasonable charges.

* * * * *

(e) *Determination of reasonable charges under the End-Stage Reneal Diseases (ESRD) Program.* (1) With respect to reimbursement for covered items and services in connection with renal dialysis and kidney transplantation, the normal medical market in which customary and prevailing charges can be determined will not be available; most such services will be reimbursed by the health insurance program. (2) Therefore, with respect to nonprovider facilities, reasonable charges for these items and services furnished before the effective date of the incentive reimbursement described in § 405.439 shall be defined in terms related to charges or costs prior to July 1, 1973, and to the costs and allowances that are reasonable when the treatments are provided in an effective and economical manner. (3) With respect to physicians' services to patients on renal dialysis or in connection with kidney transplantation, reasonable charges shall be defined in terms related to charges made for other services taking into account comparable physicians' time and skill requirements. (For provisions applicable to providers of services see, generally, Subpart D of this part.) The provisions contained in § 405.541 through § 405.544 describe in detail the criteria for determining the reasonable charges for items and services in connection with transplantation or dialysis, and the limits which are established on charges and services above which reimbursement is made only upon additional justification. (4) For special rules concerning the reimbursement of ESRD services furnished by risk-basis health maintenance organizations (HMO's) or by facilities owned or operated by or related to such HMO's by common ownership or control see §§ 405.2042(b)(14) and 405.2050(c).

3. Section 405.541 is amended by revising the introductory paragraph to read as follows:

§ 405.541 Criteria for determination of reasonable charges for nonprovider renal dialysis facility services.

A nonprovider renal dialysis facility which is approved to furnish maintenance renal dialysis treatments or provide self-dialysis training is reimbursed through the intermediary servicing the provider affiliated with it under the ESRD program (see § 405.2160). The reimbursement shall be accepted by the facility as payment in full, subject to the deductible and coinsurance (see §§ 405.240 and 405.245), for covered services furnished to the beneficiary. (See also § 405.231(h).) Reimbursement for services furnished after June 30, 1973, and before the effective date of the incentive reimbursement described in § 405.439 will be made under this section.

* * * * *

(Secs. 1102, 1814(b), 1833, 1861(v)(1), 1871 and 1881 of the Social Security Act; 42 U.S.C. 1302; 1395(f), 1395, 1395(v)(1), 1395hh and 1395rr)

(Catalog of Federal Domestic Assistant Program No. 13.773 Medicare—Hospital Insurance and No. 13.774, Medicare—Supplementary Medicare Insurance)

Dated: January 12, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

Approved: September 2, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-29243 Filed 9-25-80; 8:45 am]

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federal register

Friday
September 26, 1980

Part III

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract 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.

Modification 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.

District of Columbia:	
DC80-3040	May 16, 1980.
Georgia:	
GA78-1096	Nov. 24, 1978.
GA79-1148	Nov. 16, 1979.
GA79-1149	Nov. 23, 1979.
GA80-1062	Mar. 21, 1980.
GA80-1066	Apr. 25, 1980.
GA80-1082	July 7, 1980.
Hawaii:	
HI78-5130	Nov. 24, 1978.
Iowa:	
IA80-4046	Aug. 8, 1980.
Kentucky:	
KY80-1089	Aug. 15, 1980.
KY80-1094	Aug. 22, 1980.
KY80-1095	Aug. 22, 1980.
KY80-1096	Aug. 22, 1980.
KY80-1097	Aug. 22, 1980.
KY80-1101	Aug. 29, 1980.
Maryland:	
DC80-3040	May 16, 1980.
Michigan:	
MI80-2042	July 18, 1980.
Montana:	
MT80-5122	June 27, 1980.
MT80-5121	June 27, 1980.
MT80-5120	June 27, 1980.
Nevada:	
NV79-5102	Mar. 9, 1979.
NV79-5107	Mar. 9, 1979.
NV79-5131	Aug. 31, 1979.
NV80-5100	Feb. 1, 1980.
New Jersey:	
NJ80-3013	June 27, 1980.
New York:	
NY80-3049	Aug. 29, 1980.
NY80-3001	Feb. 29, 1980.
NY80-3023	Apr. 11, 1980.
Pennsylvania:	
PA78-3037	Apr. 21, 1978.
PA79-3006	Mar. 30, 1979.
PA80-3011	Feb. 22, 1980.
PA80-3010	Apr. 4, 1980.
PA80-3012	Feb. 15, 1980.
PA80-3026	Apr. 11, 1980.
PA78-3078	Oct. 20, 1978.
South Carolina:	
SC79-1037	Mar. 9, 1979
SC79-1038	Feb. 23, 1979.
SC79-1047	Mar. 16, 1979.
SC79-1128	Sept. 14, 1979.
Tennessee:	
TN79-1104	June 29, 1979.
Virginia:	
VA78-3073	Oct. 13, 1978.
DC80-3040	May 16, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alaska:	
AK80-5115(AK80-5130)	Apr. 25, 1980.
California:	
CA79-5124(CA80-5133)	June 29, 1979.
CA79-5125(CA80-5133)	June 29, 1979.
Indiana:	
IN79-2058(IN80-2082)	June 22, 1979.
Kentucky:	
KY79-1076(KY80-1103)	Apr. 20, 1979.
Nebraska:	
NE80-4022(NE80-4075)	Apr. 4, 1980.
Texas:	
TX80-4019(TX80-4074)	Mar. 14, 1980.
Wisconsin:	
WI78-2108-(WI80-2084)	Oct. 20, 1978.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 19th day of September 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO. DC80-3040 - MOD. #4 (45 FR 32528 - May 16, 1980) District of Columbia, Maryland - Montgomery & Prince Georges Counties; D.C. Training School; Virginia - Independent City of Alexandria, Arlington and Fairfax Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINES:					
All Counties					
BUILDING CONSTRUCTION:					
Excluding Alexandria, Va.					
ELEVATOR CONSTRUCTORS	13.095	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	9.17	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	6.55				
PLUMBERS	12.85	1.22	1.20		.27
STEAMFITTERS, REFRIGERATION AND AIR CONDITIONING MECHANICS	12.99	1.09	1.25		.16
POWER EQUIPMENT OPERATORS:					
Group I	13.22	.80	.70		.12
Group II	12.93	.80	.70		.12
Group III	12.76	.80	.70		.12
Group IV	12.56	.80	.70		.12
Group V	12.50	.80	.70		.12
Group VI	12.48	.80	.70		.12
Group VII	12.47	.80	.70		.12
Group VIII	12.27	.80	.70		.12
Group IX	12.25	.80	.70		.12
Group X	12.02	.80	.70		.12
Group XI	11.47	.80	.70		.12
Group XII	11.27	.80	.70		.12
Group XIII	9.15	.80	.70		.12

Modification Page 2

DECISION NO. DC80-3040 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
SEWER AND WATER LINES: (District of Columbia and Montgomery County, Maryland only)					
CARPENTERS	12.06	.80	.70		.05
IRONWORKERS, REINFORCING	12.44	.87	1.15		.07
PLUMBERS	12.85	1.22	1.20		.27
PAVING AND INCIDENTAL GRADING: (District of Columbia only)					
CARPENTERS	12.06	.80	.70		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #GA78-1096 - Mod. #4 (43 FR 55142 - November 24, 1978) Chattahoochee County, & Columbus, Georgia					
CHANGE:					
Bricklayers	$ 8.85				
Elevator Constructors:					
Mechanics	10.03	.895	.69	4%+a+b	.03
Helpers	7.02	.895	.69	4%+a+b	.03
DECISION #GA79-1148 - Mod. #6 (44 FR 66135 - November 16, 1979) Chatham County, Georgia					
CHANGE:					
Bricklayers, Stone masons, Marble masons, Terrazzo workers, & Tile setters	$10.45		.45		
Sheet metal workers	11.03	.50			.04
DECISION #GA79-1149 - Mod. #5 (44 FR 67307 - November 23, 1979) Richmond County, Georgia					
CHANGE:					
Painters:					
Brush & 9" roller, drywall finishers	$ 8.10	.65	.20		.05
Power tools, paperhanging, glazing, & sign painting	8.85	.65	.20		.05
Structural steel (painting & cleaning, excluding metal doors & frames), regular spray & gloves, blasting, all type epoxy & chemical materials (such as bitumastic, conaps, clornate, etc.), all stage work, window jacks, botsum chair, ladder jacks & built-up scaffold, & extension ladder over 36'	9.50	.65	.20		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #GA80-1062 - Mod. #1 (45 FR 18652 - March 21, 1980) Bibb County, Georgia					
CHANGE:					
Boilermakers	$11.75	1.275	1.10		.04
Electricians	10.93	.60	3% + .50		½ of 1%
DECISION #GA80-1066 - Mod. #4 (45 FR 28062 - April 25, 1980) Clayton, DeKalb, & Fulton Counties, Georgia					
CHANGE:					
Millwrights	$11.60	.70	.50		.10
Electricians:					
Wiremen	12.95	7%	13%		½ of 1%
Cable splicers	13.85	7%	13%		½ of 1%
DECISION #GA80-1082 - Mod. #1 (45 FR 45794 - July 7, 1980) DeKalb & Fulton Counties, Georgia					
CHANGE:					
Electricians	12.95	7%	13%		½ of 1%

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DECISION #HI78-5130 - Mod. #6
(43 FR 55143 - November 24, 1978)
Statewide, Hawaii

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers; Stonemasons	$10.88	$1.30	$2.00	.60	.15
Cement Masons:					
Cement Masons	10.83	1.30	2.00	.60	.15
Trowel Machine Operators	10.98	1.30	2.00	.60	.15
Electricians:					
Electricians; Linemen	12.86	1.17	15% +1.84	11.6%	.55
Technicians	13.25	1.17	15% +1.84	11.6%	.55
Line Equipment Men	11.57	1.17	15% +1.84	11.6%	.55
Groundman	9.65	1.17	15% +1.84	11.6%	.55
Cable Splicers	14.15	1.17	15% +1.84	11.6%	.55
Ironworkers:					
Bridge; Ornamental; Reinforcing; Structural	11.50	1.05	1.75	1.25	.12
Laborers:					
Group 1	8.61	1.09	1.56	.60	.08
Group 1-a	8.66	1.09	1.56	.60	.08
Group 1-b	9.01	1.09	1.56	.60	.08
Group 1-c	9.21	1.09	1.56	.60	.08
Group 1-d	9.06	1.09	1.56	.60	.08
Group 1-e	9.31	1.09	1.56	.60	.08
Group 1-f	9.36	1.09	1.56	.60	.08
Group 1-g	9.56	1.09	1.56	.60	.08
Group 1-h	7.60	1.09	.80	.60	
Group 2	8.86	1.09	1.56	.60	.08
Group 3	9.06	1.09	1.56	.60	.08
Line Construction Workers:					
Electricians; Linemen	12.86	1.17	15% +1.84	11.6%	.55
Technicians	13.25	1.17	15% +1.84	11.6%	.55
Line Equipment Men	11.57	1.17	15% +1.84	11.6%	.55
Groundman	9.65	1.17	15% +1.84	11.6%	.55
Cable Splicers	14.15	1.17	15% +1.84	11.6%	.55
Marble Setters	10.92	1.30	2.00	.60	.15

Modification Page 6

DECISION #HI78-5130 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers	$10.79	$1.30	$2.30	.60	.21
Plumbers	13.00	1.05	2.05	1.95	.15
Roofers	12.20	1.15	1.50	.50	.15
Soft Floor Layers	12.00	.75	1.75	.55	.29
Terrazzo Workers and Tile Setters:					
Ceramic Tile Finisher	8.74	1.30	2.00	.48	.15
Terrazzo Base Finisher	9.83	1.30	2.00	.48	.15
Terrazzo Floor Grinder and Finisher	8.74	1.30	2.00	.48	.15
Terrazzo Workers and Tile Setters	10.92	1.30	2.00	.60	.15

Decision No. #IA80-4046-Mod. #3
(45 FR-53047-August 8, 1980)
Building Johnson Co., Iowa

CHANGE:

Soft Floor Layers	$12.50	.55	.55		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. KY80-1089 - MOD. #1 (45 FR 54613 - August 15, 1980) Warren County, Kentucky					
Change:					
Carpenters	$10.15	.70	.65		.05
Lathers	10.15	.70	.65		.05
Millwrights	13.85	.70	.85		.05
Painters:					
Brush & Roller	10.45	.40	.60		.10
Spray Work, Drywall Finishers	10.70	.40	.60		.10
Structural Steel, Swing Stage Chair & Motor Stage	10.80	.40	.60		.10
Paperhangers	10.95	.40	.60		.10
Sandblasting	11.20	.40	.60		.10
Piledrivermen	10.40	.70	.65		.05
Pipefitters	15.46	.85	1.59		.12
Power Equipment Operators					
Class A	12.60	.50	.80		.05
Class B	9.86	.50	.80		.05
Class C	9.09	.50	.80		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. KY80-1094 - MOD. #1 (45 FR 46278 - 46280 - August 22, 1980) Henderson County, Kentucky					
Change:					
Power Equipment Operators					
Class A	$ 12.60	.50	.80		.05
Class B	9.86	.50	.80		.05
Class C	9.09	.50	.80		.05
DECISION NO. KY80- 1095 - MOD. #1 (45 FR 56276 - 78 - August 22, 1980) Boyd County, Kentucky					
Delete:					
Carpenters	12.70	.75	1.25		.05
Piledrivermen	12.74	.75	1.25		.05
Add:					
Carpenters	12.42	.75	1.25		.05
Piledrivermen	12.74	.75	1.25		.05
Change:					
Power Equipment Operators					
Class A	12.60	.50	.80		.05
Class B	9.86	.50	.80		.05
Class C	9.09	.50	.80		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. KY80-1096 - MOD. #1 (45 FR 56283 - 56285 - August 22, 1980) Franklin County, Kentucky					
Change: Power Equipment Operators					
Class A	$ 12.60	.50	.80		.05
Class B	9.86	.50	.80		.05
Class C	9.09	.50	.80		.05
DECISION NO. KY80-1097 - MOD. #1 (45 FR 56274 - 75 - August 22, 1980) Fayette County, Kentucky					
Change: Millwrights and Piledrivermen	12.90	.70	.70		.05
Power Equipment Operators					
Class A	12.60	.50	.80		.05
Class B	9.86	.50	.80		.05
Class C	9.09	.50	.80		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. KY80-1101 - MOD. #1 (45 FR 58919 - 57921 - August 29, 1980) McCracken County, Kentucky					
Delete: Power Equipment Operators:					
Class A	$ 11.42	.50	.80		.08
Class B	8.77	.50	.80		.08
Class C	8.02	.50	.80		.08
Class D	11.67	.50	.80		.08
Add:					
Class A	12.60	.50	.80		.05
Class B	9.86	.50	.80		.05
Class C	9.09	.50	.80		.05

MOD. #1 KY80-1101 (Cont'd)

POWER EQUIPMENT CLASSIFICATIONS

CLASS A - Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Central Compressor Plant, Clamshell, Concrete Mixer (21. cu. f.t or over), Concrete Pump, Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Dredge Operator, Dredge Engineer, Elevating Grader and all Types of Loaders, Hoe Type Machine, Hoist (1-drum when used for Stack or Shimney construction or repair), Hoisting Engine (2 or more drums), Locomotive, Motor Scraper, Carry-all Scoop, Bulldozer, Heavy Duty Welder, Mechanical, Orangepeel Bucket, Pile Driver, Power Blade, Motor Grader, Roller (bituminous), Scarifer, Shovel, Tractor, Truck Crane, Winch Truck, Push Dozer, Highlift, Forklift (regardless of lift height and except when used for masonry construction), all types og Boom Cats, Core Drill, Hopto, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Gradall, Hoist, Hyster, Pumpcrete, Ross Carrier, boom, Tail Boom, Rotary Drill, Hydro Hammer, Mucking Machine Rock Spreader attached to Equipment, Scoopmobile, KeCal Loader, Tower Cranes (French, German and other types), Hydorcrane, Backfiller, Furries, Sub-grader; Tunnel Mining Machines including, Moles, Sheilds, or similar types of Tunnel Mining Equipment

CLASS B - All Air Compressors (over 900 cu. ft. per min.), Bituminous Mixer, Joint Sealing Machine, concrete Mixer (under 21. cu. ft.), Form Grader Roller (rock), Tractor (50 Hp and over), Bull Float, Finish Machine, Outboard Motor Boat, Flexplane, Fireman, Boom Type Tamping Machine, Truck Crane Oiler, Grease Facilities servicing Heavy Equipment, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Self-propelled Compactor, Tratair and Road Widening Trencher and Farm Tractor with Attachments except Backhoe, Highlift and End Loader, Elevator (regardless of ownership when used for Hoisting any building material), Hoisting Engine (1-drum or buck hoist), Forklift (when used for masonry construction), Well Points, Grout Pump, Throttle-valve Man, Tugger, Electric Vibrator Compactor

CLASS - Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Roller (earth), Tamping Machine Tractors (under 50 hp), Vibrator, Oiler, Concrete Saw, Burlap and Curing Machine, Hydro Machine, Hydro-seeder, Power Form Handling Equipment, Deckhand Steersman, Hydraulic Post Driver, Drill Helper

DECISION NO. MI80-2042 - Mod. #2
(45 FR 48417 - July 18, 1980)
Statewide Michigan

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE					
Power Equipment Operators:					
Underground Construction					
Zone 1					
Class I	$12.88	1.05	a1.80	12%	.10
Class II	12.63	1.05	a1.80	12%	.10
Class III	11.97	1.05	a1.80	12%	.10
Class IV	11.46	1.05	a1.80	12%	.10
Zone 2					
Class I	11.35	1.05	a1.80	12%	.10
Class II	10.96	1.05	a1.80	12%	.10
Class III	10.51	1.05	a1.80	12%	.10
Class IV	10.26	1.05	a1.80	12%	.10
ADD:					
a-Footnote:					
Retiree Benefit Fund included in Pension Fund.					

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DECISION MT80-5122 Mod.#5
(45 FR 43624 June 27, 1980)

Counties: Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley, Montana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS:					
Area 1	$13.80	.85	.90		
ROOFERS:					
Area 1	10.75	.85	.25		
Area 3	12.52	.85	.50		.10
Area 4	12.00	.55			
TILE AND TERRAZZO SETTERS:					
Area 2	11.70	.85	.90		
ADD:					
TERRAZZO AND TILE SETTERS:					
Area 4 (Hill and Valley Counties)	12.75	.75	.75		

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DECISION MT80-5121 MOD. #5
(45 FR 43608 June 27, 1980)

STATEWIDE, MONTANA

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS:					
Area 6	$13.80	.85	.90		.035
LINE CONSTRUCTION:					
Flathead, Lake, and Lincoln Counties					
Lineman	13.92	.45	.50+3%		½%
Cable Splicers	15.49	.45	.50+3%		½%
Pole Sprayers	12.37	.45	.50+3%		½%
Line Equipment Operator	11.87	.45	.50+3%		½%
Powderman, Jackhammerman-Compressorman	10.29	.45	.50+3%		½%
Groundman "A"	9.65	.45	.50+3%		½%
Head Groundman (Not Applicable)					
Groundman "B"- rate for first 500 hours work experience (Not Applicable)					
PAINTERS:					
Area 1					
Brush, Roller; Floor Layers	10.66	.63	.50		.10
Brush, Roller on steel and roofs, Pot Tender, and Paperhanger	10.91	.63	.50		.10
Perfataper (hand tools)	10.76	.63	.50		.10
Spray (not steel)	11.64	.63	.50		.10
Sandblaster, commercial and steel; Spray on structural steel and tanks	11.89	.63	.50		.10
Perfataper (machine tools)	11.16	.63	.50		.10
ROOFERS:					
Area 2	10.75	.85	.25		
Area 4	12.52	.85	.50		.10
Area 5	12.00	.55			
TILE SETTERS:					
Area 4	11.70	.85	.90		
ELEVATOR CONSTRUCTORS:	13.635	1.195	.95	a	.035

DECISION MT 80-5120 MOD. #5
(45 FR 43598-June 27, 1980)

STATEWIDE, MONTANA

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Flathead, Lake, and Lincoln Counties					
Lineman	$13.92	.45	.50+3%		½%
Cable Splicers	15.49	.45	.50+3%		½%
Pole Sprayers	12.37	.45	.50+3%		½%
Line Equipment Oper.	11.87	.45	.50+3%		½%
Powderman, Jackhammerman, Compressorman	10.29	.45	.50+3%		½%
Groundman "A"	9.65	.45	.50+3%		½%
Head Groundman (not applicable)					
Groundman "B"--rate for first 500 hours work experience (not applicable)					
PAINTERS: AREA 2					
Brush, roller; Floor layers	10.66	.63	.50		.10
Brush, roller on steel and roofs, pot tender, and paperhanger	10.91	.63	.50		.10
Perfataper (hand tools)	10.76	.63	.50		.10
Spray (not steel)	11.64	.63	.50		.10
Sandblaster, commercial and steel; Spray on structural steel and tanks	11.89	.63	.50		.10
Perfataper (machine tools)	11.16	.63	.50		.10

DECISION #NV79-5102 - Mod. #5
(44 FR 13221 - March 9, 1979)
Clark County (does not include the Nevada Test Site), Nevada

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$16.21	$1.35	$1.30		
Boilermakers	15.11	1.275	1.25	1.00	.04
Electricians:					
Electricians; Technicians	16.61	.98	3% + 2.30		.08
Cable Splicers	16.94	.98	3% + 2.30		.08
Glaziers	11.76	.75	.40		.08
Power Equipment Operators:					
Group 1	13.60	1.10	2.65	.80	.14
Group 2	13.88	1.10	2.65	.80	.14
Group 3	14.17	1.10	2.65	.80	.14
Group 4	14.31	1.10	2.65	.80	.14
Group 5	14.53	1.10	2.65	.80	.14
Group 6	14.64	1.10	2.65	.80	.14
Group 7	14.76	1.10	2.65	.80	.14
Group 8	14.93	1.10	2.65	.80	.14
Group 9	15.06	1.10	2.65	.80	.14
Roofers	16.35	.80			
Soft Floor Layers	15.41	1.11			.25
Sprinkler Fitters	18.23	.85	1.20		.08
Truck Drivers:					
Group 1	12.07	.71	1.19		
Group 2	12.18	.71	1.19		
Group 3	12.23	.71	1.19		
Group 4	12.39	.71	1.19		
Group 5	12.57	.71	1.19		
Group 6	13.07	.71	1.19		

DECISION #NV79-5107 - Mod. #7
(44 FR 13225 - March 9, 1979)
Nevada Test Site including the Tonopah Test Range in Clark, Lincoln and Nye Counties, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$15.11	$1.275	$1.25	$1.00	.04
Carpenters:					
Carpenters	15.31	.85	1.35		.10
Floor Layers	15.335	.85	1.35		.10
Millwrights	16.31	.85	1.35		.10
Cement Masons:					
Cement Masons	10.75	1.40	1.50	2.50	.13
Floor Finishing Machine	11.10	1.40	1.50	2.50	.13
Electricians:					
Electricians; Equipment Operators; Linemen	16.57	.98	3% + 2.30		.08
Cable Splicers	16.90	.98	3% + 2.30		.08
Groundman	13.26	.98	3% + 2.30		.08
Laborers:					
Group 1	10.80	.86	1.58	1.25	
Group 2	10.85	.86	1.58	1.25	
Group 3	10.88	.86	1.58	1.25	
Group 4	10.90	.86	1.58	1.25	
Group 5	10.92	.86	1.58	1.25	
Group 6	10.93	.86	1.58	1.25	
Group 7	10.95	.86	1.58	1.25	
Group 8	10.98	.86	1.58	1.25	
Group 9	10.99	.86	1.58	1.25	
Group 10	11.01	.86	1.58	1.25	
Group 11	11.06	.86	1.58	1.25	
Group 12	11.09	.86	1.58	1.25	
Group 13	11.11	.86	1.58	1.25	
Group 14	11.14	.86	1.58	1.25	
Group 15	11.16	.86	1.58	1.25	
Group 16	11.23	.86	1.58	1.25	
Group 17	11.25	.86	1.58	1.25	
Group 18	11.32	.86	1.58	1.25	
Painters:					
Brush; Rollers	14.56	.80	.70		.06
Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers	14.91	.80	.70		.06
Buffing, Steel; Sandblasters, Steel	15.17	.80	.70		.06

DECISION #NV79-5107 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
*Power Equipment Operators: (Except Piledriving and Steel Erection):					
Group 1	13.23	$1.10	$2.60	.35	.14
Group 2	13.47	1.10	2.60	.35	.14
Group 3	13.71	1.10	2.60	.35	.14
Group 4	13.82	1.10	2.60	.35	.14
Group 5	14.01	1.10	2.60	.35	.14
Group 6	14.11	1.10	2.60	.35	.14
Sheet Metal Workers	16.15	1.20	1.92		.10
Sprinkler Fitters	18.23	.85	1.20		.08
Truck Drivers:					
Group 1	13.04	.55	1.33		
Group 2	13.15	.55	1.33		
Group 3	13.20	.55	1.33		
Group 4	13.36	.55	1.33		
Group 5	13.54	.55	1.33		
Omit:					
*Power Equipment Operators:					
Group 7	11.21	1.10	2.60	.35	
Group 7-A	10.92	1.10	2.60	.35	
Group 7-B	10.81	1.10	2.60	.35	
Group 7-C	10.57	1.10	2.60	.55	

*See following pages for changes in the definitions of groups.

DECISION #NV79-5107 (Cont'd):

Change:
Power Equipment Operators:
(Except Piledriving and Steel Erection):

Group 1: Air compressor, pump or generator; Engineer oiler and signal man; Heavy-duty repairman's tender; Rotary drill tender (rotary and core); Switchman or brakeman

Group 2: Concrete mixer, skip-type; Conveyor and beltman; Fireman; Generator, pump or compressor (2-5 units inclusive, over 5 units, $0.10 per hour for each additional unit up to 10 units, portable units); Generator, pump or compressor plant; Hydrostatic pump; Motorman (rotary and core); Skiploader, wheeltype, Ford, Ferguson, Jeep or similar type, 3/4 yd. or less (without dragtype attachments); Temporary heating plant operator; Truck crane oiler

Group 3: A-Frame or winch truck; Derrickman (rotary and core); Dinky locomotive or tunnel motor; Elevator hoist; Equipment greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar-type equipment; Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier; Self-propelled tar pipelining machine; Stationary pipe wrapping and cleaning machine; Towblade operator

Group 4: Asphalt plant fireman; Boring machine; Boxman or mixer box (concrete or asphalt plant); Fishing tool engineer; Highline cableway signalman; Locomotive engineer; Mud plant operator; Power sweeper; Roller, compacting; Screed; Trenching machine (up to 6 ft. depth capacity, manufacturer's rating)

Group 5: Asphalt or concrete spreading, mechanical tamping or finishing machine - Roller (all types and sizes), soil, cement, asphalt - finish; Asphalt plant engineer; Deck engine; Grade checker; Pavement breaker; Pneumatic heading shield - tunnel; Road oil mixing machine; Forklift, under 5 tons; Rubber-tired, heavy-duty equipment (Oshkosh, DW, Euclid, LeTourneau, LaPlant-Choate, or similar-type equipment with any type attachments); Skiploader, wheeltype, over 3/4 yd., up to and including 1-1/2 yds.; Slip form pump (power-driven hydraulic lifting device for concrete forms); Tractor operator - drag-type shovel, bulldozer, tamper, scraper and push tractor

Group 6: Combination heavy-duty repairman and welder (additional $0.10 per hour premium, $0.05 per hour tool allowance); Concrete mixer - paving; Concrete mobile mixer; Concrete pump or pumpcrete gun; Crushing plant engineer; Driller (rotary and core); Elevating grader; Forklift, over 5 tons; Grade-all; Heavy-duty repairman ($0.05 per hour tool allowance); Heavy-duty welder; Highline cableway; Hoist (Chicago Boom and Mine); Kolman Belt Loader and similar type; Lift slab machine; Loader operator - Athey, Euclid, Hancock, Sierra or similar type; Motor patrol (any type or size); Multiple-engine earth-moving machinery; Pneumatic concrete placing machine - Hackley-Presswell or similar type; Shovel, backhoe, dragline, clamshell, derrick, derrick barge, crane piledriver and mucking machine; Skiploader, wheeltype, over 1-1/2 yds.; Surface heater and planer; Tractor loader - crawler type - all types and sizes; Tractor, with boom attachments; Traveling pipe wrapping, cleaning and bending machine; Trenching machine (over 6 ft. depth capacity, manufacturer's rating)

DECISION #NV79-5131 - Mod. #3
(44 FR 51501 - August 31, 1979)
Washoe County, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$15.11	$1.275	$1.25	$1.00	.04
Bricklayers; Stonemasons	14.86	.95	.75		.04
Electricians:					
Washoe County, does not include Lake Tahoe Area:					
Electricians; Technicians	17.43	.99	3% + 1.37		.14
Cable Splicers	19.17	.99	3% + 1.37		.14
Lake Tahoe Area:					
Electricians; Technicians	18.43	.99	3% + 1.37		.14
Cable Splicers	20.17	.99	3% + 1.37		.14
Marble Masons	14.00	.95	.75		.01
Terrazzo Workers; Tile Setters	14.00	.95	.75		.01

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DECISION #NV79-5131 (Cont'd):

Omit: LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada, and Carson City, Nevada, but not including any area futher than the foot of the mountains to the east or west side of Washoe Valley; Also the area of Stead Air Force Base:					
Group 1	$ 9.00	.95	$1.20		.10
Group 2	9.10	.95	1.20		.10
Group 3	9.25	.95	1.20		.10
Group 4	9.50	.95	1.20		.10
Group 5	9.80	.95	1.20		.10
Group 6-A	9.80	.95	1.20		.10
Group 6-B	9.50	.95	1.20		.10
Group 6-C	9.15	.95	1.20		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities named in Zone 1:					
Group 1	9.60	.95	1.20		.10
Group 2	9.70	.95	1.20		.10
Group 3	9.85	.95	1.20		.10
Group 4	10.10	.95	1.20		.10
Group 5	10.40	.95	1.20		.10
Group 6-A	10.40	.95	1.20		.10
Group 6-B	10.10	.95	1.20		.10
Group 6-C	9.75	.95	1.20		.10

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DECISION #NV79-5131 (Cont'd):

Omit: LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1:					
Group 1	$ 9.80	.95	$1.20		.10
Group 2	9.90	.95	1.20		.10
Group 3	10.05	.95	1.20		.10
Group 4	10.30	.95	1.20		.10
Group 5	10.60	.95	1.20		.10
Group 6-A	10.60	.95	1.20		.10
Group 6-B	10.30	.95	1.20		.10
Group 6-C	9.95	.95	1.20		.10
Zone 4: Area over 40 road miles from the communities named in Zone 1:					
Group 1	10.50	.95	1.20		.10
Group 2	10.60	.95	1.20		.10
Group 3	10.75	.95	1.20		.10
Group 4	11.00	.95	1.20		.10
Group 5	11.30	.95	1.20		.10
Goup 6-A	11.30	.95	1.20		.10
Group 6-B	11.00	.95	1.20		.10
Group 6-C	10.65	.95	1.20		.10
Add:					
Laborers:					
Group 1	10.41	.95	1.25		.10
Group 2	10 51	.95	1.25		.10
Group 3	10.66	.95	1.25		.10
Group 4	10.91	.95	1.25		.10
Group 5	11.21	.95	1.25		.10
Group 6-A	11.21	.95	1.25		.10
Group 6-B	10.91	.95	1.25		.10
Group 6-C	10.56	.95	1.25		.10
Lathers	16.57				.01
Marble, Terrazzo, Tile Finishers	8.40	.95	.75		.01

DECISION #NV80-5100 - Mod. #3
(45 FR 7451 - February 1, 1980)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and highway construction in Douglas County), Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers:					
Clark, Esmeralda, Lincoln, Nye Counties	$16.21	$1.35	$1.30		
Boilermakers	15.11	1.275	1.25	1.00	.04
Bricklayers; Stonemasons:					
Remaining Counties and Nye County (north of Hwy. #6)	14.86	.95	.75		.04
Carpenters:					
Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6, including City of Tonopah):					
Carpenters	15.31	.85	1.35		.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	15.46	.85	1.35		.10
Plledrivermen	15.51	.85	1.35		.10
Millwrights	16.31	.85	1.35		.10
Drywall Installers:					
Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6, including City of Tonopah):	15.48	.85	1.35		.10
Electricians:					
Clark, Lincoln, Nye County (south of Mt. Diablo Base Line):					
Electricians; Technicians	16.61	.98	3% +2.30		.08
Cable Splicers	16.94	.98	3% +2.30		.08
Nye County (north of Mt. Diablo Base Line) and Remaining Counties excluding Lake Tahoe Area:					
Electricians; Technicians	17.43	.99	3% +1.37		.14
Cable Splicers	19.17	.99	3% +1.37		.14

DECISION #NV80-5100 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lake Tahoe Area:					
Electricians; Technicians	$18.43	.99	3% +1.37		.14
Cable Splicers	20.17	.99	3% +1.37		.14
Glaziers:					
Clark, Esmeralda, Lincoln, Nye Counties	17.02	.75	.40		.08
Ironworkers:					
Elko, Eureka, White Pine Counties:					
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	13.10	.90	1.45		.10
Line Construction Workers:					
Clark, Lincoln, Nye County (south half):					
Groundman	14.15	.98	3%		3/4%
Line Equipment Operators	16.98	.98	3%		3/4%
Linemen	18.87	.98	3%		3/4%
Cable Splicers	19.81	.98	3%		3/4%
Marble Masons:					
Remaining Counties and Nye County (north half)	14.00	.95	.75		.01
Power Equipment Operators:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	13.60	1.10	2.65	.80	.14
Group 2	13.88	1.10	2.65	.80	.14
Group 3	14.17	1.10	2.65	.80	.14
Group 4	14.31	1.10	2.65	.80	.14
Group 5	14.53	1.10	2.65	.80	.14
Group 6	14.64	1.10	2.65	.80	.14
Group 7	14.76	1.10	2.65	.80	.14
Group 8	14.93	1.10	2.65	.80	.14
Group 9	15.06	1.10	2.65	.80	.14
Soft Floor Layers:					
Clark, Esmeralda, Lincoln, Nye Counties	15.41	1.11			.25
Terrazzo Workers; Tile Setters:					
Remaining Counties and Nye County (north half)	14.00	.95	.75		.01

DECISION #NV80-5100 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	$12.07	.71	$1.19		
Group 2	12.18	.71	1.19		
Group 3	12.23	.71	1.19		
Group 4	12.39	.71	1.19		
Group 5	12.57	.71	1.19		
Group 6	13.07	.71	1.19		
Omit:					
Laborers:					
Remaining Counties:					
Building Construction:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Tonopah, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada, also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base; also the Tahoe Basin from the Summit to the Lake:					
Group 1	9.00	.95	1.20		.10
Group 2	9.10	.95	1.20		.10
Group 3	9.25	.95	1.20		.10
Group 4	9.50	.95	1.20		.10
Group 5	9.80	.95	1.20		.10
Group 6-A	9.80	.95	1.20		.10
Group 6-B	9.50	.95	1.20		.10
Group 6-C	9.15	.95	1.20		.10

DECISION #NV80-5100 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	$9.60	.95	$1.20		.10
Group 2	9.70	.95	1.20		.10
Group 3	9.85	.95	1.20		.10
Group 4	10.10	.95	1.20		.10
Group 5	10.40	.95	1.20		.10
Group 6-A	10.40	.95	1.20		.10
Group 6-B	10.10	.95	1.20		.10
Group 6-C	9.75	.95	1.20		.10
Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1:					
Group 1	9.80	.95	1.20		.10
Group 2	9.90	.95	1.20		.10
Group 3	10.05	.95	1.20		.10
Group 4	10.30	.95	1.20		.10
Group 5	10.60	.95	1.20		.10
Group 6-A	10.60	.95	1.20		.10
Group 6-B	10.30	.95	1.20		.10
Group 6-C	9.95	.95	1.20		.10
Zone 4: Area over 40 road miles from the communities named in Zone 1:					
Group 1	10.50	.95	1.20		.10
Group 2	10.60	.95	1.20		.10
Group 3	10.75	.95	1.20		.10
Group 4	11.00	.95	1.20		.10
Group 5	11.30	.95	1.20		.10
Group 6-A	11.30	.95	1.20		.10
Group 6-B	11.00	.95	1.20		.10
Group 6-C	10.65	.95	1.20		.10
Heavy and Highway Construction:					
Area 1:					
Group 1	9.00	.95	1.20		.10
Group 2	9.10	.95	1.20		.10
Group 3	9.25	.95	1.20		.10
Group 4	9.50	.95	1.20		.10
Group 5	9.80	.95	1.20		.10
Group 6-A	9.80	.95	1.20		.10
Group 6-B	9.50	.95	1.20		.10
Group 6-c	9.15	.95	1.20		.10

DECISION #NV80-5100 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 2:					
Group 1	$10.15	.95	$1.20		.10
Group 2	10.25	.95	1.20		.10
Group 3	10.40	.95	1.20		.10
Group 4	10.65	.95	1.20		.10
Group 5	10.95	.95	1.20		.10
Group 6-A	10.95	.95	1.20		.10
Group 6-B	10.65	.95	1.20		.10
Group 6-C	10.30	.95	1.20		.10
*LABORERS - "Area Definition" following TRUCK DRIVERS.					
Add:					
Laborers:					
Remaining Counties:					
Group 1	10.41	.95	1.25		.10
Group 2	10.51	.95	1.25		.10
Group 3	10.66	.95	1.25		.10
Group 4	10.91	.95	1.25		.10
Group 5	11.21	.95	1.25		.10
Group 6-A	11.21	.95	1.25		.10
Group 6-B	10.91	.95	1.25		.10
Group 6-C	10.56	.95	1.25		.10
Lathers:					
Statewide excluding Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6)	16.57				.01
Marble, Terrazzo, Tile Finishers:					
Statewide excluding Clark, Esmeralda, Lincoln, Nye County (south half, excluding City of Tonopah)	8.40	.95	.75		.01

DECISION NO. NJ80-3013 - MOD. #2 (45 FR 43635 - June 27, 1980)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, New Jersey					
Change:					
ASBESTOS WORKERS:					
Zone 1	$13.87	.90	1.35		
Zone 2	13.125	1.00	1.50		.025
BOILERMAKERS	13.34	8%	20%+.25	10%	.02
BOILERMAKERS HELPERS	12.81	8%	20%+.25	10%	.02
BRICKLAYERS, STONEMASONS, MARBLE MASONS, CEMENT MASONS, PLASTERERS, TILE LAYERS, AND TERRAZZO WORKERS:					
Zone 1					
Bricklayers, Stonemasons, Marble Masons, and Plasterers	12.20	.75	1.00		.04
Cement Masons, Tile Layers, and Terrazzo Workers	12.20	.75	1.00		.04
Zone 2					
Bricklayers, Stonemasons, Marble Masons, Tile Layers, and Terrazzo Workers	12.05	1.15	1.35		.01
Zone 3	12.45	.70	.80		
Zone 4	12.30	.80	1.00		.03
Zone 5	12.92		.68		.02
CARPENTERS, MILLWRIGHTS, AND INSULATORS:					
Zone 1	12.57	8%	7%		½%
Zone 3					
Carpenters and Insulators	12.57	8%	7%		½%
Millwrights	12.82	8%	7%		½%
Zone 4	12.35	.70	1.40	.50	.05

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DECISION NO. NJ80-3013 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
CARPENTERS, MILLWRIGHTS, AND INSULATORS (CONT'D)					
Zone 5					
Carpenters and Insulators	12.57	8%	7%		½%
Millwrights	12.82	8%	7%		½%
Zone 6					
Carpenters and Insulators	12.57	8%	7%		½%
Millwrights	12.82	8%	7%		½%
DOCKBUILDERS AND PILEDRIVERMEN:					
Zone 1	11.97	2.63	1.40	a	.13
Zone 2	12.94	1.85	1.78	1.01	.05
GLAZIERS:					
Monmouth and Ocean Counties	12.75	.91	1.15		
IRONWORKERS-STRUCTURAL, ORNAMENTAL, AND REINFORCING:					
Zone 1	12.55	1.05	2.85	1.15	.11
Zone 2	11.93	1.34	2.86		
Zone 4	12.20	1.34	2.86	1.05	.05
LABORERS, BUILDING CONSTRUCTION:					
Zone 1					
Laborers, Mason's and Plasterer's Tenders, and Concrete Workers	8.65	.65	.95		.10
Tool operators (except small hand tools) including operation of motorized buggies	8.90	.65	.95		.10
Gunnite men and gun nozzle operators for gunnite and asbestos sandblasting	9.05	.65	.95		.10

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DECISION NO. NJ80-3013 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING CONSTRUCTION: CONT'D					
Zone 2					
Construction Laborers	8.75	.55	.95		.07
Brick tenders, mortar tenders, scaffold builders (brick), hod carriers (brick), and power tool operators	8.85	.55	.95		.07
Motorized buggy operators burners, and nozzlemen (gunnite work)	8.975	.55	.95		.07
Jackhammer operators, barko tamper operators, and concrete vibrator operators (over 27 pounds)	9.10	.55	.95		.07
Plasterers' and lathers' tenders	9.25	.55	.95		.07
Zone 3					
Laborers	9.45	.40	.65		.10
Hod carriers, mason tenders, operators of jackhammers, tampers, and electric hammers	9.70	.40	.65		.10
Zone 4	9.40	.85			.10
Zone 5					
Laborers	8.65	.80	1.05		.10
Jackhammers	8.90	.80	1.05		.10
Zone 6					
Laborers	8.90	.40	1.00		.10
Hod carriers and plasterers' tenders	9.00	.40	1.00		.10

DECISION NO. NJ80-3013 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, ASPHALT CONSTRUCTION:					
Head Rakers	9.75	1.00	1.00		.10
Rakers, Screed Men	9.60	1.00	1.00		.10
Tampers, Snoothers, Kettlemen Painters, Shovelers & Roller Boys	9.35	1.00	1.00		.10
LABORERS, PLANT CONSTRUCTION:					
Scale Mixers & Burner Men	9.60	1.00	1.00		.10
Feeders & Dust Men	9.35	1.00	1.00		.10
LATHERS:					
Zone 2	12.95				
PAINTERS:					
Zone 3					
Commercial brush, roller, and paperhanging	11.35	.70	.70		.05
Commercial spray or dipping, or the use of any special material, brushing or rolling on steel or tanks, or working swing or chair	12.10	.70	.70		.05
Sandblasting or power tools, spraying or the use of any special material on steel or tanks	12.85	.70	.70		.05
Zone 4					
New Construction: Brush or roller, paperhanging, & Vinyl-wall covering	13.20	1.05	.95		.10

ECISION NO. NJ80-3013 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Zone 4 (Cont'd)					
Work on structural steel & iron, steeples, stacks, tanks, flagpoles, all swing work & window jack-work above 2 stories, spray painting & sandblasting & line striping by machinery, all power tools, & hazardous materials (i.e. creosote, epoxy, acid, pitchmastic & urethanes)	14.20	1.05	.95		.10
Repaint Construction: Brush or roller, paperhanging & vinyl-wall covering	10.56	1.05	.95		.10
Work on all structural steel & iron, steeples, stacks, tanks, flagpoles, all swing work & window-jack work above 2 stories, spray painting & sandblasting & line striping by machinery, all power tools & hazardous materials (i.e. creosote, epoxy, acid, pitchmastic & urethanes)	11.36	1.05	.95		.10
ROOFERS:					
Zone 1					
Composition, Damp, & Waterproofing	14.17	1.40	.95		
Zone 2					
Composition, Damp & Waterproofing	14.17	1.40	.95		

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DECISION NO. NJ80-3013 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEETMETAL WORKERS:					
Zone 1	13.84	1.37	1.26		.04
Zone 2	13.07	6%	5%+.11	8%	.04
Zone 3	12.63	3%+1.33	1.04		.04
SPRINKLER FITTERS					
Zone 2	15.16	.85	1.20		.08
DECISION NO. NY80-3049 - Mod. #1 (45 FR 57932 - August 29, 1980) Ulster County, New York					
Change:					
Laborers:					
Heavy & Highway Construction					
Group I	10.15	1.15	1.15	a	
Group II	10.40	1.15	1.15	a	
Group III	10.80	1.15	1.15	a	

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DECISION NO. NY80-3001 - Mod #3
(45 FR 13617, February 29, 1980)
Dutchess County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	15.6654	.9138	1.8276		
Elevator Constructors:					
Mechanic	12.53	1.195	.95	c+f	.035
Helper	9.47	1.195	.95	c+f	.035
Probationary Helper	6.765				
Laborers: Building					
General Laborers, Mason Tender, Carpenter Tender, Labor Striping, Cleaning Forms, Labor Sweepers, Cleaners, Grading Digging Ditches	9.78	1.10	1.71	a	
Hod Carriers, Plasterers Tenders, Scaffold Builders (padlock and self supporting scaffold 14 feet or under all runways), mortar mixers (machine and hand), Concrete Mixers (by machine under 21E), vibrators, form setters, Pipelayers, Asphalt Rakers, Handling Reinforcement Rods, Drillers, Jackhammer Operator, Signalman, Gunniting, Motorbugs, Water Pump 2" or Under, Barco Machine, Wreckers, Paving Breakers, Power Saw Operators, other machine Operators	10.03	1.10	1.71	a	
Blasters, Laser Beam Operator	10.18	1.10	1.71	a	
Laborers: Heavy & Highway					
General Laborers	9.60	1.10	1.76	a	
Concrete men, signal man, mason tender, pipe layers, riprap and dry stone layers, asphalt workers, screed bar operator, steel rod carrier, jackhammerman, wagon driller, airtrack operator, mippers, powder man, high scalers, power buggy operator, vibratory operator, compactor, wrecking laborers, gunite and sandblasting, coal passer, water pumps 2' or under	9.85	1.10	1.76	a	

DECISION NO. NY80-3001 - Mod #3 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers: Heavy & Highway (Cont'd)					
Concrete finisher on Highways, blaster, form setter, laser beam operator	10.20	1.10	1.76	a	
Painters:					
Brush	12.39	1.03	.60		
Bridges, Towers, Fire Escapes, Smoke Stacks, Flag Poles, Exposed areas 15' or mor in height, Swing Stage, Window Jacks, Boat Swain Chair, Safety Belts and Spray, Structural Steel	13.39	1.03	.60		

DECISION NO. NY80-3001 - Mod #3 Page 3

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	11.35	1.40	3%+1.00	a	
Cable Splicer	15.07	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.215	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.08	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.6475	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.5121	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.70	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.40	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.05	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.75	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.70	1.40	3%+1.00	a	
Cable Splicer	15.07	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.33	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.96	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.645	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.275	1.40	3%+1.00	a	

DECISION NO. NY80-3001 - Mod. #3 Page 4

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations Maintenance Jobs or Projects					
Journeyman Lineman	13.70	1.40	3%+1.00	a	
Certified Lineman Welder	14.385	1.40	3%+1.00	a	
Cable Splicer	15.07	1.40	3%+1.00	a	
Groundman Equipment Operator	13.70	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.645	1.40	3%+1.00	a	
Groundman Truck Drivers	10.96	1.40	3%+1.00	a	
Groundman	10.275	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

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DECISION NO. NY80-3001 - Mod. #3 Page 5

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Drivers on LeTourneau Tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), Low beds, I-Team, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over Equipment	11.50	1.00	1.05	a	
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks	11.40	1.00	1.05	a	
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks and all other tractor trailers	11.20	1.00	1.05	a	
Ten wheelers, grease trucks and tiller men	10.60	1.00	1.05	a	
Straight trucks, Pick-up trucks used for hauling material parts, excort man over the road	11.00	1.00	1.05	a	

DECISION NO. NY80-3023 - Mod. #3
(45 FR 25010 - April 11, 1980)
Westchester County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	15.6654	.9138	1.8276		
Boilermakers	16.34	5%	5%		
Bricklayers, Cement Masons, Plasterers, Pointers, Caulkers, Cleaners and Stone Masons	13.60	1.35	2.25	a	.07
Carpenters, Building	11.65	1.40	1.25	1.30	.135
Carpenters, Heavy & Highway	12.55	1.40	1.25	1.30	.135
Dockbuilders & Piledrivermen	12.94	1.85	1.78	1.01	.05
Electricians	13.97	6%	9½%+b	10%	½%+.02
Glaziers	13.75	.66	1.91	.67	.01
Ironworkers:					
Structural	12.70	1.86	4.15	1.75+c	.11
Ornamental	11.90	1.51	3.30	1.00	.14
Reinforcing	12.54	3.9225	2.1375	1.125	
Laborers, Building:					
Unskilled	9.70	1.25	1.70	e	
Equipment Operators, Drillers, Swinger Operators on Conveyor Belt, Pavement Breakers, Plastering, Accoustic Pumps, Barco and all Air Tampers, Vibrator Operators, Power Buggies, Fork Lifts, Power Jacks and all Pneumatic Equipment	9.95	1.25	1.70	e	
Marble Setters:					
Cutters & Setters	11.90	1.21	1.71	g	
Carvers	12.05	1.21	1.71	g	
Polishers	11.58	1.21	1.71	g	
Crane Operators	9.90	1.21	1.71	g	
Painters					
Brush	10.65	.65	1.13	.50	.05
Spray	11.65	.65	1.13	.50	.05
Tapers	11.45	.65	1.13	.50	.05
Steel and Swing Stage and Boatswain Chair	12.17-1/7	.65	1.13	.50	.05
Plumbers	13.44	1.99	1.276	1.209	.302
Roofers	11.05	3.14	2.85		.15
Sheet Metal Workers	14.56	2.24	2.20		.13
Sprinkler Fitters	14.52	.85	1.20		.08
Steam Fitters	11.70	13%	10%+h	11%	½%
Tile Setters	11.725	1.15	1.10		

FOOTNOTES:
h. Employer contributes &7.70 per day to an annuity fund.

DECISION NO. PA78-3037 MOD. NO. 8 (43 FR 17239 - April 21, 1978) Blair County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers	$14.12	.95	1.85		
Glaziers	12.44	1.02	1.35	1.23	.02
Painters	10.99	1.10	1.00		.02

DECISION NO. PA79-3006 MOD. NO. 7 (44 FR 19099 - March 30, 1979) Franklin County, Pennsylvania					
CHANGE:					
Asbestos Workers	12.26	1.12	.90		.01
Laborers	9.38	10%	9%		

DECISION NO. PA80-3011 MOD. NO. 3 (43 FR 12118 - February 22, 1980) Greene, Somerset & Potter Counties, Pennsylvania					
CHANGE:					
Bricklayers & Stonemasons					
Zone 3	$13.15	.80	1.10		
Glaziers					
Zone I	12.44	1.02	1.35	1.23	.02
Painters					
Zone 2					
Commercial					
Bruch & Roller	10.49	1.10	1.00		.02
Spray	11.49	1.10	1.00		.02
Industrial					
Brush	11.84	1.10	1.00		.02
Spray	12.34	1.10	1.00		.02

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DECISION NO. PA80-3010 MOD. NO. 3 (45 FR 23270 - April 4, 1980) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford & Venango Cos., Pa.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers					
Zone 1	$14.12	.95	1.85		
Bricklayers & Stonemasons					
Zone 4	13.15	.80	1.10		
Zone 6	12.97	.90	2.00		.01
Cement masons					
Zone 3	14.05	.80	.60		.02
Glaziers					
Zone 1	12.44	1.02	1.35	1.23	.02
Zone 2	12.34	.60	.80		.01
Ironworkers					
Zone 3	14.00	1.86	1.01		.15
Laborers:					
Zone 5					
Class I	9.38	10%	9%		
Class II	9.88	10%	9%		
Class III	9.98	10%	9%		
Class IV	9.88	10%	9%		
Class V	9.43	10%	9%		
Zone 6					
Class I	9.63	10%	9%		
Class II	10.13	10%	9%		
Class III	10.23	10%	9%		
Class IV	10.13	10%	9%		
Class V	9.68	10%	9%		
PAINTERS:					
Zone - I					
Commercial					
Brush & Roller	10.99	1.10	1.00		.02
Spray	11.49	1.10	1.00		.02
Industrial					
Brush	11.84	1.10	1.00		.02
Spray	12.34	1.10	1.00		.02
Plumbers & Steamfitters:					
Zone 2	13.92	.75	1.05		.06
Roofers					
Zone I	13.39	.60	.30		.02

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DECISION NO. PA80-3012 MOD. NO. 3 (45 FR 10595 - February 15, 1980) Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland Cos., Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers	$14.12	.95	1.85		
Bricklayers					
Zone 4	12.78	.90	1.38		.02
Stonemasons					
Zone 5	12.78	.90	1.38		.02
Glaziers	12.44	1.02	1.35	1.23	.02
Plasterers					
Zone 3	13.10				.01
Painters					
Zone 2					
Commercial					
Brush	9.95	1.10	.60	1.50	
Spray	10.47	1.10	.60	1.50	
Industrial					
Brush	11.85	1.10	.60	1.50	
Roller	12.38	1.10	.60	1.50	
Zone 6					
Commercial					
Brush	10.99	1.10	1.00		.02
Spray	11.49	1.10	1.00		.02
Industrial					
Brush	11.84	1.10	1.00		.02
Spray	12.34	1.10	1.00		.02
Steamfitters					
Zone 3	14.48	1.21	1.26		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA80-3026 MOD. NO. 3 (45 FR 25017 - April 11, 1980) Lehigh County, Pennsylvania					
CHANGE:					
Asbestos workers	$12.26	1.12	.90		.01
Boilermakers	15.57	1.275	1.00		.02
Carpenters	11.60	.87	.84		.05
DECISION NO. PA78-3078 MOD. NO. 5 (43 FR 49205 - October 20, 1978) Allegheny County, Pennsylvania					
CHANGE:					
Bricklayers	$13.85	.90	2.00		
Carpenters	12.80	6%	8%	10%	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #SC79-1037 - Mod. #3 (44 FR 13230 - March 9, 1979) Sumter County, South Carolina					
CHANGE:					
Sprinkler fitters	$11.00	.85	1.20		.08
DECISION #SC79-1038 - Mod. #2 (44 FR 10934 - February 23, 1979) Cherokee, Union, & York Counties, South Carolina					
CHANGE:					
Sprinkler fitters	$11.00	.85	1.20		.08
DECISION #SC79-1047 - Mod. #3 (44 FR 16322 - March 16, 1979) Greenville County, South Carolina					
CHANGE:					
Sprinkler fitters	$11.00	.85	1.20		.08
DECISION #SC79-1128 - Mod. #2 (44 FR 53661 - September 14, 1979) Lexington & Richland Counties, South Carolina					
CHANGE:					
Sprinkler fitters	$11.00	.85	1.20		.08

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DECISION #TN79-1104 MOD #7 (44 FR 38137 - June 29, 1979) Hamilton, Marion, Polk and Rhea Counties in Tennessee	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
IRONWORKERS	$11.36	.70	.65		1%
Decision NO. VA78-3073-Mod. #6 (43 FR 47445-October 13,1978 Radford Army Ammunition Plant, Virginia					
CHANGE:					
Millwrights	$12.05	.50	.45		.02

SUPERSEDEAS DECISION

STATE: Alaska COUNTIES: Statewide
DECISION NUMBER: AK80-5130 DATE: Date of Publication
Supersedes Decision No. AK80-5115 dated April 25, 1980, in 45 FR 28053
DESCRIPTION OF WORK: Building Projects (including residential project consisting of single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

AREA 1 (North of the 63rd Parallel) AREA 2 (South of the 63rd Parallel and west of the 141st Meridian) AREA 3 (East of the 141st Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$22.95	.65	$1.30		.10
BOILERMAKERS	18.97	1.275	1.25	1.00	.04
BRICKLAYERS; Blocklayers; Stonemasons	18.93	.90	2.95		.09
CARPENTERS:					
Area 1:					
Carpenters	19.10	.90	2.75		.10
Power actuated tool operator; Dewalt or similar type saw operator; Marlite and acoustical; Fire or floor repair work applicators; Nailing machine operator; Saw filer	19.50	.90	2.75		.10
Millwrights	19.65	.90	2.75		.10
Piledrivermen	17.99	.90	3.00		.10
Areas 2 and 3:					
Journeyman Carpenters	18.91	.90	2.00		.25
Acoustical and marlite applicators; Floor workers; Radial arm saw operators; Fire and floor workers	17.89	.90	2.00		.25
Millwrights	19.44	.90	2.00		.25
Piledrivermen	17.99	.90	2.25		.10
CEMENT MASONS:					
Area 1	17.38	1.10	3.00		.15
Area 2	17.13	1.10	3.00		.15
CULINARY WORKERS:					
Working camp manager; Head cook; Baker; Cook-baker	16.31	.50	2.75		.04
Cook	15.95	.50	2.75		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Electricians; Technicians	$20.40	$1.50	3%+3.00		.25
Cable Splicers	22.15	1.50	3%+3.00		.25
Residential Electricians:					
Wireman	11.25	1.05	3%		.10
ELEVATOR CONSTRUCTORS	20.95	1.045	.82	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.045	.82	a	.035
GLAZIERS:					
Area 1	16.80	.90	1.00		.20
Areas 2 and 3	19.07	.90	1.00		.20
IRONWORKERS:					
Bender operator; Bridge; Fence erector; Machinery mover; Ornamental; Reinforcing; Sheeter; Structural	18.85	1.35	3.00		.30
LATHERS	21.14	.90		1.08	.04
LINE CONSTRUCTION:					
Groundmen	18.40	1.50	3%+3.00		.25
Equipment operators; Linemen; Technicians	20.40	1.50	3%+3.00		.25
Cable Splicers	22.15	1.50	3%+3.00		.25
Powderman	18.40	1.50	3%+3.00		.25
MARBLE SETTERS; Terrazzo Workers	18.93	.90	2.95		.09
PAINTERS:					
Area 1:					
Zone 1: Within a 10 mile radius of the Fairbanks Post Office including Ft. Wainwright					
Zone 2: Beyond 10 miles and up to 40 miles radius of the Fairbanks Post Office including Eielson Air Force Base and all the Sites within this territory					
Zone 3: Beyond 40 miles radius of the Fairbanks Post Office					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Zones 1 and 3:					
Brush; Roller; Paper; Vinyl	$19.35	.77	$2.00		.15
Utilidor; Swing; Sign; Bosun	19.60	.77	2.00		.15
Structural steel; Pot tender; Sandblaster	19.85	.77	2.00		.15
Epoxy; Tar; Finish metal spray	20.35	.77	2.00		.15
Spray painter	21.45	.77	2.00		.15
Tapers, hand	19.62	.77	2.00		.15
Tapers, machine	20.62	.77	2.00		.15
Buffer operator	19.88	.77	2.00		.15
Hardwood finishers	20.10	.77	2.00		.15
Zone 2:					
Brush; Roller; Paper and vinly hangers	20.20	.77	2.00		.15
Utilidor; Swing; Bosun; Sign	20.45	.77	2.00		.15
Epoxy; Tar; Finish metal spray	21.20	.77	2.00		.15
Spray painter	22.30	.77	2.00		.15
Tapers, hand	20.47	.77	2.00		.15
Tapers, machine	21.47	.77	2.00		.15
Buffer operators	20.73	.77	2.00		.15
Hardwood operators	20.95	.77	2.00		.15
Zone 1, 2 and 3:					
Height Pay; All work on any form of scaffolding or staging over 40 ft. will be paid $.25 more per hour and for every additional 20 ft. $.25 more per hour will be paid to the employee. The height of work shall be determined from the ground to the point of hookup.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Areas 2 and 3:					
Brush; Roller; Sign Paper and vinyl; Swing Stage; Taper/Drywall; Structural steel	$18.50	.90	$2.00		.20
Spray; Sandblast; Pot Tender	18.90	.90	2.00		.20
Epoxy and tar applicator	19.10	.90	2.00		.20
Steel jack and tower	19.00	.90	2.00		.20
Height Pay: all classifications, with the exception of steeple jacks and tower painters, a $.25 hourly premium shall be paid for swing stage work on a structure with height in excess of 40 ft. an additional $.25 per hourly height pay shall be paid for each additional 50 ft. thereafter. Height pay on all towers and steeplejack work shall start at the 150 ft. level. $.50 per hour above the scale shall be paid for each additional 100 ft.	19.80	.90	2.00		.20
PLASTERERS:					
Area 1	18.50	1.10	3.00		.15
Area 2	18.25	1.10	3.00		.15
PLUMBERS; Steamfitters:					
Area 1	21.12	.90	2.90		.35
Area 2	20.60	1.00	2.90		.28
Area 3	19.54	1.20	3.20		.20
ROOFERS:					
Area 1	17.50	1.40	3.00		.05
Areas 2 and 3	17.20	1.40	3.00		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Area 1	$21.53	.73	$2.38		.19
Areas 2 and 3	21.60	.86	2.10		.22
Residential construction:					
Areas 2 and 3	14.08	.86	1.49		.22
SOFT FLOOR LAYERS:					
Area 1:					
Zones 1 and 3	19.37	.77	2.00		.15
Zone 2	20.22	.77	2.00		.15
Areas 2 and 3	20.30	.85	1.00	4%	.20
SPRINKLER FITTERS	20.96	.85	1.20		.08
SURVEY CREWS:					
Party chief	17.59	1.99	3.00		.20
Instrumentman	15.60	1.99	3.00		.20
Head chainman	15.05	1.99	3.00		.20
Stakehop	15.05	1.99	3.00		.20
Rear chainman	14.62	1.99	3.00		.20
TERRAZZO WORKERS	18.93	.90	2.95		.09
TILE SETTERS	18.26	.90	2.95		.09
RIGGERS; WELDERS: Receive rates for craft performing operation to which rigging or welding incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 8% of the basic hourly rate for over 5 years' service and 6% of the basic hourly rate for 6 months' to 5 years' of service as Vacation Pay Credit. Six Paid Holidays: A through F.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$15.87	$1.10	$3.00		.20
Group 2	16.12	1.10	3.00		.20
Group 3	16.42	1.10	3.00		.20
Group 4	16.62	1.10	3.00		.20
Group 5	16.82	1.10	3.00		.20
Group 6	17.04	1.10	3.00		.20

Group 1: Window Cleaner; Building Laborers; Carpenter Tender; Material Handlers; Hook Tenders; Signal Man/Dumpman; Flagman; Sandblast, Pot Tender; Saw Tenders; Pitman; Utiliwalk and Utilidor; Ditch Diggers; Monolithic Workers (sewers); Dryer Man (bridges, dams); Topman and Bull Gang (tunnel and shaft); Brakeman (tunnel or shafts); General Laborer; Sandblaster; Oil Spill Clean Up: Camp Maintenance Labor

Group 2: Base and Floor Machine Man; Pneumatic or Power Tools; Compactor; Rigger; Hydroseeder Nozzleman; Choke Setter; Tank Cleaners; Stake Hopper; Grademen; Concrete Labor (including Vibratorman, Power Buggy and Concrete Power Saw, Curb and Gutter Man); Asphalt Worker (including plant crew); Tar Rubber- add $.25 per hour to scale; Steam Point or Water Jet Operator; Mucker and Laborers (tunnel and shaft); Nippers (tunnel or shafts); Monolithic Workers

Group 3: Jackhammer or Pavement Breakers; Catylist; Epoxie (tank cleaning); Chuck Tender (Wagon and Track Drills); Mason Tender and Mud Mixer (sewers); Insulators (foam gun operator)

Group 4: Bricklayers; Cement Finishers; Gunnite Operator; Burning and Cutting Torch; Pipelayer (culvert and multiplate); Plasterers Tenders; High Scaler; Sloper (over 20 ft.); Chain Saw and Power Saws (brush cutter); Rakers (asphalt crew); Tar Rubber - add $.25 per hour to scale; Cement or Lime Dumper or Handler (sack or bulk); Pipelayers (sewer or water mains); Sewer Caulkers; Timberman (sewer); Pipe Builder (stove pipe crews); Sandblaster (bridges and dams); Monolithic Workers; Powderman Tender

Group 5: Timber Faller; Wagon Driller; Air Trac Wagon Driller; Chain Saw Filer; Miners, tunnels or shafts; Retimberman (tunnels or shafts)

Group 6: High Rigger and Tree Topper; Powderman (tunnels or shafts - add $.30 per hour); Miners, Shafts and Raises (tunnel or shafts); Toxic Pay, add $.35 per hour; Scaffold Pay, add $.15 per hour over 10 ft., $.30 per hour over 40 ft. based on free-fall distrance

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$18.40	$1.10	$3.00		.15
Group 1-A	19.53	1.10	3.00		.15
Group 2	17.91	1.10	3.00		.15
Group 3	17.45	1.10	3.00		.15
Group 4	16.43	1.10	3.00		.15

Group 1: "A" Frame Trucks; Helicopters; Transporters; Deck Winches: Double power Drum; Backfiller; Batch Plant Operator: Batch and Mixer, over 200 yds. per hour; Belcrete with power pack and similar Conveyors; Bending Machine; Bulldozer, Quad or HD 41 or similar; Cableways and Highlines, 3 yds. and under; Cleaning Machine; Coating Machine; Cranes: Shovels, Backhoes, Draglines, Clamshells (Crawler, truck type, Rubber-tired, Creter, Floating Locomotive, Whirley, either 3 yds. or under or 150" boom, including jibs and under, or 45 tons and under - Hydralifts or Transporters, all track or truck type - Hyster Cat Cranes and attachments, Sidebooms, under 45 tons); Derricks; Ditching or Trenching Machine (16" or over); Drilling Machines, Core, Cable, Rotary and Exploration; Hydro Ax and similar; Loaders (Forklifts with power boom and swing attachment; Overhead and Front End, 2½ yds. through 4 yds.; Loaders with Forks or Pipe Clamps); Mechanics, Welders, Bodyman; Mixers (mobile type with hoist combination); Motor Patrol Grader (over Model 14 or similar types); Mucking Machines (Mole, Tunnel Drill and/or Shield); Operator on Dredges; Piledriver Engineers, L.B. Foster, Puller or similar, Paving Breaker; Power Plant, Turbine Operator, 300 K.W. and over (power plants or combination of power units over 300 K.W. on highway or airfield construction or Quarry operations); Sauerman-Bagley; Scrapers, Tournapulls, Caterpillar, Euclid and similar type equipment over 25 yds. through 40 yds.; Shot Blast Machine; Sub Grader (Gurries, C.M.I. and C.M.I. Roto Mills and similar types); Tack Tractor; Truck mounted Concrete Pump; Wate Kote Machine; Hover Craft, Flex Craft, Loadmaster, Air Cushion, Terrain Vehicle, Helicopter Transporter, Cableways, Rollingon, Dredge Barge-cable, Highline or Cable Car, Camp Maintenance Engineer, Boat Coxswains; Asphalt Roller; Bulldozers; Crusher; Finishing Machine Operator, concrete paving, sidewalk, curb and gutter machine; Loaders, elevating Belt type, Euclid and similar types; Motor Patrol Grader, 14 and under; Scrapers, 25 yds. and under; Spreaders; Blaw Know, Cedarapids, Barber Greene, Screed, Slurry Machine; Nodwell Sno Cat

POWER EQUIPMENT OPERATORS (Cont'd)

Group 1-A: Cableways and Highlines, over 4 yds.; Cranes: Shovels, Backhoes, Draglines, Clamshells (Crawler, truck type, Floating Locomotive, Whirley, either over 3 yds. or over 150' boom, including jibs or over 45 tons); Tower Cranes, Pecco, Lorain, Bucyrus and similar types; Hyster Cat Cranes and attachments, Sidebooms, 45 tons and over; Loader, over 4 yds.; Motor Patrol Grader (finish: when finishing to final grade, red, blue or similar hubs); Power Plants (1000 k.w. and over); Slip Form Paver, C.M.I. and similar types; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment, over 40 yds.

Group 2: Batch Plant Operator: Batch and Mixer, 200 yds. per hour and under; Cement Hogs and Concrete Pump Operators; Compressors: Steel Erection, including Sandblasting, painting of same; Piledriving; Conveyors (except as listed in Group 1); Hoists on Steel Erection, Towermobiles and Air Tuggers; Loaders, Elevating Grader, Dumor and similar; Locomotives: Rod and Geared Engines; Mixers Screening, washing plant; Sideboom (cradling rock drill); Skidder; Trenching Machine, under 16"; Service Oiler, Journeyman; Boiler-Fireman

Group 3: "A" Frame Trucks, Deck Winches; Single Power Drum; Bombardier (tack or tow rig); Boring Machine; Brooms, power Wayne, Saginaw and similar types; Bump Cutter (Concut, Christenson or similar types; Compressors, excavating; Farm Tractor; Forklift, industrial type; Gin Truck or Winch Truck with poles when used for hoisting; Hoists, Air Tuggers, Elevators; Loaders (Elevating-Athey, Barber Greene and similar types; Forklifts or Lumber Carrier (on construction job sites); Forklifts with tower; Overhead and Front End, under 2½ yds.); Locomotives: Dinkey (air, steam, gas and electric) Speeders; Mechanics, light duty; Mixers: Concrete Mixers and Batch, 200 yds. per hour and under; Oil, Blower Distributors; Pipeline Dream; Posthole Diggers, mechanical; Pot Fireman (power agitated); Power Plant, Turbine Operator, under 300 k.w.; Pumps: Fuller Kenyon, water; Rollers, Tampers, Vibrators, all except Asphalt Saws, concrete; Straightening Machine; Tow Tractor; Grade Checker, Stake Hopper; Rig Oiler, over 45 ton, over 3 yds. or over 150' boom; Drill Tender

Group 4: Rig Oiler (advances to Group 3, if over 45 tons or 3 yards or 150' boom); Parts and equipment Coordinator; Swamper (on Trenching Machines or Shovel type equipment); Spotter; Steam Cleaner

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$16.36	$1.99	$3.10		.20
Group 2	16.42	1.99	3.10		.20
Group 3	15.89	1.99	3.10		.20
Group 4	16.74	1.99	3.10		.20
Group 5	17.14	1.99	3.10		.20
Group 6	17.45	1.99	3.10		.20
Group 7	17.74	1.99	3.10		.20
Group 8	18.05	1.99	3.10		.20
Group 9	18.36	1.99	3.10		.20
Group 10	18.67	1.99	3.10		.20
Group 11	18.98	1.99	3.10		.20
Group 12	19.29	1.99	3.10		.20
Group 13	19.59	1.99	3.10		.20
Group 14	16.88	1.99	3.10		.20
Group 15	15.61	1.99	3.10		.20
Group 16	16.04	1.99	3.10		.20
Group 17	16.72	1.99	3.10		.20
Group 18	16.98	1.99	3.10		.20
Group 19	17.25	1.99	3.10		.20
Group 20	17.52	1.99	3.10		.20
Group 21	17.69	1.99	3.10		.20
Group 22	16.66	1.99	3.10		.20
Group 23	15.78	1.99	3.10		.20

TRUCK DRIVERS

Group 1: Buggymobile; Hyster Operators (handling bulk aggregate); Lumber Carrier

Group 2: Semi or Truck and Trailer; Dumpsters; Batch Trucks, over 5 yards; Dump Trucks, over 5 yards up to and including 10 yards; Fuel Truck; Greasers of Grease Trucks; Flat Beds, dual rear axle; Ready Mix: over 3 yards up to and including 5 yards; Water Wagon, semi; Water Wagon, dual axle Winch Trucks; Flat Bed including "A" Frame,manufactures rating over 5 tons; Bull Lift and Fork Lifts, over 5 tons; Front End Loader with Forks; Partsman and Outside Expeditor; Bus Operator, over 30 passengers, Track Truck Equipment; (all Terrain vehicles, Form Distributor Truck, double axle; Loadmaster (air and water operations); Air Cushion or similar type vehicle; Fire Trucks - double axle; Vacuum Truck; Vacuum Truck Sweepers - dual axle; Riggers; Combination Truck, fuel and grease; Greaser; Hydro Seeders, dual axle

Group 3: Batch Truck up to and including 5 yards; Dump Truck (including Rockbuggy and Trucks with pumps) up to and including 5 yards; Flat Beds, single rear axle; Water Wagon, single axle Winch Truck, Flat Bed, including "A" Frame manufactured rating 5 tons and under; Bull Lifts and Fork Lifts up to and including 5 tons; Bus Operator, up to 30 passengers; Form Distributor Truck, single axle, Hydro Seeder, single axle, team drivers (horses, mules and similar equipment); Vacuum Trucks and Truck Sweepers, single axle; Fire Trucks, single axle; Ambulance

Group 4: Dump Trucks, over 10 yards up to and including 20 yards; Tire Service Man; Lowbed Heavy-duty Trailer; Oiler Distributor Drivers; Ready Mix: Compactor (when pulled by rubber-tired equipment); Lowboys, including attached trailer and jeeps

Group 5: Dump Trucks, over 20 yards up to and including 30 yards

Group 6: Dump Trucks, over 30 yards up to and including 40 yards

Group 7: Dump Trucks, over 40 yards up to and including 50 yards

Group 8: Dump Trucks, over 50 yards up to and including 60 yards

TRUCK DRIVERS (Cont'd)

Group 9: Dump Trucks, over 60 yards up to and including 70 yards

Group 10: Dump Trucks, over 70 yards up to and including 80 yards

Group 11: Dump Trucks, over 80 yards up to and including 90 yards

Group 12: Dump Trucks, over 90 yards up to and including 100 yards

Group 13: Dump Trucks, over 100 yards (above scale to be paid on actual water level measurements)

Group 14: Turn-O-Wagoner, DW-10 when not self-loading

Group 15: Gravel Spreader Box Operator on Truck; Pickup (pilot cars, all light-duty vehicles); Warehouseman, Class 2: Farm type rubber-tired tractor (material hauling or pulling wagons); Swampers

Group 16: Ready Mix: Up to and including 3 yards

Group 17: Ready Mix: Over 5 yards up to and including 7 yards

Group 18: Ready Mix: Over 7 yards up to and including 9 yards

Group 19: Ready Mix: Over 9 yards up to and including 12 yards

Group 20: Ready Mix: 13 yards and over

Group 21: Ready Mix, semi with double bowl mixer

Group 22: Water Wagon, when pulled by Euclid or similar type equipment

Group 23: Warehouse - Class 1

DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1: Assistant Mate (deckhand)	$16.43	$1.10	$3.00		
Group 2: Fireman; Oiler	17.45	1.10	3.00		
Group 3: Assistant Engineer (electric, diesel, steam or booster pump); Assistant Engineer (electric generator operator for primary pump, power barge or dredge), Mates and Boatman, Engineer Welder, Craneman	17.91	1.10	3.00		
Group 4: Leverman (hydraulic)	18.40	1.10	3.00		
Group 5: Leverman Dipper (5 yards and under, over 5 yards)	19.53	1.10	3.00		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: CA80-5133 DATE: Date of Publication
Supersedes Decision Numbers CA79-5124, in 44 FR 38123; and CA79-5125, in 44 FR 38127, dated June 29, 1979
DESCRIPTION OF WORK: Building Projects (including Residential Projects consisting of single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$16.20	$1.30	$1.37		.07
BOILERMAKERS	15.21	1.175	1.25	1.00	.04
BRICKLAYERS; Stonemasons	15.09	1.13	1.34		.12
BRICK, BLOCK and STONEMASONS' TENDERS	11.92	.77	2.05		
CARPENTERS:					
Carpenters	14.91	.71	1.55	.80	.07
Piledrivermen	15.16	.71	1.55	.80	.07
Millwrights; Pneumatic Nailer; Hardwood Floorlayers	15.51	.71	1.55	.80	.07
CEMENT MASONS:					
Cement Masons	12.01	1.00	2.05	2.00	.07
Color Work; Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	12.31	1.00	2.05	2.00	.07
DIVERS:					
Divers	34.28	.71	1.55	.80	.07
Stand-by Divers	17.41	.71	1.55	.80	.07
Tender	16.41	.71	1.55	.80	.07
DRYWALL INSTALLERS	13.45	.71	1.55	1.00	.07
DRYWALL FINISHERS	14.31	1.23	1.43	.75	.07
ELECTRICIANS:					
Electricians; Technicians	16.88	.75	3%+1.71		.09
Cable Splicers	17.33	.75	3%+1.71		.09
ELEVATOR CONSTRUCTORS	17.34	1.045	.82	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.045	.82	a	.035
GLAZIERS	14.88	1.03	1.30		
IRONWORKERS:					
Fence Erectors	13.11	1.39	3.11	2.15	.07
Reinforcing	13.11	1.39	3.11	2.15	.07
Ornamental; Structural	14.00	1.39	3.11	2.15	.07
IRRIGATION And LAWN SPRINKLERS	12.01	10%	16%	13%	1%
LATHERS	16.38	.71	1.55		.10
LINE CONSTRUCTION:					
Groundman	12.46	.75	3%+1.71		.09
Linemen	16.18	.75	3%+1.71		.09
Cable Splicers	16.62	.75	3%+1.71		.09

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS	$11.27	$1.00	$1.79	$1.24	.12
PAINTERS:					
Brush, Paint Burner	14.26	1.23	1.43	.75	.07
Brush (swing stage), Spray	14.51	1.23	1.43	.75	.07
Paperhanger, Spray (swing stage)	14.76	1.23	1.43	.75	.07
Sandblaster (swing stage); Iron, steel and bridge painters (swing stage); Iron, steel and bridge painter, Spray (swing stage)	15.26	1.23	1.43	.75	.07
Sandblaster; Iron, steel and bridge painter (groundwork); Iron, steel and bridge painters, Spray (groundwork); Riggers, climbing steel; Brush, climbing steel and bridge; Spray, climbing steel and bridge	15.01	1.23	1.43	.75	.07
Steeplejack	15.91	1.23	1.43	.75	.07
PARKING LOT WORK And/Or Highway MARKERS:					
Traffic delineating device applicator	10.72	.90	.50	b	
Wheel stop installer; Traffic surface sandblaster; Striper	10.33	.90	.50	b	
SLURRY SEAL OPERATION:					
Mixer Operator	10.33	.90	.50	b	
Squeege Man	9.14	.90	.50	b	
Applicator Operator	9.14	.90	.50	b	
Shuttleman	9.14	.90	.50	b	
Top Man	7.60	.90	.50	b	
PLASTERERS	15.41	.65	2.50		.12
PLASTERERS' TENDERS	14.54	.77	2.05	1.00	
PLUMBERS; Pipefitter; Steamfitters; Air Condition, Refrigeration	15.25	10%	16%	13%	3/4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$12.79	.80	$1.05	$1.00	
SHEET METAL WORKERS	16.34	1.20	2.64		.01
SOFT FLOOR LAYERS	13.22	.81	1.65		.10
SPRINKLER FITTERS	17.38	.75	1.05		.08
TERRAZZO WORKERS	13.54	.81	1.17		.08
TILE SETTERS	13.54	.81	1.17		.08
TILE and MARBLE FINISHERS	10.33	1.00	1.00	1.00	.21
RIGGERS; WELDERS - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.23 per hour to Holiday Fund plus $.20 per hour to Vacation Fund for the first year of employment, 1 year by less than 5 years $.40 per hour to Vacation $.60 per hour to Vacation Fund, over 10 years $.80 per hour to Vacation Fund.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS:

Group 1	$10.65	.77	$2.05	$1.00	.13
Group 2	10.95	.77	2.05	1.00	.13
Group 3	11.15	.77	2.05	1.00	.13
Group 4	11.40	.77	2.05	1.00	.13

LABORERS

Group 1: Laborer (general construction); Boring Machine Tender; Caulker; Cesspool Digger and Installer; Chucktender (except tunnels); Concrete Curer (impervious membrane and form oiler); Concrete Water curing, Cutting Torch Operator (demolition); Driller's Tender (Caisson) including Bellowers, Dri Pak-it Machine, Concrete Cutting Torch, Dry packing of concrete, plugging, filling of Shee Bolt Holes, Fine Grader on highways, streets and airport paving (sewer and drainage lines when employed); Flagmen; Gas and Oil Pipeline Laborer; Guinea Chaser; Jet Man; Landscape Gardener and Nursery Man; Laser Beam in connection with Laborers work; Packing Rod Steel and Pans; Pipelayer's Backup Man; Coating, Grouting, Making of Joints; Sealing, Caulking, Diapering and including Rubber Gasket Joints, Pointing; Railroad work Laborer; Rigging and Signaling, Riprap Stonepaver; Sandblaster (Pot Tender); Scaler, Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner, Tool Shed Checker; Watchman; Window Cleaner; Fence Erector (Class 3); Rebound Man (gunite industry); Housemover Journeyman

Group 2: Asphalt Raker; Ironer; Spreader; Buggymobile Man; Cement Dumper (on 1 yard or larger mixers and handling bulk cement); Concrete Saw Man (excluding tractor type); Roto-scraper; Chipping Hammper; Concrete Core Cutter and Form Blower; Concrete Grinder and Sander; Cribber; Shorer; Lagging and Trench Bracing; Hand-guided Lagging Hammer; Driller; All power Drills, including Jackhammer, whether Core, Diamond, Wagon, Track Multiple Unit, and all types of Mechanical Drills without regard to the form of motive power; Driller (all other where drilling is for use of explosives); Gas and Oil Pipeline Wrapper (Pot Tender and Form Man); Gas and Oil Pipeline Wrapper (6 inch pipe and over); Operator and Tenders of pneumatic, gas and electric tools; Concrete Pumps; Vibrating Machines; Multi-plate Impact Wrench and similar mechanical tools not separately classified herein; Pipelayer (performing all services in the laying and installation of pipe from the point of receiving pipe until completion of the operation, including any and all forms of tubular material, whether Pipe, Metallic or Non-metallic, Conduit and any other stationary type of tubular device used for the conveying of substance or element, whether water, sewage, solid, gas, air or other products what-so-ever and without regard to the nature of material from which the tubular material is fabricated; Powderman; Blasters' Tenders; Prefabricated Manhole Installer; Rock Slinger; Sandblaster and Waterblaster (Nozzleman); Scaler (using Bos'n Chair, Safety Belt); Steel Headerboard Man; Tee Climber, using mechanical tools; Welding in connection with Laborer's work; Fence Erector (Class 2); Gun Man (gunite industry)

Group 3: Fence Erector (Class 1); Nozzleman and Rod Man (gunite industry)

Group 4: Powderman; Blasters (licensed) - all work of loading holes, placing and blasting all powder and explosives of whatever type regardless of method used for such loading and placing

TUNNEL LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$11.15	.77	$2.05		.13
Group 2	10.95	.77	2.05		.13
Group 3	11.40	.77	2.05		.13

Group 1: Blasters; Drillers; Powdermen; Cherry Pickerman; Grout Gunmen; Kemper and other pneumatic Concrete Placer Operator; Miners in short dry tunnels under streets, highways and similar places; Miners (tunnel hand or machine); Powderman Helper (tunnel work); Steel Form Raisers and Setters; Timbermen; Retimbermen - wood or steel

Group 2: Bull Gang Muckers (Trackman); Chucktender; Cabletender; Concrete Crew (includes Rodders and Spreaders); Dumpmen; Grout Crew; Tender for Steel Form Raisers and Setters; Muckers (Laborers) in short dry tunnels, under streets, highways and similar places; Nipper; Swamper (Breakman and Switchman) on tunnel work; Vibratormen; Jackhammer; Pneumatic tools (except Driller); Mutli-plate Impact Wrench

Group 3: Powdermen (licensed) - Primer House (tunnel work); Shaft and Raise Miner; Shifters; Watchmen

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$13.60	$1.10	$2.65	.90	.14
Group 2	13.88	1.10	2.65	.90	.14
Group 3	14.17	1.10	2.65	.90	.13
Group 4	14.31	1.10	2.65	.90	.14
Group 5	14.55	1.10	2.65	.90	.14
Group 6	14.64	1.10	2.65	.90	.14
Group 7	14.76	1.10	2.65	.90	.14
Group 8	14.93	1.10	2.65	.90	.14
Group 9	15.06	1.10	2.65	.90	.14

POWER EQUIPMENT OPERATORS: (Cont'd)

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman; Deckhand (dredge); Ditchwitch; Elevator Operator (inside); Forklift (under 5 tons);

Group 2: Compressor (600 C.F.M. or larger); Concrete Mixer (skip type); Conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator; Generator, Pump or Compressor; Rotary Drill Tender (oilfield); Skiploader - wheel type up to 3/4 yd. without attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler; Concrete Pump Oiler (truck mounted); Deckmate (dredge)

Group 3: Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power driven Jumbo Form Setter; Stationary Pipe Wrapping and Cleaning Machine; Gradall Oiler; Surge Tank and Weight Master (Hot Plant); Trencher Oiler (foundations); Truck Crane Oiler

Group 4: Asphalt Plant Fireman; Boring Machine; Chip Spreading Machine; Concrete Pump Operator; Dinkey Locomotive or Motorman (10 ton); Helicopter Hoist; Highline Cableway Signalman; Power Sweeper; Trenching Machine (up to 6 ft.); Concrete Pump Operator, truck mounted; Rodman and Chainman; Helicopter Radioman; Watch Engineer (dredge)

Group 5: A-frame Winch Truck Operator; Asphalt Plant or Concrete Batch Plant Operator (where commercial power is not used, no less than one Generator Operator is required); Asphalt Spreading Machine Operator (Spreader Bar and similar); Bit Sharpener; Boxman or Mixerman (asphalt or concrete); Concrete Joint Machine Operator (canal and similar type); Concrete Planer Operator; Derrickman (oilfield type); Drilling Machine Operator (including water wells); Equipment Greaser (Mobile and Grease Rack); Forklift Operator (over 5 ton capacity); Hydro-hammer - Aero Stomper; Hydrographic Seeder Machine Operator (straw, pulp, or seed); Instrumentman; Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanical Finisher Operator (Concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker Operator (truck mounted, oiler required); Road Oil Mixing Machine Operator; Roller Operator; Ross Carrier Operator (jobsite); Self-propelled Tar Pipelining Machine Operator; Skiploader Operator (wheel or track type over 3/4 yd. up to and including 1½ yds.); Skiploader - Ford Ferguson up to 3/4 yd. with drag attachments; Slip Form Pump Operator (power driven hydraulic lifting device for concrete forms); Screed Operator; Stinger Crane (Austin-Western or similar type); Traveling Pipe Wrapping, Cleaning and Bending Machine Operator; Truck type Loader; Tugger Hoist (1 drum)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Plant Engineer; Asphalt or Concrete Spreading Operator (tamping or finishing); Asphalt Paving Machine Operator (Barber Green or similar type); Automatic Curb Machine; Belt Splicer or Vulcanizer; BHL Lima Road Pactor; Wagner Pactor or similar Operator; Bridge Crane Operator; Bridge type Unloader and Turntable Operator; Cast-in-place Laying Machine; Combination Mixer and Compressor Operator (Gunite work); Concrete Mixer and Compressor Operator (Gunite work); Concrete Mixer Operator - paving (Oiler required); Crane Operator (up to and including 25 ton capacity)(Oiler required)(Long Boom Pay applicable); Crushing Plant Operator (Oiler required)(where commercial power is not used, no less than one Generator Operator is required); Deck Engine Operator; Drill Doctor; Elevating Grade Operator; Gradall Operator (Oiler required); Grade Checker; Grouting Machine Operator; Guard Rail Post Driver Operator; Heavy Duty Repairman; Hoist Operator (single drum - Buck Hoist - Chicago Boom and similar type); Hoist Operator (2 or 3 drum); Kolman Belt Loader and similar type (when two or more are working together an additional employee shall be required); LeTourneau Blob Compactor or similar type; Lift Mobile Operator (Oiler required); Lift Slab Machine Operator (Vagtborg and similar types); Material Hoist Operator (1 drum); Mucking Machine Operator (1/4 yd.) (Oiler required); (rubber tired, rail or track type); Pile Driver Operator (Oiler required); Pneumatic Concrete Placing Machine Operator (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun Operator; Polar Gantry Crane Operator; Rotary Drill Operator (excluding Caisson type)(Oiler required); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon - water pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired Scraper Operator (self-loading paddle wheel type - John Deere 104 and similar single unit); Skiploader Operator (wheel or track type, over 1½ yds. up to and including 6½ yds.); Stinger Crane (Austin-Western-Pettibone or similar type) (over 5 tons); Surface Heaters and Planer Operator; Tractor Compressor Drill Combination Operator; Tractor Operator (Bull Dozer, Tamper, Scraper, and Push Tractor, single engine); Trenching Machine Operator (over 6 ft. depth capacity - manufacturers rating) (Oiler required); Tunnel Locomotive Operator (10 to 30 tons); Universal Equipment Operator (Shovel, Backhoe, Dragline, Clamshell, up to and including 1 cu. yd. M.R.C.) (Oiler required) (Long Boom Pay applicable); Welder (general)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Automatic Lineau Tension Machine (2 Operator required); Crane Operator (over 25 tons, up to and including 100 ton M.R.C.) (Long Boom Pay applicable) (Oiler required); Derrick Barge Operator (Oiler required, up to 100 tons) (over 100 tons, Fireman or Oiler required); Dual Drum Mixer (Oiler required); Hoist Operator (2 or 3 drum with boom attachment); Hoist Operator (Stiff Leg, Guy Derrick or similar type up to 100 ton capacity) (Oiler required, Long Boom pay applicable); Loader Operator (Athey, Euclid, Sierra or similar type); Monorail Locomotive Operator (diesel, gas, or electric); Motor Patrol - Blade Operator; Multiple Engine Tractor Operator (Euclid and similar type, except Quad 9 Cat); Party Chief; Pre-stressed Wrapping Machine Operator (2 Operators required); Rubber-tired Earth Moving Equipmnet Operator (multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor Loader Operator (Crawler and wheel type over 6½ yds.); Tractor Operator (boom attachments) (over 40 ft. boom, Oiler required); Tower Crane Operator (two Operators required); Tower Crane Repairman; Universal Equipment Operator (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. M.R.C.); Welder - certified; Welder-Heavy Duty Repairman Combination; Woods Mixer Operator and other similar Pugmill Equipment

Group 8: Auto Grader Operator (one Grade Checker and one additional employee required); Automatic Slip Form Operator (Grade Checker and one additional employee required); Crane Operator (over 100 tons, two Operators required, Long Boom Pay applicable); Leverman (dredge); Mass Excavator Operator (two or more Operators and Oiler required, less than 750 cu. yds.); Mechanical Finishing Machine Operator; Mobile Form Traveler Operator; Motor Patrol Operator (multi-engine); Pipe Mobile Machine Operator (two Operators required); Rubber-tired Earth Moving Equipment Operator (multi-engine, Euclid, Caterpillar, and similar type over 50 cu. yds. struck); Rubber-tired Scraper Operator (pushing one another without Push Cat, Push Pull - $.50 per hour additional to base rate); Rubber-tired Self Loading Scraper Operator (paddle wheel - Auger type Self Loading, 2 or more units); Polar Crane Operator; Tandem Equipment Operator (2 units only); Tandem Tractor Operator (Quad 9 or similar type); Tunnel Mole Boring Machine Operator

Group 9: Canal Liner or Trimmer Operators (not less than four (4) employees required - Oiler, Welder - Mechanic and Grade Checker); Helicopter Pilot; Highline Cableway Operator; Remote Controlled Earth Moving Equipment Operator (no one Operator shall operate more than two pieces of earth moving equipment at one time) ($1.00 per hour additional to base rate); Wheel Excavator Operator (over 750 cu. yds. per hour, two Operators and one Oiler and two Heavy Duty Repairmen required)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: DREDGING (Hydraulic Suction Dredge)					
LEVERMAN	$11.60	.95	$2.00	.50	.04
WATCH ENGINEER; Welder	11.02	.95	2.00	.50	.04
DECKMATE	10.54	.95	2.00	.50	.04
WINCHMAN (Stern Winch or Dredge)	10.47	.95	2.00	.50	.04
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	9.93	.95	2.00	.50	.04
(Clamshell Dredges)					
LEVEMAN	11.60	.95	2.00	.50	.04
WATCH ENGINEERS	11.02	.95	2.00	.50	.04
DECKMATE	10.54	.95	2.00	.50	.04
BARGEMATE	10.47	.95	2.00	.50	.04
BARGEMAN; Deckhand; Fireman; Oiler	9.93	.95	2.00	.50	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Group 1	$10.14	$1.15	$1.30	$1.00	.10
Group 2	10.34	1.15	1.30	1.00	.10
Group 3	10.54	1.15	1.30	1.00	.10
Group 4	10.74	1.15	1.30	1.00	.10
Group 5	12.74	1.15	1.30	1.00	.10
Group 6	9.84	1.15	1.30	1.00	.10

Group 1: 2 axle Dumps; 2 axle Flatbed; Bunkerman; Concrete Pumping; Industrial Lift; Warehouseman; Forklift, under 15,000 lbs.

Group 2: 3 axle Dump; 3 axle Flatbed; 2 axle Water Trucks; Erosin Control Nozzleman; Dumpcrete, less than 6½ yds.; Forklift 15,000 lbs. and over; Prell; Pipeline working Truck Driver; Road Oil Spreader; Cement Distributor or Slurry Driver; Bootman; Ross Carrier

Group 3: Off-road Dump, under 35 tons; 4 axle but less than 7 axle; Lowbed and Trailer; Transit Mix, under 8 yds.; 3 axle Water Trucks; Erosin Control; Grout Mixer; Dumpcrete 6½ yds. and over; Dumpsters; DW 10's, 20's and over; Fuel Truck and Dynamite; Winch, 2 axle; Truck Greaser

Group 4: Off-road Dump, 35 tons and over; 7 axle or more; Transit Mix, 8 yds. and over; A-frame or Swedish Cranes; Tireman; Water Pull Pull Tankers; Welder; Winch Truck, 3 axle or more

Group 5: Truck Repairman

Group 6: Traffic Control, also Swampers and Pickups

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: Indiana
COUNTIES: *See Below
DECISION NO. IN80-2082
DATE: Date of Publication
Supersedes Decision No. IN79-2058 dated June 22 1979 in 44 FR 36673
DESCRIPION OF WORK: Building Construction Projects (Does not include single family homes & garden type apartments up to & including 4 stories)

*Elkhart, Jasper, Kosciusko, LaGrange, Marshall, Newton, Pulaski, & Starke

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Elkhart, Jasper, Kosciusko, Marshall, Pulaski, & Starke Cos.	$14.63	.80	1.10		
LaGrange Co.	15.00	.55	1.25		
Newton Co.	13.01	.91	.99		.05
BOILERMAKERS	14.25	1.375	1.00		.03
BRICKLAYERS: Stonemasons;					
Elkhart, Kosciusko, & LaGrange Cos.	13.71	1.00	.30		.04
Jasper, Newton & Starke Cos.	14.45	1.00	.70		.02
Marshall & Pulaski Co,	13.40	1.00	1.20		.07
CARPENTERS; Millwrights; Piledrivermen; & soft Floor Layers;					
Elkhart Co.					
Carpenters; Soft Floor Layers	12.30	.80	1.00		.08
Millwrights; Piledrivermen	12.55	.80	1.00		.08
Jasper, Newton, & Starke Cos.:					
Carpenters; Soft Floor Layers	14.55	1.05	1.00		.05
Millwrights	14.63	1.05	.82		.05
Kosciusko (Warsaw & Vic.), Marshall & Pulaski Co.:					
Carpenters; Soft Floor Layers	12.23	.80	.60		.05
Millwrights	12.73	.80	.60		.05
Piledrivermen	12.43	.80	.60		.05
Kosciusko (Remaining Portion) Co	13.00	.65	1.00		.05
LaGrange Co.:					
Carpenters; Soft Floor Layers	11.80	.70	6%		.02
Millwrights; Piledrivermen	12.20	.70	6%		.02
CEMENT MASONS:					
Elkhart, Kosciusko, & LaGrange Cos.	12.28		.30		.02
Jasper (Northern 1/3) Pulaski (Northern ½), & Starke Cos.	12.75	1.00	1.00		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Jasper (Remaining Portion), & Newton (Southeastern 2/3) Cos.	$11.60	.85	1.00		.05
Marshall& Pulaski (S½)Cos.	11.23	.85	.80		.04
Newton (Northern 1/3)Co.	11.42	.90	.60		.03
ELECTRICIANS:					
Elkhart, Kosciusko, & Marshall Cos.	13.79	4.8%	7%		.5%
Jasper, Pulaski, & Starke Cos.	15.40	4%	7½%		5%
LaGrange Co.	13.79	4.8%	7%		5%
Newton Co.	15.10	6%	8.2%		.6%
ELEVATOR CONSTRUCTORS:					
Elkhart, Jasper, Kosciusko (NW Portion), LaGrange (NW of City of LaGrange), Marshall, Pulaski & Starke Cos.:					
Elevator Constructors	13.26	1.195	.82	b+c	.035
Helpers	70%JR	1.195	.82	b+c	.035
Helpers (Prob.)	50%JR				
Kosciusko (SE part), & LaGrange (Remaining Portion) Cos.:					
Elevator Constructors	13.535	1.195	.95	b+c	.035
Helpers	70%JR	1.195	.95	b+c	.035
Helpers (Prob).	50%JR				
Newton Co.:					
Elevator Constructors	14.01	.745	.56	b+c	.035
Helpers	70%JR	.745	.56	b+c	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Kosciusko (Southern portion), & LaGrange Cos.	11.39		.25	.40+d	.04
IRONWORKERS:					
Elkhart, Kosciusko (NW portion exclu. Warsaw), LaGrange (W ½ exclu. city of LaGrange), Marshall, Pulaski, & Starke Cos.	13.00	1.00	2.13		.03
Jasper (N½), & Newton Cos.	15.12	.90	1.91		.09
Jasper (S½) Co.	13.19	1.00	1.80		.02
Kosciusko (SW portion inclu. Warsaw), & LaGrange (E½ ofCo, inclu. city of LaGrange) Cos.	13.35	1.00	1.85		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Elkhart; Kosciusko, LaGrange, Marshall Starke Cos.	$10.12	.43	.50		.01
Jasper (So. of Hwy. 14) Co.	11.29	.55	.35		.01
MARBLE SETTERS;Terrazzo Workers; & Tile Setters: Elkhart, Kosciusko, & LaGrange Cos.:					
Terrazzo Workers; & Tile Setters	11.10		.30	e	.02
MARBLE SETTERS; Terrazzo Workers; & Tile Setters: (Cont'd)					
Jasper, Newton, & Starke Cos.:	$14.45	1.00	.70		.02
Marshall, & Pulaski Cos.	11.40	1.00	1.20		.02
PAINTERS:					
Elkhart, Kosciusko, Marshall, Pulaski, & Starke Cos.:					
Brush	10.76	.80	.50		.03
Drywall tapers & finishers	10.76	.80	.50		.03
Jasper & Newton Cos.:					
Brush	12.70	.94	.70		.05
Paperhanging	12.95	.94	.70		.05
Sandblasting; Spray	13.45	.94	.70		.05
Drywall taping	13.75	.94	.70		.05
LaGrange Co.:					
Brush; Paperhangers; Rollers; & Tapers	9.90	.60	.85		.12
Sandblasting; Spray; & Steam cleaning	10.90	.60	.85		.12
PIPEFITTERS: Plumbers & Steamfitters:					
Elkhart, Kosciusko, & LaGrange Cos.	14.48	.85	.90		.07
Jasper (N. side of city of Renselaer, S.), Marshall, Pulaski, & Starke, Cos.	13.58	.75	.95		.10
Pipefitters; Steamfitters: Jasper (Rem. of Co.), & Newton Cos.	14.10	.85	1.12		.03
Plumbers: Newton Co.	15.07	1.20	1.15		.10
PLASTERERS:					
Elkhart, Kosciusko, & LaGrange Cos.	12.08		.30		.02
Jasper (NE portion of Co. W. to but not including Wheatfield), Pulaski (N 2/3 of Co.), & Starke Cos.	10.87	.90	1.00		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS: (Cont'd)					
Marshall & Pulaski (2⅓) Cos	10.99	.85	.90		.04
Newton Co. (N⅓) of Co.	10.21	.90	.60		.01
ROOFERS:					
Elkhart, Kosciusko, Marshall, Pulaski, & Starke Cos.:					
Composition, Damp, & Waterproof	$12.75	.60	.50		.03
Slate, Tile, & Asbestos	13.27	.60	.50		.03
Jasper & Newton Cos.	15.21	1.00	.80		
LaGrange Co.:					
Roofers	10.90		.10		
Pitch	11.15		.10		
SHEET METAL WORKERS:					
Elkhart, Kosciusko, & Marshall Cos.	12.88	.75	.615		.07
Jasper, Newton, Pulaski, & Starke Cos.	13.43	.80	1.40		.14
LaGrange Co.	13.93	.72+g	.77		.14
SPRINKLER FITTERS	14.30	.85	1.20		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6% for health and welfare includes pension
b. 7 paid holidays: A through F, and Day after Thanksgiving Day.
C. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for employee who has worked in business less than 5 years.
d. 6 paid holidays: A through F provided such employees work the last scheduled day prior to and the next scheduled work day after the holiday unless permission for not working on such days is granted by the employer.
e. 6 paid holidays; A through F
f. 6 paid holidays: A through F
g. 3% of gross earnings to SASMI

DECISION No. IN80-2082

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Elkhart, Kosciusko, LaGrange, & Marshall Counties					
GROUP I	$ 9.70	.85	.75		.09
GROUP II	9.90	.85	.75		.09
GROUP III	10.00	.85	.75		.09
GROUP IV	10.70	.85	.75		.09
Jasper & Newton Counties					
GROUP I	10.40	.85	.75		.09
GROUP II	10.60	.85	.75		.09
GROUP III	10.70	.85	.75		.09
GROUP IV	11.40	.85	.75		.09
GROUP V					
A. -	10.60	.85	.75		.09
B. -	10.475	.85	.75		.09
C. -	10.70	.85	.75		.09
D. -	10.675	.85	.75		.09
Pulaski County					
GROUP I	9.15	.85	.75		.09
GROUP II	9.35	.85	.75		.09
GROUP III	9.45	.85	.75		.09
GROUP IV	10.15	.85	.75		.09
Starke County					
GROUP I	10.15	.85	.75		.09
GROUP II	10.35	.85	.75		.09
GROUP III	10.45	.85	.75		.09
GROUP IV	11.15	.85	.75		.09
GROUP V					
A. -	10.60	.85	.75		.09
B. -	10.475	.85	.75		.09
C. -	10.40	.85	.75		.09
D. -	10.675	.85	.75		.09

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LABORERS

GROUP I: Building & Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Helpers; Mechanic Tenders; Civil Engineer Helpers & Surveyor Helpers; Rodmen & Chainmen; Window Washers & Cleaners; Waterboys & Toolhousemen; Roofer's Helpers' Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Helpers; Carpenter Helpers; Helpers of All other Crafts not listed; Mason Tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All Portable Water Pumps With Discharge Up to 3 inches

GROUP II: Waterproofing; Handling of Creosote Lumber or Like Treated Material (excluding railroad material); Asphalt Rakers & Luteman; Kettlemen; Air Tool Operators, Vibrators, Chipping Hammer Operators and All Pneumatic Tool Operators; Earth Compactors; Jackmen & Sheetmen Working Ditches Deeper than 6 ft. in Depth; Laborers Working Ditches 6 ft. in Depth or Deeper; Assembly of Unicrete Pump: Chain Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layers (metallic or non-metallic); Motor Driven Wheelbarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Main & Cable Ducking (metallic & non-metallic)

GROUP III: Plasterers' Tenders; Mason Tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when Working for Plasterers; Scaffold Builders when Working for Masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV: Dynamite Men

GROUP V:

A. Boiler Setter Laborers (Fire Brick Tear Out with Air Tools)

B. Boiler Setter Laborers (Fire Brick)

C. Boiler Setter Laborers (Mortar Mixers)

D. Expeditor, Bottom Man & Bell Man

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Jasper, Newton, Pulaski, & Starke Counties					
Group 1	$14.00	1.20	1.20		.05
Group 2	13.50	1.20	1.20		.05
Group 3	11.95	1.20	1.20		.05
Group 4	10.95	1.20	1.20		.05

CLASSIFICATIONS

Group 1: Mechanic; Asphalt Plant; Autograde; Batch Plant; Benoto (requires two engineers); Boiler and Throttle Valve; Boring Machine (Mining Machine); Caisson Rigs; Central Redimix Plant; Combination Backhoe, Front End Loader with Backhoe Bucket, over ½ cu. yd.; Combination Tugger Hoist and Air Compressor; Compressor and Throttle; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Paver 27E cu. ft. and under; Concrete Pump with Boom (truck mounted); Concrete Tower; Cranes; all; Cranes, Hammerhead Tower; Creter Crane; Derricks, all; Derrick, traveling; Forklift - Lull type; Forklift - 10 ton and over; Hoists, one, two, and three drum; Hoist, two tugger, one floor; Hydraulic Boom Truck; Locomotives, all; Motor Patrol; Mucking Machine; Pile Drivers and Skid Rig; Pit Machines; Prestress Machine; Pump Cretes and similar types; Rock Drill (self-propelled); Rock Drill (truck mounted); Slipform Paver; Straddle Buggies; Tractor with Boom and Side Boom; Trenching Machine; Winch Tractos

Group 2: Asphalt Spreader; Boiler; Bulldozers; Combination Backoe, Frontend Loader with Backhoe Bucker, ½ cu. yd. and under; Grader, Elevating; Greaser Engineer; Grounting Machines; Highlift Shovels or Front Endloader; Hoist, automatic; Cowboy Drilling Machines; Hoist, all elevatos; Hoists, Tugger, single drum, Post Hole Digger; Roller, all; Scoops - tractor drawn; Stone Crushers Tournapull; Winch Trucks

Group 3: Concrete Mixer (2 bag and over); Conveyor, portable; Steam Generators; Tractors, farm and similar type; Air Compressor -small, 150 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor - large, over 150; Combination - small equipment operator; Forklift - under 10 tons; Generators; Pumps (1 to 3 not to exceed a total of 300 ft.); Pump, Well Points; Welding Machines (2 through 5); Winches, 4 electric Drill Winches

Group 4: Heaters, Mechanics (1 to 5); Oilers & Switchmen

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Elkhart, Kosciusko LaGrange, & Marshall Cos.:					
Pick- ups	$ 6.94	13.50a	22.00a	b	
Single Axles	7.15	13.50a	22.00a	b	
Tandems; Fuels	7.26	13.50a	22.00a	b	
Tri-Axles	7.31	13.50a	22.00a	b	
Semi-Trailers	7.36	13.50a	22.00a	b	
Jasper & Newton Cos:					
Pickups	8.23	20.00a	34.00a	c & d	
Greasers; Helpers; & Tiremen	8.33	20.00a	34.00a	c & d	
Single Axles; Straight Trucks; & Warehousemen	8.38	20.00a	34.00a	c & d	
Tandem Axle & Dogleg Straight Trucks	8.48	20.00a	34.00a	c & d	
Bituminous Distributors	8.53	20.00a	34.00a	c & d	
Mechanic; Tri-Axles; Semi Trucks	8.68	20.00a	34.00a	c & d	

FOOTNOTES:

a. Per Week Per Employee
b. 1 week's Paid Vacation for 3 years' Service; 2 Weeks" Paid Vacation for 10 Years' Service; & 3 Weeks' Paid Vacation 15 Years' Service.
c. 6 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; & Christmas Day
d. 1 Week's Paid Vacation after 1 year's Employment; 2 Weeks' Paid Vacation After 3 Years Employment; & 3 Weeks Paid Vacation After 10 Years' Employment

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: BOURBON, BOYLE, CLARK, FAYETTE, HARRISON, JESSAMINE, MERCER, SCOTT, & WOODFORD.
DECISION NUMBEP : KY80-1103 DATE: DATE OF PUBLICATION
Supersedes Decision No: KY79-1076 dated April 20, 1979 in 44 FR 2372S
DESCRIPTION OF WORK: RESIDENTIAL CONSTPUCTION PROJECTS (including single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 5.99				
BRICKLAYERS	6.78				
CARPENTERS	5.80				
CEMENT MASONS	7.56				
DRYWALL FINISHERS	7.34				
DRYWALL HANGERS	6.92				
ELECTRICIANS	5.00				
INSULATION INSTALLEPS	5.23				
LABORERS					
unskilled	4.19				
mason tenders	4.37				
PAINTERS	5.06				
PLUMBERS & PIPEFITTERS	6.49				
ROOFERS	5.67				
SHEET METAL WORKERS	5.75				
SOFT FLOOR LAYERS	5.88				
TILE SETTERS	5.59				
TRUCK DRIVERS	5.67				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.65				
Bulldozer	6.58				

SUPERSEDEAS DECISION

STATE: Nebraska
COUNTIES: Cass, Douglas, Sarpy and Otoe
DECISION NUMBER: NE80-4075
DATES: Date of Publication
Supersedeas Decision No. NE80-4022 dated April 4, 1980 in 45 FR 23260
DESCRIPTION OF WORK: Building projects, including single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.52	.70	.71		.03
BOILERMAKERS	12.87	1.275	1.00		.05
BRICKLAYERS & STONEMASONS	12.36	.82	.60		.05
CARPENTERS:					
Carpenters	13.07	.85	.70		.05
Millwrights	13.35	.85	.70		.05
Piledrivermen	13.205	.85	.70		.05
CEMENT MASONS	11.81	.82	.90		
ELECTRICIANS (Douglas, Cass & Sarpy Counties):					
Commercial	14.71	.98	3%+.95		½ of 1%
Residential	9.83	1.10	3%		½ of 1%
ELECTRICIANS (Otoe County)	13.63	.75	3%+1.00		.06
ELEVATOR CONSTRUCTORS	12.76	1.045	.82	8%+a	.035
ELEVATOR CONSTRUCTORS HELPERS	70%JR	1.045	.82	8%+a	.035

FOOTNOTES:
a-Employer contributes 8% of basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Also 7 paid holidays

GLAZIERS	13.64	.90	.50		.01
IRONWORKERS	11.98	.82	1.00		.05
LABORERS:					
Common laborers	9.11	.65	.65		.05
Buggymobile oper., mortar mixers, mason tenders	9.285	.65	.65		.05
Pipelayers	9.45	.65	.65		.05
Plasterers tenders	9.495	.65	.65		.05
LATHERS	9.95	.57	.50	1.00	
MARBLE SETTERS, TILE AND TERRAZZO WORKERS	12.22	.30	.40		
MARBLE, TILE AND TERRAZZO WORKERS FINISHERS	9.60				
PAINTERS:					
Brush	11.65		.50		.05
Structural steel	12.00		.50		.05
Spray, swing stage, hazardous and sandblasting	12.25		.50		.05
PLASTERERS	12.30	.82	.8		
PLUMBERS	13.79	1.10	1.15		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Douglas, Cass & Sarpy Cos.					
Composition	$10.65	.70	.20		.01
Slate & tile	10.95	.70	.20		.01
Helpers (handling roofing materials, erecting & dismantling scaffold for roofers, & removing & cleaning up old roof)	50%JR	.70	.20		.01
Otoe County	10.55	.50	.20		.02
SHEET METAL WORKERS:					
Commercial	12.89	.75			.07
Residential	8.76	.50			.07
SOFT FLOOR LAYERS	10.50			b	.05

FOOTNOTES:
b-Employees with one years' continous service with the same employer, but less than 4 years shall receive 1 week's paid vacation; after 4 year's continous service with the same employer shall receive 2 weeks paid vacation. Also 8 paid holidays

SPRINKLER FITTERS	14.30	.85	1.20		.08
STEAMFITTERS	13.54	.70	.85		.15
LINE CONSTRUCTION:					
Linemen	11.98	.45	3%		½%
Cable splicers	12.87	.45	3%		½%
Truck drivers	8.65	.45	3%		½%
Equipment operators	10.78	.45	3%		½%
Groundmen	7.82	.45	3%		½%
POWER EQUIPMENT OPERATORS:					
Group 1	9.15	.82	1.00		
Group 2	9.26	.82	1.00		
Group 3	9.60	.82	1.00		
Group 4	11.34	.82	1.00		
Group 5	11.45	.82	1.00		
Group 6	11.75	.82	1.00		
Group 7	9.17	.82	1.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1 - Oilers

Group 2 - Oiler drivers (motor truck crane)

Group 3 - Conveyors; heaters; tractors, 35 h.p. or under; air compressors; pump and welding machine operator

Group 4 - Bulldozers; forklifts; concrete pumps; tractors over 35 h.p.; one drum hoists; straddle trucks; spread oiler

Group 5 - Blades; end loaders; scrapers-self propelled

Group 6 - Two drum hoists; trenching machines; pile drivers; dredges; heavy duty mechanics; shovels; draglines; clam-shells; orange peels; cranes; derricks; backhoes; winch trucks and side booms or cat booms; locomotives; firemen used on high pressure boilers on construction work; economobile; electric hammers and extractors

Group 7 - Greasers

TRUCK DRIVERS:					
Single axle	$8.645	.57	.48		
Tandem axle	8.72	.57	.48		
Lowboy, trailer	8.845	.57	.48		
Lumber carriers	9.02	.57	.48		
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)".

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Howard
DECISION NO.: TX80-4074 DATE: Date of Publication
Supersedes Decision No. TX80-4019, dated March 14, 1980, in 45 FR 16828.
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 & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 8.50				
BRICKLAYERS	9.00				
CARPENTERS	8.74				
ELECTRICIANS	11.40	.60	3%		1/10%
GLAZIERS	7.00				
LABORERS:					
Laborers	4.00				
Mason tenders	5.50				
LATHERS	12.25				
PAINTERS	7.42				
PLASTERERS	11.00				
PLUMBERS	8.50				
ROOFERS	7.74				
SHEET METAL WORKERS	8.50				
SPRINKLER FITTERS	11.86				
TILE SETTERS	6.50				
TRUCK DRIVERS	4.00				
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).

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Statewide
DECISION NUMBER: WI80-2084 DATE: Date of Publication
Supersedes Decision No. WI78-2108, dated October 20, 1978 in 43 FR 49215
DESCRIPTION OF WORK: Heavy, Tunnel, Sewer & Water Line Construction

BRICKLAYERS & STONEMASONS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, ST. CROIX, & SAWYER COS., BURNETTE CO. South of Hwy. 70 including the City of Grantburgh the Northern ½ of TREMPEALEAU CO., and the Southern ½ of WASHBURN COUNTY	$11.40	.85	.60		.04
ZONE 2 - BROWN, CALUMET, DOOR, FLORENCE, FOND DU LAC, GREEN, LAKE, KEWAUNEE, MANTIOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, SHEBOYGAN, WAPAUCA, WASHARA, & WINNEBAGO COS. and all of SHAWANO CO. except the North West panhandle	11.35	.85	.85		
ZONE 3 - GREEN, LAFAYETTE & ROCK Cos.	11.33	.75	.90	.25	.05
ZONE 4 - CRAWFORD, JACKSON, JUNEAU, LA CROSSE & VERNON COS. and the Remainder of TREMPEALEAU COUNTY	11.35	.85	.70		
ZONE 5 - WALWORTH County	11.25	.70	.90	.80	
ZONE 6 - DANE, GRANT, IOWA & RICHLAND COUNTIES	10.94	.85	1.00	.50	
ZONE 7 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA COS.	12.27	1.20	1.20	.56	
ZONE 8 - COLUMBIA & SAUK COS.	11.74	.85	.70		
ZONE 9 - KENOSHA & RACINE COUNTIES	11.25	.70	.90	.80	
ZONE 10 - ASHLAND, BAYFIELD, DOUGLAS & IRON COS. and the remainder of BURNETTE & WASHBURN COUNTIES	11.96	.85	.65		
ZONE 11 - DODGE & JEFFERSON COUNTIES	11.20	.75	.60	.50	
ZONE 12 - ADAMS, CLARK; FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD COS. and the Remainder of SHAWANO COUNTY	11.52	.86	.70		.04

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CARPENTERS & PILEDRIVERMEN	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - ASHLAND & IRON COS. and the East ½ of BAYFIELD CO.:					
Carpenters	11.00	.60	.60	.25	
Piledrivermen	11.20	.60	.60	.25	
ZONE 2 - BARRON, BURNETT, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, SAWYER & WASHBURN COS. the North ½ of BUFFALO, JACKSON & TREMPEALEAU COS. CLARK, Co., West of Hwy. 73 & TAYLOR CO. West of Hwy. 73 & North of HWy. 64 to Hwy. 13 to PRICE CO. Line					
Carpenters	11.72	.60	.80		.05
Piledrivermen	12.12	.60	.80		.05
ZONE 3 - BROWN, CALUMET, DOOR, FOND DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARQUETTE, MENOMINEE, OCONTO, OUTAGAMIE, SHAWANO, WAUPACA, & WAUSHARA COS. & the South ½ of MARINETTE CO.					
Carpenters	11.67	.60	.80		.05
Piledrivermen	12.07	.60	.80		.05
ZONE 4 - GREEN & ROCK COS. & JEFFERSON CO. South of Hwy. 30					
Carpenters	12.82	.60	.80		.13
Piledrivermen	12.97	.60	.80		.13
ZONE 5 - KENOSHA COUNTY					
Carpenters	12.83	.55	1.00		.06
Piledrivermen	12.92	.55	1.00		.06
ZONE 6 - LA CROSSE, MONROE & VERNON COS., the remainder of BUFFALO, JACKSON & TREMPEALEAU COS. & in JUNEAU COUNTY, West of County tract 80 & South of Hwy. 21					
Carpenters	11.67	.60	.80		.05
Piledrivermen	12.07	.60	.80		.05

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CARPENTERS & PILEDRIVERMEN CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7 - CRAWFORD, COLUMBIANA, DANE, DODGE, GRANT, IOWA, LAFAYETTE, RICHLAND SAUK COS. and the Remainder of ADAMS, JEFFERSON AND JUNEAU COS.					
Carpenters	11.72	.60	.80		.05
Piledrivermen	12.12	.60	.80		.05
ZONE 8 - FLORENCE CO. & the Remainder of MARINETTE CO.					
Carpenters	11.89	.60	.90	.65	.05
Piledrivermen	11.89	.60	.90	.65	.05
ZONE 9 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA COS.					
Carpenters	11.87	1.10	1.00	.51	.08
Piledrivermen	12.57	1.10	1.00	.51	.08
ZONE 10 - RACINE CO. East of Highway 75					
Carpenters	11.50	.60	.85		.05
Piledrivermen	11.58	.60	.85		.05
ZONE 11 - SHEBOYGAN COUNTY					
Carpenters	11.67	.60	.80		.05
Piledrivermen	12.07	.60	.80		.05
ZONE 12 - DOUGLAS CO. & the West ½ of BAYFIELD CO.					
Carpenters	11.20	.50	.65	.75	
Piledrivermen	11.20	.50	.65	.75	
ZONE 13 - WALWORTH CO. and RACINE CO. West of Hwy. 75					
Carpenters	12.82	.60	.80		.13
Piledrivermen	12.97	.60	.80		.13
ZONE 14 - FOREST, LANGLADE, LINCOLN, MARATHON, ONEIDA, PORTAGE, PRICE, VILAS & WOOD, AND WINNEBAGO COS. and the remainder of ADAMS, CLARK, JUNEAU & TAYLOR COS.					
Carpenters	11.67	.60	.80		.05
Piledrivermen	12.07	.60	.80		.05

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CEMENT MASONS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - ASHLAND, BAYFIELD, DOUGLAS & IRON COS. & the North ½ of BURNETTE & WASHBURN COS.	11.14	.85	.65		
ZONE 2 - BARRON, CHIPPEWA, DUNN, POLK, RUSK, ST. CROIX, & SAWYER COS. and the Remainder of BURNETTE & WASHBURN COS.	11.40	.85	.60		
ZONE 3 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS &WOOD COS. and the Norwest pandhandleof SHAWANO COUNTY	10.85	.85	.85		.04
ZONE 4 - EAU CLAIRE, PEPIN & PIERCE COS. & the North ½ of BUFFALO, JACKSON & TREMPEALEAU COS.	11.40	.85	.60		
ZONE 5 - BROWN, CALUMET, DOOR, FLORENCE, FOND DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, SHEBOYGAN, WAUPACA, WAUSHARA & WINNEBAGO COS. and the Remainder of SHAWANO CO.	10.85	.85	.85		
ZONE 6 - CRAWFORD, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON COS. & the Remainder of BUFFALO, JACKSON & TREMPEALEAU COS.	10.68	.85	.60		
ZONE 7 - DODGE & JEFFERSON COS.	10.70	.75	.60	.50	
ZONE 8 - COLUMBIA & SAUK COS.	11.90	.85	.40		
ZONE 9 - MILWAUKEE, OZAUKEE, WASHINGTON & WASKESHA COS.	12.08	1.35	1.00	.51	
ZONE 10 - DANE, GREEN, IOWA, LAFAYETTE & ROCK COS.	11.20	.85	1.00		
ZONE 11 - GRANT COUNTY	11.63				
ZONE 12 - WALWORTH COUNTY	9.96	.70	.90	.80	
ZONE 13 - KENOSHA & RACINE COS.	10.64	.60	.85	.50	

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ELECTRICIANS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - OUTAGAMIE, WAUPACA, WASHARA & WINNEBAGO COS.; All of CALUMET CO. except the Township of New Halstein; Berlin, St. Marie and Seneca Townships in GREEN LAKE CO., and Crystal Lake, Neshkoro, Newton and Springfield Townships in MARQUETTE CO.	12.63	.70	3½%		½%
ZONE 2 - BARRON, CHIPPEWA, CLARK, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK & TAYLOR COS. in BUFFALO CO. that portion North of Glencoe, Milton & Waumandee Twps., In BURNETTE CO., that portion South of Lincoln, Meenon, Rusk, sand Lake and West Marchland Twps., in JACKSON CO. that portion North of Adams, Allison & Springfield Twps., All of PIERCE CO. except Eisenstien, Tifield and Lake Twps., All ST. CROIX CO. except HUDSON, St. Joseph, Somerset & Troy Twps., in SWAYER CO. the Twps. of Edgewater, Meadowrock, Metor & Weigor & South thereof, In TREMPEALEAU CO. the Twps. of Burnside, Lincoln & Pigeon North thereof &; in WASHBURN CO. The Twps. of Buck Wood, Evergreen, Madge & Spooner & South thereof	13.55	5%	3%		½%
ZONE 3 - BROWN, DOOR AND KEWAUNEE COS.; in OCONTO CO., that portion South of How, Leno, Mable Valley, Oconto & Spruce Twps.; & in Shawano County that portion South of Aniwa & Hutchins Twps. also Mantiwoc County	12.60	.60	3%		½%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 4 - FLORENCE & FOREST COS. and that portion of MARINETTE CO. North of Ambest Athelstane & Silver Cliff Twps.	12.54	.55	3%	8%	1/8%
ZONE 5 - KENOSHA COUNTY	14.50	.51	3%	.45	3/4%
ZONE 6 - CRAWFORD, GRANT, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON COS. & the Remainder of BUFFALO, JACKSON & TREMPEALEAU COS.	12.38	.65	3%		
ZONE 7 - WALWORTH COUNTY	12.85	.55	5%	7%	½%
ZONE 8 - COLUMBIA DANE, DODGE, IOWA & SAUK COS. & the Remainder of GREEN LAKE & MARQUETTE COS.	12.79	.84	3%	8%	3/4%
ZONE 9 - SHEBOYGAN CO. The Remainder of CALUMET CO. and Schleswig Township in MANITOWOC COUNTY	11.35	1.10	3%+.45	10%	1%
ZONE 10 - ASHLAND, BAYFIELD DOUGLAS & IRON & the Remainder of BURNETT PRICE, SAWYER & WASHBURN COS.	12.13	4%	7%	11%	1%
ZONE 11 - ADAMS, LANGLADE, LINCOLN, MARATHON, ONEIDA, PORTAGE & VILAS COS.; the Remainder of SHAWANO Co. & all of MENOMINEE West of a line six miles West of Oconto Co. line & WOOD CO.	12.54	.55	3%	8%	1/8%
ZONE 12 - FOND DU LAC CO.	11.35	1.10	3%+.45	10%	1%
ZONE 13 - GREEN, JEFFERSON, LAFAYETTE & ROCK COS.	12.85	.55	5%	7%	½%
ZONE 14 - RACINE COUNTY	14.89	.55	3%		3/4%
ZONE 15 - MILWAUKEE, OZAUKEE, WASHINGTON & WASKESHA COS.	12.79	1.10	3%+.45	10%	1%
ZONE 16 - The Remainder of MARINETTE, MENOMINEE & OCONTO COS.	12.60	.60	3%		½%

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IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, DUNN, EAU CLAIR, PEPIN, PIERCE, POLK, ST. CROIX, & TREMPEALEAU COS.; the South West ½ of BURNETT, RUSK & TAYLOR COS.; & the N. W. ½ of CLARK & JACKSON COUNTIES	13.05	.85	.80		.04
ZONE 2 - ASHLAND, BAYFIELD, DOUGLAS, IRON, LINCOLN, ONEIDA, PRICE, SAWYER, VILAS, WASHBURN COS.; the Remainder of BURNETT, RUSK & TAYLOR COUNTIES The N. W. ½ of FOREST COUNTIES an the N. w. 1/3 of FLORENCE COUNTY	12.50	.50	.70	1.00	.02
ZONE 3 - ADAMS, COLUMBIA, CRAWFORD, DANE, GRANT, GREEN, LAKE, IOWA, JUNEAU, LA CROSSE, LAFAYETTE, MENOMINEE, MONROE, PORTAGE, RICHALND, SAUK, VERNON, WAUPACA, WAUSHARA, WINNEBAGO, & WOODS COS.; the Remainder of CLARK FOREST, & JACKSON COS.; the West 2/3 of DODGE & SHAWANO COS. the West ½ of FOND DU LAC CO. all of GREEN CO. except the South-East corner; all of JEFFERSON CO. except the extreme Eastern portion; the West 1/3 of OUTAGAMIE CO.; the Townships of Edgerton, Evansville, Milton & Polesville in ROCK CO. & the North West corner of WALWORTH CO. including the town of Whitewater	12.81	.75	1.00		.07

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IRONWORKERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 4 - BROWN, CALUMET, DOOR, KENOSHA, KEWAUNEE, MANITOWOC, MARINETTE,, MILWAUKEE, OZAUKEE, RACINE, SHEBOYGAN, WASHINGTON, & WAUKESHA COS.; the Remainder of DODGE, FLORENCE, FOND DU LAC, JEFFERSON, OCONTO, OUTAGAMIE & SHAWANO COS.; & the East ½ of WALWORTH	12.06	1.30	2.50	1.21	.15
ZONE 5 - The Remainder of GREEN, ROCK & WALWORTH Counties	13.25	.75	.375		.10
LINE CONSTRUCTION					
Linemen	11.82	.62	7%		
Heavy Equipment Operator	10.64	.62	7%		
Light Equipment Operator	9.46	.62	7%		
Truck Drivers & Heavy Groundman	8.27	.62	7%		
Light Groundman & Truck Driver	7.68	.62	7%		
Groundman	6.50	.62	7%		
PAINTERS:					
ZONE 1 - LANGLADE, LINCOLN, MENOMINEE, ONEIDA & PRICE COS. The West 3/4 of FOREST CO.; In MARATHON CO. West of Hwy. 97 & South to Hwy. 153 & TAYLOR CO. North of Hwy. 64					
Brush	11.25		.50		
Spray	12.25		.50		
ZONE 2 - BARRON, BUFFALO, BURNETTE, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PRICE, POLK, RUSK, ST. CROIX, SAWYER, TREMPEALEAU AND WASHBURN COUNTIES					
Brush	11.15		.15	5%	
Spray	11.40		.15	5%	

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3 - BROWN, DOOR, KEWAUNEE & OCONTO COUNTIES					
Brush	12.03	.80			
ZONE 4 - FLORENCE CO. & the Northern ½ of MARINETTE CO.					
Brush	11.25		.50		
ZONE 5 - KENOSHA & WALWORTH CO.					
Brush	11.275	.55	.70		
Spray	11.97	.55	.70		
ZONE 6 - ADAMS, CLARK, CRAWFORD, JACKSON, JUNEAU, LA CROSSE, MONROE, PORTAGE, VERNON & WOOD COS.; & the Remainder of MARATHON & TAYLOR COUNTIES					
Brush	10.70		.70		
Spray	11.12		.70		
ZONE 7 - COLUMBIA, DANE, DODGE, GRANT, GREEN, IOWA, LAFAYETTE, RICHLAND, ROCK & SAUK COS.					
Brush	11.01	.80	.50	.40	
Spray	11.76	.80	.50	.40	
ZONE 8 - MANITOWOC CO. & the South ½ of CALUMET CO.					
Brush	10.70				
Spray and Steel	10.70				
ZONE 9 - The Remainder of MARINETTE & FOREST COS.					
Brush	12.03	.80			
ZONE 10 - JEFFERSON, MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA COS.					
Brush	11.30	1.06	1.00	.50	.05
Steel and Spray	11.45	1.06	1.00	.50	.05
ZONE 11 - FOND DU LAC, GREEN LAKE, MARQUETTE, OUTAGAMIE, SHAWANO, WAUSHARA, WAUPACA & WINNEBAGO COS. & the Remainder of CALUMET COUNTY					
Brush & Steel	11.35	.85	.25		
Spray	11.85	.85	.25		
ZONE 12 - RACINE COUNTY					
Brush	11.55	.60	1.05		
Spray	12.15	.60	1.05		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 13 - SHEBOYGAN COUNTY					
Brush and Steel	8.55	.45	.30	.30	
Spray	9.05	.45	.30	.30	
ZONE 14 - ASHLAND, BAYFIELD DOUGLAS, IRON & VILAS COS.					
Brush	12.96	.40	.40		.13
Spray & Steel	12.96	.40	.40		.13
LABORERS:					
ZONE 1 - MILWAUKEE, OZAUKEE WASHINGTON & WAUKESHA COS.					
OPEN CUT					
GROUP 1 - Yard & Landscape Laborer	11.14	1.25	1.15	.56	.03
GROUP 2 - Paving Laborer	11.19	1.25	1.15	.56	.03
GROUP 3 - General Laborer on Sufrace, Pipe Layer Tender, Top man behind Machine, Kettle man, Top man	11.31	1.25	1.15	.56	.03
GROUP 4 - Gunnite Man on Top, Scaffold Man, Mud Mixer	11.36	1.25	1.15	.56	.03
GROUP 5 - Mucker, form Stripper, bottom Digger Miscellanious Bottom Man, Welder on Surface	11.63	1.25	1.15	.56	.03
GROUP 6 - Concrete Manhole Builder, Caisson Worker, Miner, Pipelayer, Caulker, Joint Man, Pipe Yarner, Timber Man, Concrete Brusher, Bracer in Trench behind Machine, Bracer in Tight Sheeting, Concrete Formsetter, Shoveler, Concrete Buster, Jack Hammer on Rock Driller	12.07	1.25	1.15	.56	.03

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 7 - Blaster	12.23	1.25	1.15	.56	.03
TUNNEL-FREE AIR					
GROUP 8 - Tower man, General Laborer on Surface	11.31	1.25	1.15	.56	.03
GROUP 9 - Saw man, Top Man	11.36	1.25	1.15	.56	.03
GROUP 10 - Form Stripper, Car Pusher	11.63	1.25	1.15	.56	.03
GROUP 11 - Mucker, Mucking Machine, Dinkey, Welder on Surface	11.73	1.25	1.15	.56	.03
GROUP 12 - Concrete Manhole Builder, Concrete Buster, Jack Hammer Op., Rock Driller, Caisson Workers, Caulker, Joint Man, Pipe Yarner, Bracerman,on Gunnite, Timber man, Concrete Brusher	12.07	1.25	1.15	.56	.03
GROUP 13 - Miner, Mining Machine Welder in Tunnel	12.17	1.25	1.15	.56	.03
GROUP 14 - Blaster	12.23	1.25	1.15	.56	.03
TUNNEL COMPRESSED AIR					
GROUP 15 - Welder on Surface	11.73	1.25	1.15	.56	.03
GROUP 16 - Lock Tender on Surface	12.04	1.25	1.15	.56	.03
GROUP 17 - Form Stripper, Car Pusher	11.63	1.25	1.15	.56	.03
GROUP 18 - Mucker, Mucking Machine, Dinkey	12.35	1.25	1.15	.56	.03
GROUP 19 - Lock Tender in Tunnel Concrete Buster, Jack Hammer, Rock Driller, Caisson Worker, Pipe Layer, Caulker, Joint Man, Pipe Yarner, Braceman, Nozzle man on Gunnite, Timber Man, Concrete Brusher	12.57	1.25	1.15	.56	.03
GROUP 20- Miner, Mining Machine Welder in Tunnel	12.67	1.25	1.15	.56	.03
GROUP 21 - Blaster	12.73	1.25	1.15	.56	.03

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LABORERS (CONT'D) ZONE 2 - DANE COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1 - Laborer, Wellpoint Installation, Wire Mesh & Reinforcement, Concrete Worker, Form Stripper, Strike-off Worker	9.75	.55	.50		.03
GROUP 2 - Machine & Equipment Op. Sheeting, Formsetting, Patch-finisher, Bottomman, Jointsawer Gunnite Man, Manhole Builder, Welder, Torchman, Blaster, Caulker, Bracer, Bull Float, Conduit Worker all Power Driven Tools, Mucker, Car Pusher, Raker, Luteman	9.90	.55	.50		.03
GROUP 3 - Pipelayer, Miner, Laser Operator	10.20	.55	.50		.03
ZONE 3 - KENOSHA COUNTY					
GROUP 1 - Topman	9.00	.75	1.00	1.00	.03
GROUP 2 - Bracer, Builder, Caulker, Bottom man, Air or Electric Tool Operator	9.20	.75	1.00	1.00	.03
GROUP 3 - Blaster, Cement manhole Builder	9.50	.75	1.00	1.00	.03
GROUP 4 - Pipelayer	9.60	.75	1.00	1.00	.03
ZONE 4 - RACINE COUNTY					
GROUP 1 - Topman	9.67	.73	.85	.50	.03
GROUP 2 - Bracer Builder, Caulker, Bottom Man, Air or Electric Tool Operator	9.87	.73	.85	.50	.03
GROUP 3 - Blaster, Cement Manhole Builder	10.17	.73	.85	.50	.03
GROUP 4 - Pipelayer	10.27	.73	.85	.50	.03

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 5 - Remainder of State					
GROUP 1 - Laborers; Wellpoint Installation Wire Mesh & Reinforcement, Concrete Worker, Form Stripper, Strike-off Worker	9.47	.55	.50		.03
GROUP 2 - Machine & Equipment Op., Sheeting, Form Setting, Patch Finisher, Bottom man, Joint Sawer, Gunnite Man, Manhole Builder, Welder, Torchman, Blaster, Caulker, Bracer, Bullfloat, Conduit Worker, all Power Driven Tools, Mucker,	9.62	.55	.50		.03
GROUP 3 - Bottom man	9.72	.55	.50		.03
GROUP 4 - Pipelayer, Miner, Laser Operator	9.92	.55	.50		.03

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POWER EQUIPMENT OPERATORS Heavy, Tunnel & Sewer Construction AREA 1 - Kenosha, Milwaukee, Ozaukee, Racine, Washington & Waukesha Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	12.17	1.05	1.10		.05
GROUP II	11.92	1.05	1.10		.05
GROUP III	11.62	1.05	1.10		.05
GROUP IV	11.52	1.05	1.10		.05
GROUP V	11.16	1.05	1.10		.05
GROUP VI	10.87	1.05	1.10		.05

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson Rigs, Pile Driver, Skid Rigs, Derrick Operator and Traveling Crane (bridge type), Concrete Paver (over 27E), Concrete Spreader and Distributor

GROUP II - Material Hoists, Tractor or Truck Mounted Hydraulic Backhoe Tractor or Truck Mounted Hydraulic Crane (5 tons or under), Manhoist, Tractor (over 40 h.p.), Bulldozer (h.p.), Endloader (over 40 h.p.), Forklift (25' and over),Motor Patrol, Scraper Operator, Sideboom, Straddle Carrier, Mechanic and Welder, Bituminous Plant and Paver Operator, Roller (over 5 tons), Rotary Drill Operator and Blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and Grout Pumps, Backfiller, Concrete Auto Breaker (large), Concrete Finishing Machine (Road type), Roller (Rubber tire), Concrete Batch Hopper, Concrete Conveyor Systems, Concrete Mixers (14S or over), Screw Type pumps, and Gypsum Pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial Locomotives, Roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant Engineer, "A" Frame and Winch Trucks, Concrete Auto Breaker, Hydro-hammer (small), Booms and Sweeper, Hoists (tuggers), Stump Chipper (large), Boats, Safety Work, Barges and launch)

GROUP V - Shouldering Machine Operator, Screed Operator, Farm or Industrial Tractor Mounted Equipment, Post Hole Diggers, Stone Crushers and Screening Plants, Firemen (asphalt plants), Air Compressors (300 CFM or over)

GROUP VI - Generators over 15 KW Pumps over 3" Augers (vertical and horizontal), Combination small Equipment Operators, Air, Electric Hydraulic Jacks (slip form), Compressors (under 300 CFM); Welding Machines, Heaters (mechanical), Presstress Machine, Bob-casts, Generators (under 150 KW), Operators (temporary heat), Rotary Drill Helpers, Conveyor, Forklift (12' and under)

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POWER EQUIPMENT OPERATORS Heavy, Tunnel & Sewer Construction Area 2 - Remainder of Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	12.02	1.05	.80		.05
GROUP II	11.77	1.05	.80		.05
GROUP III	11.47	1.05	.80		.05
GROUP IV	11.37	1.05	.80		.05
GROUP V	10.96	1.05	.80		.05
GROUP VI	10.62	1.05	.80		.05

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson Rigs, Pile Driver, Skid Rigs, Derrick Operator and Traveling Crane (bridge type), Concrete Paver (over 27E), Concrete Spreader and Distributor

GROUP II - Material Hoists, Tractor or Truck Mounted Hydraulic Backhoe Tractor or Truck Mounted Hydraulic Crane (5 tons or under), Manhoist, Tractor (over 40 h.p.), Bulldozer (h.p.), Endloader (over 40 h.p.), Forklift (25' and over),Motor Patrol, Scraper Operator, Sideboom, Straddle Carrier, Mechanic and Welder, Bituminous Plant and Paver Operator, Roller (over 5 tons), Rotary Drill Operator and Blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and Grout Pumps, Backfiller, Concrete Auto Breaker (large), Concrete Finishing Machine (Road type), Roller (Rubber tire), Concrete Batch Hopper, Concrete Conveyor Systems, Concrete Mixers (14S or over), Screw Type pumps, and Gypsum Pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial Locomotives, Roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant Engineer, "A" Frame and Winch Trucks, Concrete Auto Breaker, Hydro-hammer (small), Booms and Sweeper, Hoists (tuggers), Stump Chipper (large), Boats, Safety Work, Barges and launch)

GROUP V - Shouldering Machine Operator, Screed Operator, Farm or Industrial Tractor Mounted Equipment, Post Hole Diggers, Stone Crushers and Screening Plants, Firemen (asphalt plants), Air Compressors (300 CFM or over)

GROUP VI - Generators over 15 KW Pumps over 3" Augers (vertical and horizontal), Combination small Equipment Operators, Air, Electric Hydraulic Jacks (slip form), Compressors (under 300 CFM); Welding Machines, Heaters (mechanical), Presstress Machine, Bob-casts, Generators (under 150 KW), Operators (temporary heat), Rotary Drill Helpers, Conveyor, Forklift (12' and under)

federal register

Friday
September 26, 1980

Part IV

Department of Agriculture

Food and Nutrition Service

National School Lunch Program and State Administrative Expense Funds; Assessment, Improvement, and Monitoring System

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210 and 235

National School Lunch Program and State Administrative Expense Funds Assessment, Improvement, and Monitoring System

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule; request for comments.

SUMMARY: These interim amendments affect regulations for Part 210, National School Lunch Program, and Part 235, State Administrative Expense Funds.

The changes made by these interim amendments are known collectively as the Assessment, Improvement, and Monitoring System (AIMS). The objectives of the AIM System are: to assess current school lunch program management by State agencies; to foster improvements in program management by States; to monitor effectively the use of Federal funds; and to protect the nutritional integrity of meals served under the program.

DATES: Effective date: January 1, 1981. The reporting and recordkeeping requirements contained in this rule are being submitted for approval to the Office of Management and Budget in accordance with the Federal Reports Act of 1942. This regulation will become effective January 1, 1981. The reporting and recordkeeping requirements may be subject to revision prior to implementation if the requirements, as presently formulated, are not approved without change by the Office of Management and Budget.

Implementation: From January 1, 1981 to June 30, 1982, States are required to review the largest School Food Authority in the State. During this period, they shall carry out the requirements for the first year of the AIMS review or audit cycle.

Comments: Recognizing that further refinement of the rule may be necessary as actual operating experience is gained, the Department is publishing this rule as an interim rather than a final rule. Public comments are requested, and must be received no later than June 30, 1981 to be assured of consideration. It will be most helpful if commentors, in addition to general concerns, address specific areas based on actual operating experience.

ADDRESS: Comments should be sent to Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, USDA–FNS, Room 4122, Auditors Building, 201 14th Street S.W., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett or Barbara Hallman, School Programs Division, USDA–FNS, Auditor's Building, 201 14th Street SW., Room 4122, Washington, D.C. 20250, (telephone: 202/477–9069). The draft interim impact analysis describing the options considered in developing this interim rule and the impact of implementing each option is available upon request from the above named individual.

SUPPLEMENTARY INFORMATION: This interim action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant". Robert Greenstein, Administrator, Food and Nutrition Service has determined that a situation exists which warrants an extended comment period on this interim action since it will be helpful if commentors based their concerns on actual operating experience. Comments will be solicited through June 30, 1981. This interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Introduction

This presentation of the Assessment, Improvement, and Monitoring System is divided into a master preamble and two amendments. AIMS is a system which includes regulatory amendments to the National School Lunch Program regulations (Part 210) and the State Administrative Expense Fund regulations (Part 235).

Background

The Department is concerned about the need to improve the overall management of school lunch programs. This concern is shared by the Congress and has been expressed in legislative action dealing with the allocation of State Administrative Expense funds which are made available to States to administer child nutrition programs.

Pub. L. 95–627, enacted November 10, 1978, made several changes in the authorization for and allocation of State Administrative Expense funds. The funds which remain after mandatory allocations have been made are allocated to States by the Department "in amounts (it) determines necessary for the improvement in the States of the administration of the (child nutrition) programs . . . including, but not limited to, improved program integrity and the quality of meals served to children."

The Senate Report (No. 95–1058) which accompanied the fiscal year 1979 Agricultural, Rural Development and Related Agencies Appropriation Bill (Pub. L. 94–448), also makes reference to improvement of program management. The Report earmarked $4 million of fiscal year 1979 appropriations "for activities, including audits, to identify and take any needed corrective action concerning administrative problems in the school feeding programs—such as noncompliance with meal standards or (standards for implementation of) eligibility criteria and the submission of reimbursement claims which exceed actual meal costs." In fiscal year 1980, $4 million has again been earmarked for these purposes.

It is from this background that an Assessment, Improvement and Monitoring System (AIMS) was developed. AIMS sets forth minimum performance standards to identify operational problems and standardized procedures to take corrective action to achieve better program management in the National School Lunch Program. These regulations differ from the proposed regulations presented on October 30, 1979 in 44 FR 62453. All changes made in these regulations are the result of full consideration of written public comments and comments provided at seven regional Food and Nutrition Service (FNS) public briefings, Congressional hearings, and at meetings between State and FNS personnel.

Comments

Recognizing the complexities and comprehensive nature of the proposed rule, the Department initially provided for a 64-day comment period, ending on January 2, 1980. In response to public concerns, the comment period was extended an additional 30 days, ending February 1, 1980 to allow further input from the public (45 FR 1041, January 4, 1980). In addition, during the early part of the comment period, seven public briefings were conducted to explain the details of the AIMS proposal and to address public concerns and questions. The briefings were designed to promote extensive and meaningful public participation in the formal rulemaking process. These briefings were publicly announced in the **Federal Register** of November 2, 1979 at 44 FR 63107. A total of 555 public comments were received during the 94-day comment period.

The Department thanks the public and cooperating State and local agencies for the many substantive and constructive ideas, suggestions and comments received during the comment period. It

is apparent that much effort by a wide range of interested parties was required to produce the comments. As a result, the comments have been most useful to the Department in the development of this interim rule and have assisted in making AIMS a workable cooperative effort between local, State and Federal agencies. The comments will be addressed specifically by issue in this preamble.

The public comments received in response to the AIMS proposal and a detailed comment analysis are available for review during regular business hours (8:30 a.m. to 5 p.m.) Monday through Friday in Room 4300B Auditor's Building, 201 14th Street, SW., Washington, D.C. 20250.

System Overview

In order to clearly and concisely explain the interim AIM System, an overview is presented here prior to discussing the individual parts of the System and the comments pertaining to each part.

AIMS now includes five specific performance standards against which States are to measure compliance with program requirements. These standards (which have been re-ordered from the proposal) are:

(1) Applications for free and reduced price meals are correctly approved or denied.

(2) The numbers of free and reduced price meals claimed for reimbursement in each school are less than or equal to the number of children in that school correctly and currently approved for free and reduced price meals times the days of operation for the reporting period.

(3) The system for counting and recording meal totals for paid, free and reduced price meals claimed for reimbursement at both School Food Authority and school levels yields correct claims.

(4) Meals claimed for reimbursement contain required food components.

(5) Reimbursement claimed for meals is limited to allowable costs as documented by reviewable records.

Each State agency is annually required in its State Plan to select one of three options for ensuring compliance with the AIMS standards. They can (1) perform AIMS reviews of all School Food Authorities once every four years, (2) perform AIMS audits of all School Food Authorities once every two years or, (3) perform a combination of AIMS reviews and audits.

If a State agency selects the AIMS review option, it must perform reviews which cover the first four performance standards. However, it need not review School Food Authorities against Standard 5 dealing with cost accountability. In addition, under this option, State agencies must perform follow-up reviews on all large School Food Authorities which exceed established error tolerance levels and on 25% of the small School Food Authorities which exceed the tolerance levels. Third reviews are not required. Under this option, claims need not be assessed on first reviews except where meal counts are incorrectly compiled at the School Food Authority level, but formal corrective action plans are required for School Food Authorities exceeding the tolerances. This option does not relieve the State from the audit requirements of OMB Circular A-102; however, organizational audits which may or may not include the food service account will suffice to satisfy the requirements of OMB Circular A-102.

When the audit option is selected by the State, it must perform audits of all School Food Authorities once every two years. These audits must cover all five performance standards and must be conducted by independent State auditors or State contracted auditors. USDA's audit grade or an audit guide approved by FNS and the Department's Office of the Inspector General must be used. Under this option no follow-up audits are specifically required; however, claims must be assessed and recovered whenever a violation is found, except for performance Standard 1. These claims are required even if the violation does not exceed the tolerance. Additionally, action must be taken to correct the problems. This option also does not relieve the State from the audit requirements of OMB Circular A-102. Audits must comply with all OMB A-102 audit requirements to qualify as an A-102 audit. However, since the organization is the school district, and the State is required to audit a sample of federally funded programs, the audit conducted under AIMS may be included in that sample and no additional auditing of the school food service account for A-102 compliance would be required.

Thirdly, a State can use a combination of AIMS audits and reviews to monitor School Food Authorities or to monitor for compliance with all five performance standards.

Each State agency should find one of these options more desirable to meet its particular circumstances and to utilize its existing resources to the maximum extent. Other changes from the proposal have also been made to give States greater flexibility. These are:

- For first AIMS reviews, State agencies may select schools for review on the basis of either State-developed criteria (which will result in the selection of at least some schools suspected of having problems) or random sampling. In either case, an approximately equal number of schools from attendance unit groupings (elementary, middle, senior high) must be selected.
- For both AIMS reviews and AIMS audits, claims are to be assessed based on the severity and longevity of problems. The State agency may determine the methodology for assessment of claims.
- For the AIMS review option, States may devise their own system for determining the base from which 25% of the small School Food Authorities exceeding the tolerances must be reviewed. For example, they may select every fourth School Food Authority with problems, select the School Food Authorities with the most severe problems which have been reviewed as of a specific date, etc.
- For the AIMS review option, second reviews of School Food Authorities can be made any time between the time of the first review and December 31 of the following school year.

Emphasis throught this interim rule is on achieving corrective action. All deficiencies found during an AIMS review or an AIMS audit must be discussed with the School Food Authority, and along with corrective actions to be undertaken, documented in writing from the State to the Superintendent of the School Food Authority. When deficiencies found in an AIMS review exceed the tolerance levels, corrective action plans executed between the School Food Authority and the State agency become more formal and are discussed at the exit conference.

No fiscal actions are required on first AIMS reviews, except when a School Food Authority is not accurately aggregating meal counts submitted by schools and is, therefore, in violation of Standard 3. Fiscal action, however, is mandatory for Standards 2, 3, and 4 beginning on the second review.

Technical information to assist in implementation will be contained in FNS guidance which will be issued as it is developed by FNS.

The remainder of the preamble will describe commentor reaction and the interim provision for all the specific components of AIMS.

Performance Standards

Reaction to the performance standards, as stated in the proposal, was mixed. Some commentors approved of the standards, but a number of commentors stated that there was

overlap among the standards or that the standards, as stated, raised many operational questions necessitating further guidance. Some commentors stated that their own monitoring system already covered all or most of the standards. The Department believes that the performance standards will serve as tools to enforce the various components of existing regulations. If, as many commentors suggested, local School Food Authorities are already complying with the performance standards, the additional burdens generated by AIMS should be minimal.

The five performance standards for the AIMS interim regulations are:

1. All applications for free and reduced price meals are correctly approved or denied.
2. The numbers of free and reduced price meals claimed for reimbursement in each school are less than or equal to the number of children in that school correctly and currently approved for free and reduced price meals times the days of operation for the reporting period.
3. The system for counting and recording meal totals for paid, free and reduced price meals claimed for reimbursement at both School Food Authority and school levels yields correct claims.
4. Meals claimed for reimbursement contain food components as required by regulations; and
5. Reimbursement claimed for meals is limited to allowable costs as documented by reviewable records.

The six performance standards of the proposal and an explanation of the changes made to them is given below.

a. Performance Standard 1

Proposed Provision—All applications for free and reduced price meals are validly approved or correctly denied.

The greatest area of concern by commentors on proposed Performance Standard 1 was that the performance standard did not allow for human error and problems, such as information filled out on the wrong lines of the application or failure by an adult to sign the application. Although some commentors did not disagree with the performance standard per se, they were concerned that school officials might wrongly interpret the performance standard as a requirement to routinely verify the information contained on applications. This verification process might in turn discourage potentially eligible needy applicants from applying for benefits.

The proposal and this interim regulation do not suggest that information contained on applications be routinely verified. Rather this performance standard is designed to minimize the administrative errors that can occur in the school-level documentation of need for free and reduced price benefits and the delivery of such benefits to those in need.

While the Department agrees that many applications that are "invalid" on their face may in fact be valid if properly filled out, it believes the application process must be considered as an important and necessary documentation of a school's claim for free or reduced price benefits. Actions to secure valid applications that are completely filled out and correctly certified are the responsibility of the School Food Authority. If any of the essential items on an application are incomplete or missing, the application does not contain sufficient information to make, document and support an eligibility decision, and therefore must be considered an invalid application. In response to commentor concerns, this interim regulation will give State agencies the opportunity after the first AIMS review to allow school officials to correct and obtain complete applications. All approved and denied applications for schools selected for review must be checked for validity.

Some commentors expressed a view that it is unnecessary and time-consuming to check all applications. The Department considered requiring that only a sample of applications be checked on the first review, and then that all applications be checked on the second review. This approach posed several problems, however. It would be quite difficult in many instances to determine from a sample whether or not performance standard 2 has been met or violated. The reviewers would already have to know the total number of approved applications for free and reduced price meals, respectively, would then have to apply a percentage disallowance to this total, based on the results of the sample, and then compare the result to claims submitted for free and reduced-price meals. In addition, the reviewers would have to properly pull a valid sample of all approved free meal applications, a separate sample of all approved reduced-price applications, and a third sample of denied applications. A separate (although less complicated) computation would be needed to determine compliance with performance standard 1.

The Department believes that because of these complexities the "sampling" approach is not likely to save much time and may even consume more time where reviewers are not skilled in the methodology needed to perform these tasks. In addition, this approach is likely to lead to errors, possibly resulting in some schools being improperly listed as violating the performance standard, and vice versa. As a result, the Department has not adopted this suggestion in these interim regulations.

However, the Department is interested in receiving comments on the requirement to check all applications, and on alternatives involving sampling, during the comment period on these interim rules.

To improve its clarity, the Department has reworded Performance Standard 1.

b. Performance Standard 2

Proposed Provision—Free and reduced price meals claimed for reimbursement are less than or equal to the number of currently enrolled children approved for (1) free and (2) reduced price meals, respectively, times the days of operation for the reporting period.

Commentors gave several examples demonstrating how a school or even a School Food Authority may on any particular day claim a greater number of free and reduced price meals than the number of children approved for such meals.

Commentors pointed out that the built-in tolerances which exist in proposed Performance Standard 2 were a direct function of the level of participation—the lower the participation, the higher the level of tolerance, and thus those School Food Authorities with the highest participation—a desirable goal—would be most likely to violate this performance standard.

It is highly improbable for a school complying with current regulations to serve more free and reduced price meals during a reporting period than the number of children approved for such meals times the number of days of operation in that reporting period. Absenteeism by children often results in fewer meals being actually served to free and reduced price meal recipients than the product of the number of applications and the days of the reporting period would indicate. While there exists a built-in tolerance factor that will vary from school to school based on the actual level of free and reduced price meal participation, the Department feels that the performance standard would provide a large enough tolerance factor so that Performance Standard 2 would not pose undue hardship on high participation schools.

Some comments, mostly from State agencies, focused on the problem of maintenance of free and reduced price application files. A reviewer must, when

conducting a review of a school for Performance Standard 2, have access to both the free and reduced price meal application forms as well as the free and reduced meal claims, *by school.* As revealed by commentor reaction, some School Food Authorities maintain free and reduced price meal application files School Food Authority-wide, not by school. Thus, review of Standard 2 necessitates changes in the manner in which some School Food Authorities maintain files.

Several of the State agency commentors objected to the requirment that, during reviews, States would be responsible for checking the school's records to ensure that the applications on file correspond to children currently enrolled. They argued that matching applications to enrollment would be too time consuming to do on each review, and that they could not be responsible for the accuracy of enrollment figures.

School Food Authorities must maintain files of currently approved and denied free and reduced price applications because this embodies a good management practice. If applications are maintained only at the School Food Authority level, they must be readily retrievable by school. We recognize that matching applications with enrollments may be too time consuming during an AIMS review or audit and that the reviewer cannot ensure the accuracy or availability or enrollment data. We would expect, however, that there be a system in place that would keep applications current. We have, therefore, revised the wording of the proposed Performance Standard 2 from "currently enrolled children" to "children currently approved" in the interim rule.

There were few objections to the requirement that School Food Authorities provide counts of children approved for free and reduced price meals in March and October to the State. However, several States thought the November/April compilation of this data for FNS was an unnecessary burden on the State agencies. Some commented that similar information is submitted on form FNS 10, Report of Child Nutrition Operations, to the Department.

In order to reduce the recordkeeping and reporting burdens, the State will not be required to report to FNS the number of children currently approved for free and reduced price meals by type of meal and number of days the school meal programs were in operation for March and October, as in the proposal. In addition, the interim rule will not require School Food Authorities to report this information to States for the months of October and March. However, the Department encourages States to require that this information be reported as an additional method of administrative control.

Some commentors believe that monitoring for Performance Standard 2 would be difficult since not all schools under a School Food Authority operate the same number of days. In order to avoid this problem, in the interim regulation the number of free and reduced price meals claimed for reimbursement must be equal to or less than the sum total of the number of children currently and correctly approved times the day of operation for the reporting period for each *school.*

In the course of an on-site review of a School Food Authority, the State must endure that the number of free and reduced price meals by type of meal claimed does not exceed the number of children currently approved for free and reduced price meals, by type of meal, times the days of operation, as reported by the school for the School Food Authority's most recent claim.

The words "the numbers of" and "correctly and" have been inserted into the standard for parallel construction and for clarity. In addition the wording of the standard has been changed to specify that it is intended to be applied at the school level.

c. Performance Standard 3

Proposed Provision—The total number of meals claimed for reimbursement is equal to or less than the average daily attendance for days of operation times the days of operation for the reporting period.

A larger number of commentors opposed or found problems with proposed Performance Standard 3 than with proposed Performance Standard 2, although the concerns expressed were similar.

Some commentors opposed the standard on the grounds that the tolerance built into the standard, which compares average daily attendance to meals claimed rather than participation to meals claimed, is greater for School Food Authorities with low participation than for School Food Authorities with high participation programs.

Some personnel from large school systems strongly opposed the use of average daily attendance data to establish maximum participation limits on the grounds that it may be inaccurate. For example, some commentors felt that average daily attendance figures would not include students who are tardy but may come in early enough to eat lunch. It was pointed out that many school systems do not take attendance or cannot change the timeframes in which they collect average daily attendance to accommodate the AIMS requirements. Additionally, some commentors gave reasons for more meals being claimed than average daily attendance; for example, the purchase by junior and senior high school children of more than one meal; the preparation of meals for students visiting from another school; and the serving of unplanned excess meals to attending children on a day of high absenteeism. Although serving second meals on a continued and widespread basis is inappropriate, the regulations have never specifically limited the sale of second meals to students. While the Department believes that the regulatory provision recommending increased portion sizes for older students is more conducive to good eating habits and patterns than second servings, the Department does not intend for the AIM System to address the claiming of more meals than average daily attendance.

Based on the problems outlined by commentors and this performance standard's potential overlap with other performance standards, the Department has eliminated Performance Standard 3. As a result, State agencies will not be required to collect attendance data statewide in this interim rule. State agencies should, however, continue to use this measurement as an analytical tool to identify problems or abuses and take appropriate corrective action where necessary to meet the intent of § 210.11(a) which requires schools to plan for "one meal per child per day."

d. Performance Standard 4

Proposed Provision—The system for counting and recording meal totals for paid, free and reduced price meals claimed for reimbursement at both School Food Authority and school levels yields correct claims.

This standard addresses the mechanics of supporting a claim. Improper or unjustified procedures may result in improper or unjustified reimbursement claims. As such, the Department believes that adherence to this performance standard is critically important to the effective operation of school food service programs.

Commentors expressed a concern that this performance standard would increase the likelihood of overt identification. The Department believes that there are systems which provide an accurate count while preventing the overt identification of free and reduced price meal recipients.

The State agency must carefully review the counting and recording

procedures used by the School Food Authority to assure that they yield accurate claims. In the course of its review of a School Food Authority, the State must also observe the method of taking counts in schools to ensure that the system yields correct counts of meals by category (free, reduced price and paid). This does not mean that State reviewers must observe how each meal is counted in every serving line in a school but only a representative sample to validate the system. In addition, the State agency will evaluate the School Food Authority's system for compiling each school's meal count data into a consolidated claim for reimbursement so as to ensure that claims accurately reflect such meal counts by category (free, reduced price and paid).

This performance standard is renumbered as Performance Standard 3 in the interim rule.

e. Performance Standard 5

Proposed Provision—Reimbursements claimed for meals are limited to allowable costs as documented by reviewable records.

Some commentors wrote that the provisions of proposed Performance Standard 5 are already covered in existing audit regulations and that AIMS duplicated current audit systems. Some commentors also wrote that compliance would be too time consuming and create additional paperwork.

Several State agency directors pointed out and supported the existing practice of comparing total reimbursement to total allowable costs once a year. They expressed concern that AIMS would inappropriately require such comparisons on a more frequent basis.

Since 1973, the Department has provided specific guidance on the establishment of cost-based accountability systems for school lunch programs at the School Food Authority level. The monitoring of School Food Authority accountability systems to ensure that only documented allowable program costs are reported to State agencies on claims for reimbursement is considered a crucial component of an effective audit system. This performance standard requires examination of records of costs attributed to federally reimbursable school food service programs to determine the allowability of such costs and if such costs are sufficient to substantiate reimbursement. As necessary, adjustments in reported allowable costs relative to reimbursement would be made.

Therefore, the Department intends to retain this as a performance standard. However, in addressing the concern expressed by some commentors that AIMS reviews duplicate existing monitoring activity which is conducted under the biennial audit requirement, the interim AIMS regulations will not require the review of this standard when AIMS is complied with by AIMS reviews. If a State chooses to do AIMS audits, this performance standard must be reviewed. This will alleviate duplication and the potential for increased paperwork.

f. Performance Standard 6

Proposed Provision—Meals claimed for reimbursement contains food components and quantities as required by regulations and as documented by reviewable production and student participation records.

The issue of meal quantities received much comment from school system personnel with almost 10% of all comment letters containing statements of concern about the method FNS would use to measure quantities, including concerns about the use of production records as monitoring tools. Many of these commentors agreed that some tolerance for error is needed if precise quantity requirements are set. Also stated by many commentors was the obvious need for guidance in advance of the implementation of any new meal pattern requirements.

It appeared that not all commentors understood that the proposed Performance Standard 6 dealt *only* with the absence of components when fiscal actions for noncompliance were applied. While the standard itself implied the seeking and review for complete regulatory compliance with regard to meal patterns, in both components and quantities, it was intended that a determination of noncompliance be made only when a component was missing, or when an uncreditable food was incorrectly used to meet a component requirement. In order to clarify the intent of proposed Performance Standard 6, all references to quantities will be removed in the interim standard. This change in the performance standard does not imply that State agencies no longer have the responsibility for instituting corrective action for quantity violations.

Currently, the Department is involved in an effort to devise a standardized system or systems for reviewers to follow to determine whether a school is meeting both component and quantity meal pattern requirements. The Department intends that such system(s) would enable reviewers to adequately evaluate all delivery and service systems, including the more innovative methods recently developed, and would be adaptable to changes in the lunch pattern.

A regulatory proposal currently under development to address the intricacies of the overall meal pattern monitoring, compliance and quantity control process will, when finalized, set forth some standardized procedures for measuring meal pattern compliance. Once the proposed system is refined, it will be published for public comment. Public participation by interested parties will play an important role in the finalization of the proposal.

In the course of its review of a School Food Authority and its schools, the State agency must evaluate the nutritional integrity of meals served, thereby ensuring that all meals claimed meet the requirements of the regulations. Since AIMS does not address monitoring for quantity compliance, States should continue with their current procedures until the Department completes the rulemaking process in this area.

This performance standard, renumbered as Performance Standard 4, eliminates the proposed production record requirements and specifies that the standard applies solely to component requirements.

Reviews

a. The General System

Proposed Provision—The proposal set forth a structured review system, to be undertaken by the State agency, which included:

(1) The number of SFAs to be reviewed each year;

(2) Timeframes for the conduct of first, follow-up (second, and final (third) reviews;

(3) Error tolerance levels used to trigger second and third reviews;

(4) Methods for selecting specific schools within a School Food Authority for review; and

(5) The number of schools to review within a School Food Authority.

FNS felt that a structured review system would standardize the State agencies' responsibilities under the AIM System. In this way a national system could be applied as uniformly as possible in all School Food Authorities.

In judging the overall system, many commentors felt that the proposed structure of reviews would interfere with a State agency's flexibility to establish priorities and make review plans based on its own unique needs and resources.

FNS recognizes the validity of many commentors' assertions that a highly structured national review system is not appropriate to address all the needs of

all State agencies and School Food Authorities.

Interim Provision—Allows each State agency flexibility to arrange reviews in a manner that is considered most beneficial to the State agency and is in keeping with its needs and available resources. Detailed changes are described under each major issue area as follows.

b. Tiered Review System

Proposed Provision—The AIMS proposal required State agencies to annually review one-half of the large School Food Authorities (the two largest in a State with 2,000 or more enrollment and any others with 40,000 or more enrollment). State agencies would have had to review one-fifth of all other School Food Authorities each year. This requirement created a two tiered review system—a two-year review cycle for large School Food Authorities and a five-year review cycle for smaller School Food Authorities. Follow-up (second) reviews would have been required in all large School Food Authorities exceeding an established error tolerance level and in 25% of smaller School Food Authorities exceeding the same error tolerance level. Certification reviews by independent auditors and final (third) reviews would have been required for large School Food Authorities which exceeded error tolerance levels.

It was assumed by FNS that large School Food Authorities are prone to more administrative problems than small School Food Authorities. Furthermore, the potential for large program dollar losses was considered greater in large School Food Authorities. Therefore, the agency designed a system which emphasized reviews of large School Food Authorities to allow State agencies to target their limited resources in those areas FNS believed to be most in need of attention.

For a variety of reasons, some commentors opposed the large School Food Authority—small School Food Authority tiered review concept. Their major objections were:

(1) Large School Food Authorities viewed the tiered review system as discriminatory and punitive to large school systems.

(2) The two-year cycle would overstrain the capabilities of the State agency and result in less emphasis on training, technical assistance and outreach.

(3) In some instances, large School Food Authorities are better administered than small School Food Authorities. Some commentors complained that small School Food Authorities cannot afford to hire trained personnel and need more frequent reviews than once every five years. They thought that this might be achieved by reducing the number of reviews of the large School Food Authorities and reviewing more small School Food Authorities.

Other commentors believed that School Food Authorities with known problems should be reviewed more frequently than School Food Authorities that are efficiently administered. Additionally, there were a number of commentors who stated their support for a uniform review cycle for all School Food Authorities. The concepts of a three-year, four-year, and five-year uniform review period were each supported by some commentors.

After considering these concerns and the alternatives suggested by the commentors, the Department has determined that there is a need to provide State agencies more flexibility in meeting AIMS' review requirements. Therefore, the Department has eliminated the proposed tiering concept on first reviews. In this interim rule, the Department will require AIMS reviews of all School Food Authorities at least once during a four-year review period, or AIMS' audits by State level auditors or State contract auditors at least once every two years or a combination of both AIMS reviews and AIMS audits. Additonally, the first year of AIMS is defined as the first 18 months beginning in January 1981 and the rule will require States to conduct an AIMS review/audit of the largest School Food Authority in the State during the first year of AIMS.

The Department recommends that wherever appropriate State agencies include both large and small School Food Authorities annually in their review/audit coverage.

Under this interim regulation, if AIMS reviews are performed during the four-year review period, half as many reviews will be required of each large School Food Authority as would have been required under the AIMS proposal. However, small School Food Authorities will be reviewed once every four years, rather than five as in the proposal. It is expected that the overall impact of this and other modifications of the review requirements in this interim rule will be a diminished review burden for the State agency since more flexibility is given to State agencies in utilizing their resources to meet their own unique needs. State level auditors and/or State contract auditors may be used to conduct AIMS reviews.

Under this interim regulation, the requirements of AIMS can also be met through AIMS audits conducted by State level auditors or State contract auditors. The AIMS audit on a two-year cycle for all School Food Authorities is a system in which follow-up visits are not required. Additionally, use of the audit option incorporates the biennial audit requirement and thus could lessen duplicative reviews.

A State may also choose to use a combination of audits and reviews to monitor School Food Authorities or to monitor for compliance with performance standards. For example, a State may wish to choose the audit option for auditing large School Food Authorities and the review option for small School Food Authorities; or a State may choose to use reviews to monitor for performance standard 4 and audits to monitor for all other performance standards. States using a combination of audits and reviews are responsible for maintaining documentation to assure compliance with the AIMS regulations as well as with A–102 requirements.

The size of a School Food Authority will no longer be a factor in scheduling the frequency of first reviews/audits. However, to reduce the burden on limited State agency staffs, the Department has retained the concept of "small" and "large" School Food Authorities for the purposes of second AIMS reviews. Large School Food Authorities will continue to be defined as the two largest School Food Authorities in a State, and all School Food Authorities with an enrollment of 40,000 or more students. If one (or both) of the two largest School Food Authorities in a State has an enrollment of less than 2,000 students, it is not defined as "large." Small School Food Authorities are all the remaining School Food Authorities in the State.

Interim Provision—Under only AIMS reviews, the State must review all School Food Authorities at least once during a four-year review period with a minimum of 20% of the School Food Authorities to be reviewed in each of the first two years of the first four-year cycle. If States choose only the AIMS audit option, they must audit School Food Authorities at least once every two years, and a minimum of 33⅓% of the School Food Authorities must be audited the first year of the first two-year cycle. If a State chooses to use a combination of audits and reviews to monitor School Food Authorities or to monitor for compliance with the performance standards, it must maintain documentation to clearly demonstrate compliance with the AIMS requirements for audits, where audits are conducted and reviews, where reviews are

conducted. Under any system the largest School Food Authorities in a State must be reviewed/audited the first year (between January 1, 1981 and June 30, 1982).

c. Certification Procedures as Part of the Follow-up (Second) Review

Proposed Provision—In the proposed rule, a certification review for a School Food Authority under the two-year review cycle was triggered by problems found in a follow-up (second) review. These certification reviews would have been carried out by an independent auditor and paid for by the School Food Authority in an attempt to remove some of the review burden and its cost from the State agency and to place it on the noncomplying School Food Authority.

Most commentors expressed criticism of this provision and many thought the idea of using locally paid independent auditors should be completely deleted from AIMS. School Food Authorities felt that they would have to spend their time training independent auditors. Other commentors wrote about restrictions faced by School Food Authorities in hiring independent auditors.

These interim regulations do not require an independent auditor certification review because this provision does not appear to be cost-effective. As the commentors pointed out, a relatively small assessed claim averaging $100 per school reviewed could result in the School Food Authority having to spend a much greater amount in hiring an independent auditor. It might also be difficult to find an auditor with sufficient background in the program operations of the school nutrition programs, to effectively assess the correctness of large operations. State auditors and program reviewers, familiar with the programs, are much better suited to advise and monitor School Food Authorities' operations.

Interim Provision—No interim provision.

d. Corrective Action

Proposed Provision—For any performance standard violation, in addition to a claims assessment, the State agency would have been required to take whatever corrective action it considered appropriate. The School Food Authority would have been required to submit written reports to the State agency on its progress and the State agency would have had to document the corrective action within 90 days of the review.

Technical assistance is a traditional and appropriate way for State agencies to aid School Food Authorities in taking corrective action when they are not operating the programs in compliance with FNS and State regulations. Many State agencies already routinely take and follow-up on corrective action whenever they see a School Food Authority violating regulations and many document this action.

Those few commentors responding to this issue mainly confirmed that their State agencies were already taking corrective action. A few commentors felt that requiring a State agency to document that corrective action was taken within 90 days of the review would reduce the State agency's flexibility to handle individual needs, resources or situations. Many commentors recommended that corrective actions be permitted to be taken, including technical assistance, prior to or in lieu of the assessment of claims, especially when discovered on a first visit.

Greater flexibility has been given the State agency in the review process of this interim regulation than in the proposed regulation. Additionally, more emphasis is being placed on cooperation between the State agency and the School Food Authority to resolve regulatory violations. As a result, corrective action and a formalized corrective action plan have been elevated in the interim regulation to play a key role in ensuring program improvement.

Interim Provision—The interim rule is designed to place special emphasis on corrective action whenever a performance standard is found to be violated on either an AIMS audit or an AIMS first or second review. Under an AIMS audit, additionally, a claim must be assessed for any degree of performance standard deficiency found (whether it exceeds the error tolerance levels or not), except for performance standard 1. Under an AIMS first review the School Food Authority found to have the deficiency exceeding the tolerance must develop and implement a formal corrective action plan. A State agency need not assess a claim on the findings of the first review. However, if necessary, the claims for reimbursement for the period of review must be amended.

At the close of both AIMS audits or AIMS reviews of a School Food Authority, the State representative must conduct an exit conference with appropriate school officials to discuss deficiencies observed, the extent of these deficiencies and the corrective action needed to correct the deficiencies. This must include, if necessary, amending the claims for reimbursement for the period reviewed. When error tolerances are found to be exceeded in a review, the exit conference must also include a discussion of the formal corrective action plan. The State must assist the School Food Authority in the development of this plan.

After every AIMS review or audit, the State must notify the superintendent of schools in the School Food Authority in writing of the findings and if appropriate, any corrective action needed to be taken. The School Food Authority must document all corrective actions.

Corrective action plans must include: the corrective action needed (including amendment of claims for reimbursement for the review period, if necessary); the timeframes for completing required corrective actions; and the signature of a School Food Authority representative.

The State agency, within 60 days of the exit conference of such School Food Authority, must approve and sign the plan. The State agency must also conduct a second review of all large School Food Authorities and one-fourth of the small School Food Authorities found to exceed the tolerances. On second reviews States must assess and recover monies not properly payable on any newly discovered or continuing performance standard deficiencies, whether they exceed the error tolerance levels or not. Corrective action plans must be amended or extended if any performance standard tolerances are exceeded on second reviews. While a plan is not required where tolerances are not exceeded, corrective action is required.

In addition to discussing deficiencies and corrective action, the Department recommends that during the exit conferences the State provide local officials with a clear understanding of all performance standards. Imparting this information to school officials is essential during the exit conference since, on the second AIMS review, fiscal action must be taken on any violations found. Since the corrective action plan includes milestone dates for the desired corrective action, the Department urges the State agency to monitor School Food Authority progress in meeting the milestones outlined in the plan. This would encourage completion of the corrective action and give the State agency an opportunity to provide any interim technical assistance and/or training needed to improve programs, prior to the taking of a fiscal action.

e. Error Tolerance Levels to Trigger Second Reviews

Proposed Provision—Under the AIMS proposal, follow-up (second) visits were required of School Food Authorities in

the two-year cycle if a *total* of 10% or more of the meals served were improperly claimed or if an overclaim averaged more than $150 per school reviewed. For schools on the five-year cycle, the State agency would have had to randomly select for review one-fourth of the reviewed School Food Authorities which exceeded the same tolerance (10% or $150 per school reviewed). The proposal required final (third) reviews of the two-year cycle School Food Authorities to be triggered on a lower tolerance than that triggering second reviews. Third reviews were required for a School Food Authority which showed a 7% error rate in meals served, claimed, or counted; or an average dollar overclaim of $100 per school reviewed on a second review.

The Department requires corrective action for all problems but recognizes that State agencies are unlikely to have the staff needed to go back on site to every School Food Authority in follow-up to all program violations found. Therefore, tolerances were developed as criteria for State agencies to employ in measuring the seriousness of a deficiency to determine the need for on-site follow-up reviews. Such tolerances were considered necessary to maximize a State agency's limited resources in conducting on-site follow-up reviews. (The tolerances were not intended to relieve the State agency or School Food Authority from taking corrective action; AIMS always intended for any program or performance standard violation, regardless of its extent or when found, to be subject to corrective action.)

Commentors generally did not oppose the concept of error tolerance levels for triggering follow-up reviews. However, many State agency directors and School Food Authority commentors believed the level of error tolerance used in determining the need for follow-up reviews in the two-year and five-year cycles was too low, especially for the large School Food Authorities.

Commentors pointed out that a tolerance based on dollars would mean that a situation found in the early part of the school year might fall below and within the tolerance, but over the passage of time, the same problem found later could result in exceeding the tolerance. They felt this would result in unequal treatment based upon the time of discovery. Some commentors also felt it was unfair to impose a more stringent error tolerance to trigger final (third) reviews of School Food Authorities in the two-year cycle. Commentor recommendations included using a much higher dollar figure ($500–$1,000) or only percentages as tolerances triggering an on-site second or third review.

Based on the concerns expressed by commentors, the Department has, by these interim regulations, eliminated the dollar per-school overclaim as an error tolerance level for triggering follow-up reviews, and has set specific levels of error tolerance for each performance standard for triggering a second review. The third review has been eliminated.

Interim Provison—Error tolerance levels do not apply to AIMS audits since no second visits are required to be undertaken under the audit option. The Department retains the requirement for second AIMS reviews of all large School Food Authorities and 25% of all small School Food Authorities in which the first review shows a School Food Authority exceeding error tolerance levels for any of the performance standards.

The basis of the error tolerance levels differs for each performance standard. The chart below describes the basis for deriving the error tolerance levels for each standard which could trigger a second review.

Error Tolerances

	Trigger for a second review
Performance standard:	
1	If 10% or more of the free and reduced price applications reviewed in a School Food Authority were incorrectly approved or denied.
2	If a number of schools reviewed in a School Food Authority, as specified in the following table, are claiming more free or reduced price meals, respectively, than the correctly and currently approved applications on file.
3	If a number of schools reviewed in a School Food Authority, as specified in the following table, do not have an adequate system for counting and recording meals claimed for reimbursement, or if the School Food Authority does not utilize valid procedures to consolidate claims.
4	If 10% or more of the total meals observed in a School Fund Authority were missing one or more components.
5	Not applicable. There is no second review required on this standard because this standard is reviewed only as a part of the biennial audit.

The following chart indicates the number of schools violating Performance Standards 2 or 3 which would trigger a second AIMS review in large School Food Authorities and one-quarter of the small School Food Authorities.

Number of schools reviewed	Number of schools [1]
1 to 10	1
11 to 20	2
21 to 30	3
31 to 40	4
41 to 50	5
51 to 60	6
61 to 70	7
71 to 80	8
81 to 90	9
91 to 100	10
101 or more	[2] 10

[1] Number of schools violating performance standards 2 or 3 respectively.
[2] 10 plus the number identified above for the appropriate increment.

For example, if a State agency reviews 42 schools in a School Food Authority, and five or more of those schools violate Performance Standard 2, a second review would be required if it was a large School Food Authority. If it were a small School Food Authority, it would be considered for a second review. In another example, a School Food Authority with 27 schools only two of which violated Performance Standard 3 would not need to be reviewed a second time.

The tolerances are simply levels of error which necessitate second AIMS reviews in all large and some small School Food Authorities for those standards found violated on first reviews. They are not applicable when audits are being used to meet AIMS requirements, since under the audit option, there are no required second visits.

f. Timing of Reviews

Proposed Provision—A State agency would have been required to conduct a first review of a two-year cycle School Food Authority between October 1 and December 31 of the first year of the cycle. If a follow-up (second) review were necessary, it would have had to begin within 90 days following the end of the first review. A final (third) review would have had to be performed by December 31 of the second school year of the review cycle.

State agencies would have had more flexibility in scheduling reviews of small School Food Authorities on the five-year review cycle. The first review was to be undertaken any time during the year with follow-up (second) reviews made within 180 days following the end of the first review.

The tight timeframes for reviews of two-year cycle School Food Authorities were believed to be needed to insure all review steps within the constraints of a short two-year cycle were met. Additionally, the Department set strict timeframes in order to ensure that

School Food Authorities would rapidly respond to correction of program deficiencies.

On the review cycle timeframes, as in other aspects of the System, flexibility was recommended by many commentors. The need to coordinate between AIMS and the audit requirement and the unpredictability of weather, which can upset school schedules, were two of the reasons that flexibility in the timing of reviews was suggested.

The first review on the two-year cycle, to be undertaken between October 1 and December 31, seemed to some commentors to be especially restrictive. Commentors identified problems affecting the ability to meet this schedule including the many holidays and the application approval process which occur during this part of the year.

The timing of follow-up (second) reviews was also an issue. Commentors suggested anywhere from one to six months be allowed a School Food Authority to correct deficiencies. Flexibility in deciding the timing of a follow-up (second) review was also suggested. The Department believes that the commentors' concerns are valid, and that additional flexibility can be added to the system without reducing effective corrective action.

Interim Provision—The interim regulation removes most of the specific timing requirements from the system and removes distinctions of the timing of reviews for small and large School Food Authorities. Timing is unrestricted for AIMS audits, so long as one-third of all School Food Authorities are reviewed in the first year of the first two year cycle. However, for AIMS reviews State agencies should conduct all needed second reviews so that first and second reviews are both completed within the same school year for maximum effectiveness. Recognizing that this may not always be feasible, this interim rule recommends but does not require all second reviews to be conducted in the same school year as the first review. The only timing requirement for second reviews is that they be completed not later than December 31 of the year following the year of the first review. Third reviews have been eliminated from AIMS as a requirement, thus further easing time constraints.

g. Number of Schools to Review in a School Food Authority

Proposed Provision—In the proposed rule, the number of schools within the School Food Authority to be included in a first or follow-up (second) review was dependent upon the total number of schools in the School Food Authority. This is illustrated in the following table.

Number of schools in the schools food authority	Minimum number of schools [1]
1 to 5	1
6 to 10	2
11 to 20	3
21 to 40	4
41 to 60	6
61 to 80	8
81 to 100	10
100 or more	([2])

[1] Minimum number of schools to be reviewed on first and follow-up (second) reviews by the State agency.
[2] 12+5% (rounded to the nearest whole number) of the number of schools over 100.

For School Food Authorities needing a final (third) review, the State agency was to conduct a review of a statistically valid sample of schools within the School Food Authority or a review of 50% of the schools in the School Food Authority.

This ratio of schools in a School Food Authority to the number of schools to be reviewed on a first or follow-up (second) review was designed to produce a review system with a large enough sample to identify potential School Food Authority-wide problem areas. At the same time, the sample was intended to be small enough so as not to place an unrealistic review workload on the State agency. For final (third) reviews, the system was intentionally more stringent in order to cope with a School Food Authority that is seriously and continuously violating program regulations.

Generally, commentors had no objection to the number of schools to be reviewed on first and follow-up (second) reviews. However, there were objections to the proposal's requirement on the number of schools to be reviewed on final (third) reviews. Some commentors opposed both the statistical sampling and 50% review alternatives because they felt it would be an unrealistically harsh requirement which would be difficult for the State agency to carry out.

Interim Provision—This provision is retained as proposed with regard to first and second AIMS reviews and AIMS audits. Since the third review has been eliminated from AIMS, the concern expressed by commentors regarding the school selection process for third reviews is eliminated.

h. Selection of Specific Schools to Review

Proposed Provision—On the first review, the State agency would have selected as equal a number of schools as possible to review from each type of attendance unit (elementary school, middle school, high school, etc.). The proposed regulations specified that schools with the largest participation of free and reduced price students from each type of attendance unit be selected first.

On follow-up (second) reviews, the State agency would have again selected as equal a number of schools as possible to review from each type of attendance unit. Within the attendance unit groupings, the State agency would have had to choose schools on a random basis using guidance provided by FNS.

On a final (third) review, the State agency would have reviewed 50% of the schools in the School Food Authority chosen on a random basis or enough schools to have a statistically valid sample.

The first and second reviews required the selection of a sample of schools from each type of attendance unit. This concept was put into the proposal because different types of attendance units are likely to have different kinds of problems and it is important that all types be represented in the review of the School Food Authority to get an overall picture on which to draw conclusions about a School Food Authority's program operations.

School selection is another facet of AIMS on which commentors asked for more flexibility. Some State agencies wanted the discretion to choose schools for review with only guidance from FNS. One State agency commentor wrote that the AIMS proposal might force the State agency to go to schools without problems. There was criticism directed specifically at the requirement that schools with the largest number of free and reduced price students be selected for review on the initial (first) review. This method of selecting schools would usually result in the same school being reviewed at the beginning of each cycle and such schools would know that they would be reviewed. School Food Authorities could thus correct problems in only those schools and avoid a comprehensive review of the entire School Food Authority system. Another commentor felt that these large schools are already "picked on" by every type of monitoring agency. Most commentors on this issue thought that the State agency should be allowed to use its own judgment to select schools with the largest identified problems. This, they said, would ensure maximum effectiveness of limited State resources. Some others suggested choosing all schools for reviews on a random basis although other commentors opposed random selection because it could result

in overlooking identified problem schools.

The Department believes that the commentors have made some good points, particularly with regard to the provision causing the same schools to be reviewed on every review. The interim changes address this concern.

Interim Provision—The interim regulation removes the requirement that, on first AIMS reviews, schools must be selected on the basis of the number of needy children served.

These interim regulations allow a State to select schools for first reviews based either on a random selection or on a State's established criteria. A State's criteria would have to ensure at least some schools were selected on the basis of suspected or potential problems. The State's criteria, for example, could call for the review of all schools with new managers, or all schools that have not been visited in the past several years or other such indicators of potential problems. Using either selection system States must review as equal a number of schools as possible from each type of attendance unit to ensure that a fairly representative picture of a School Food Authority's operation is monitored. For example, if 20 schools are visited, the selection of 7 elementary, 7 junior high schools and 6 high schools would meet the requirement since they represent an approximately equal number of school's from each type of attendance unit.

For second reviews, State agencies are required to select schools randomly. Again, as equal a number as possible from each type of attendance unit would be selected.

The method of selecting schools on a third review, as set forth in the proposal, is no longer applicable in the absence of a third review requirement.

Under the audit option, this interim regulation only requires that generally accepted audit principles be applied in the selection of schools for audit.

i. Review Suspension

Proposed Provision—Under the proposed rule, when a State agency conducted a first review of any School Food Authority and found serious systemic problems before visiting the required number of schools, the review could be suspended and superceded by corrective action. Claims would be assessed based on the problems found in the schools reviewed. A full follow-up review would then be taken in any such School Food Authority after it had the opportunity to correct the serious system-wide problems that were originally noted.

This provision was intended to address situations where the first review of additional schools was not needed because a problem obviously would be found in every school in a School Food Authority due to incorrect procedures, systems, or information. It was felt that this procedure would assist State agencies to make the most efficient use of their review resources.

Commentors strongly objected that this provision provided loopholes to those local districts with widespread offenses and penalized School Food Authorities which may have isolated problems or made honest errors regardless of conscientious effort. It was believed to be unfair to suspend reviews of a poorly managed School Food Authority while undertaking a complete review of a better managed School Food Authority.

This provision was intended to lessen the review burden on a State. However, in recognition and support of commentor concerns, the interim rule, unlike the proposal, requires the first review to be completed and corrective action to be taken on the same basis for every School Food Authority, thereby removing the suspension provision envisioned by the proposal.

Interim Provision—The provision to suspend reviews under certain circumstances has been removed.

j. Newly Discovered Violations on Second Review

Proposed Provision—According to the proposal, a State agency would have undertaken a follow-up (second) or final (third) review if it found a performance standard violation exceeding tolerance levels on a previous review. On the second or third review, the State agency would concentrate its review on the performance standard violations discovered on the previous review. If, during the course of the second or third review, a performance standard violation that had not been noted on a previous review, was found the State agency would be required to assess an overclaim for that violation.

Commentors did not voice a specific opinion on this provision.

This interim regulation requires a second review of performance standards found to have exceeded error tolerances on the first review. However, should there be discovered any new violations not seen on the first review, the Department believes claims must be assessed. It is felt that this is an appropriate action since the exit conference for the first review should include notification of the School Food Authority by State agencies of all performance standards and expectations of continuing compliance with the standards.

Interim Provision—If, on a second review, any degree of performance standard violation is found again or is newly discovered, claims must be assessed and recovered. An existing plan of corrective action must be amended if the error tolerance level is again exceeded and extended to reflect additional corrective actions required. Existing plans must also be amended and implemented when error tolerance levels are exceeded on newly discovered problems.

Audits

Proposed Provision—Under the proposal, AIMS reviews could be achieved through program assistance reviews or audits.

This provision was intended to provide State agencies flexibility in meeting AIMS requirements with existing audit efforts.

There were a considerable number of comments that the AIMS review requirements, especially regarding the standard limiting claims to allowable costs, duplicated the existing biennial audit requirements of Office of Management and Budget (OMB) Circular A–102. Many felt that the Department should either require only the biennial audit, or replace it with a review requirement.

Current regulations require a biennial audit to be conducted in school districts under the terms of OMB Circular A–102. This type of audit is done on an organization-wide basis rather than on a grant by grant basis. Thus, in school districts, auditors review only a sampling of the school district's Federal grant programs which may or may not include school lunch programs.

Interim Provision—This interim regulation allows States the option to fulfill AIMS requirements in one of three ways:

1. AIMS reviews to cover Performance Standards 1–4 and additionally conducting audits under the existing requirements of OMB Circular A–102. To address the potential overlap between AIMS reviews and the A–102 audit, this interim regulation would not require the State's AIMS reviews to include Performance Standard 5, which limits claims to allowable documented costs. Performance Standard 5 would be monitored during the regular organization-wide A–102 biennial audit; or

2. AIMS audits using an expanded audit procedure beyond the requirements of OMB Circular A–102. The audit must meet the following

conditions to fulfill AIMS requirements in lieu of conducting AIMS reviews:

a. It must include an audit of the school food service account of all the School Food Authorities in the State over a period of two years and an audit of the largest School Food Authority in the State in the first year of AIMS;

b. All five performance standards are covered in the audit;

c. Overclaims are assessed and recovered on any degree of performance standard violation in amounts as determined by the State agency's methodology which reflect the severity and longevity of the problems found, except for Performance Standard 1. Under such a system no follow-up visits are required as they would be when AIMS reviews are undertaken by the State agency, but the State agency must have some system for coordinating and achieving corrective action when problems are found by auditors;

d. The State must use USDA's audit guide or submit their State's audit guide to the appropriate FNS Regional Offices by February 1 of each year. For the first year of AIMS, States may wish to submit their audit guide prior to January 1, 1981. The State's audit guide must be approved before the State can use it to satisfy AIMS requirements through audits;

e. The provisions for AIMS reviews pertaining to numbers of schools reviewed must also be complied with by auditors;

f. Generally accepted audit principles must be applied in the selection of schools for review; and

g. The audits must be conducted by State auditors or State contracted auditors.

3. A combination of AIMS audits and reviews to monitor School Food Authorities or to monitor for compliance with all five performance standards. States using a combination of audits and reviews are responsible for maintaining documentation to assure compliance with the AIMS regulations.

State agencies will be required to outline in their annual State Plans the program review and/or audit system that will be utilized to satisfy the AIMS requirements. If the audit option is used, the State agency must also describe in the State Plan the system for coordinating and achieving corrective action. FNS approval of the system will be part of the State Plan approval process.

Records

a. Retention

Proposed Provision—The proposal required that records of State agency reviews, corrective action, and audit reports be maintained in the State agency's files for three years after the year in which problems have been resolved.

These records are needed for the State agency's use and for the Department to fulfill its responsibility to evaluate the management of the State agencies. Very few comments were received on this issue. Those who did address this issue spoke against the burden of recordkeeping in general.

Although the Department is concerned with recordkeeping burdens placed on State agencies and School Food Authorities, the maintenance of the records cited in the proposal is essential to good management at all levels of administration and most are expected to have been maintained under existing regulations.

Interim Provision—The Department in this interim regulation retains the three-year record retention requirement for both audits and reviews but recommends that these records be kept at least four years, as active records documenting State agency efforts to correct problems. This recommendation is in support of the four-year review period required by these interim regulations.

b. Information to Include in State Agency Review Records

Proposed Provision—The proposal required State agencies to keep records of reviews. For meeting requirements, the State agency review records were required to include basic information such as the name of the School Food Authority reviewed, the name of the school(s) reviewed, and findings for each review which show whether the School Food Authority and its schools were meeting or violating the performance standards.

To properly monitor for AIMS performance standards, and to have available sufficient information to make decisions, the State agency would need this type of data to show whether a School Food Authority and its schools are meeting or violating AIMS performance standards. This data would also be necessary for the Department to monitor the sufficiency of a State agency's reviews.

Few comments were received, but of those received many indicated that these records are routinely kept by State agencies.

Interim Provision—The interim regulation will not prescribe specific information to be included in review records. However, the Department still requires review records to indicate whether the School Food Authority and its schools met or violated performance standards.

Fiscal Action

a. Situation in Which Fiscal Action is Taken

Proposed Provision—Under the proposed regulation, a State agency would have been required to assess a claim against a School Food Authority any time it observed schools violating a performance standard. This would have included assessments on a first review.

The most intense commentor reaction to the proposed claim assessment procedure was that it did not allow State agencies to give a School Food Authority the opportunity to take corrective action prior to the assessment of a claim. Many commentors wrote that assessment of a claim on the first review would create an adversary relationship between the State agency and local levels and that the State's "assistance relationship" would be destroyed by this process. This new relationship would have led to hesitancy by School Food Authorities to request technical assistance and to a less open and honest exchange.

The Department believes that the commentors have expressed a legitimate concern. Therefore, the interim regulation encourages both State assistance to School Food Authorities and School Food Authority initiative to correct identified problems. For review under the AIMS audit option, claims must be assessed and recovered for performance standard violations found on a first review except for Performance Standard 1; however, for AIMS reviews a claim assessment on a first review may be waived except for incorrect consolidations of School Food Authority's claims (Performance Standard 3).

Interim Provision—If on a first AIMS review a school violates a performance standard, the State agency is required to determine the extent of noncompliance with the performance standards. The State agency is encouraged to assess a claim on a first AIMS review. However, if a School Food Authority violates Performance Standard 3 by incorrectly compiling individual school meal counts into a consolidated claim, fiscal action must be taken even on a first review.

There is no claims assessment for violations of Performance Standard 1 at any time since violations of this standard are largely covered under Performance Standard 2. This eliminates overlapping claims assessment and ensures that claims are only assessed against improperly reimbursed meals.

When fiscal action is taken by a State agency reviewer or State auditor for any regulatory noncompliance found in a school, the State shall determine the amount of the fiscal action, taking into account the severity and longevity of the problem. This differs from the proposal which prescribed the exact methodology for computing a fiscal action including the period over which the fiscal action was to be projected. This interim rule gives States more flexibility in these areas. Fiscal action includes recovery of overpayments already made; disallowance of overclaims as reflected in unpaid Claims for Reimbursement; adjustment of future claims; and correction of records to ensure that unfiled claims for reimbursement will be corrected when filed.

Regardless of whether a claim is or is not assessed on the first review, the State agency must take corrective action. Corrective action should include recalculation of data to ensure the correctness of the claim the School Food Authority is preparing at the time of the review. Additionally, corrective action could take the form of training, technical assistance, or other actions.

b. Calculating an Assessed Claim

Proposed Provision—In most situations, the proposed method of calculating an assessment was based on observed performance standard violations. Projecting a claim to include unseen schools would have been allowed only as an option on a third review and when a School Food Authority's counting system was faulty.

The period over which the claim was to be assessed varied for each performance standard to reflect the nature of the standard.

Some commentors opposed the general concept of assessing claims. Others felt the method described in the proposal would result in unfair and excessive claims. Some wrote that the later in the year a first review is made, the more severe would be the possible assessment. They considered this timing factor to be inequitable.

While USDA has a clear legal and administrative responsibility to require State agencies to monitor programs and recover improperly earned reimbursement, it also has a responsibility to be fair and reasonable when requiring claims assessments. The interim regulation gives the State agency much more flexibility.

Interim Provisions—The interim regulations do not explicitly specify procedures for claims assessment. To permit States maximum flexibility in dealing with individual situations, States are allowed to use their own methodology to assess claims. The claim must be in an amount that they believe represents the severity and longevity of the problems encountered. In addition, corrective action on such problems should continue to be taken until they are resolved to the satisfaction of the State agency.

School Food Authority Challenges

Proposed Provision—Under the proposal, a School Food Authority could challenge any claim assessment. In the case of a projected assessed claim it would have had to present written evidence to the State agency to support its contention that the assessed claim as projected by the State agency went beyond the actual extent of the problem. In demonstrating that the assessed claim should be projected at a lower level, the School Food Authority would have had to prove its contention to the satisfaction of the State agency. The State agency was to obtain approval of FNS prior to its adjustment of a claim reduced by more than $1,000.

Some commentors felt that proposed procedures for challenging a claim should be either clarified or completely omitted, and complained that no timeframes were established in the regulation. FNS has decided rather than regulate this area to allow State agencies to use their own existing systems to address local challenges to permit compatibility with individual State claims assessment procedures.

Interim Provision—None.

State Agency Failure To Collect Overpayments

Proposed Provision—Based on FNS reviews of a State agency, the proposal provided that if FNS determined that the State agency had failed to appropriately collect overpayments from School Food Authorities, FNS would notify the State agency of its intention to assess a claim against it. In such cases, the State would have had a full opportunity to submit evidence concerning the action taken. The State agency's subsequent Letter of Credit would have been reduced by the sum of the uncollected overpayment and the State agency would have had to provide the funds necessary to maintain program participation at the level of operation reached prior to the Letter of Credit reduction. These funds would have had to come from State and local sources and be reported as cash on hand in the State's financial reports to FNS.

Commentors were concerned that School Food Authorities had no source of revenue to pay back funds improperly expended and expressed concern that School Food Authorities might be forced to drop out of the program if major claims were assessed against them.

The Department believes that there is a need for a rule which would allow FNS to recover Federal funds improperly paid. In recent action on the fiscal year 1980 supplemental appropriations bill, the Senate Appropriations Committee directed all federal agencies to establish and collect claims for improper payments made with federal funds. However, because interim AIMS gives States greater flexibility in taking fiscal action, there should be less likelihood of FNS-State agency disagreement on fiscal action.

Interim Provision—The Department believes this provision is necessary, and therefore § 210.16(e) of the regulations is expanded to require the State agency to provide the funds necessary to maintain program participation.

State Plans

Proposed Provision—The proposal required a description of the State agency's program to meet the annual AIMS review requirements, the State agency's criteria for choosing School Food Authorities for review that year which would ensure that School Food Authorities with the largest identified problems or potential problems be reviewed first, the number of School Food Authorities in the State and a list of the School Food Authorities on the two-year review cycle which the State planned to review during the upcoming school year.

Most commentors believed that a more flexible approach was needed and many suggested allowing each State agency to design its own review system within the framework of existing systems, methods and criteria to be included in the State Plan. They also objected to more specific data being required in the State Plan.

In recognition of commentor concerns, these interim regulations delete many of the proposal's requirements concerning the State Plans.

Interim Provision—States are required to include in the State Plan: (1) A description of the State's system for AIMS implementation through supervisory assistance reviews and/or audits; (2) a description of the system to coordinate and achieve corrective action when the State uses AIMS audits to meet the AIMS requirements; (3) the number of large School Food Authorities in the State; and (4) the number of School Food Authorities in the State.

Additionally, the State agency must have on file: (1) Its criteria for selecting schools on first reviews, if the selection is not random; and (2) its system for

selecting small School Food Authorities for second reviews.

State Agency AIMS Progress Report

Proposed Provision—The proposed rule required each State agency to prepare a progress report by January 31 and July 31 of each year describing its actions during the school year to undertake AIMS related activities.

The Department intended to use the State agency progress report to ensure that State agencies met the objectives and requirements of AIMS.

Commentors were concerned about the burden of an additional report and the impact of increased recordkeeping.

Interim Provision—The Department recognizes the reporting and recordkeeping impacts of this provision and in the interest of lessening these burdens, has eliminated the provisions of the proposal. However, the State must report to FNS Regional Offices for referral to the Office of the USDA Inspector General (OIG) for further review, the names of all School Food Authorities which exceed the error tolerances on the second review, and the extent and type of violations. Such School Food Authorities may be subject to subsequent audits by OIG and to the assessment of claims resulting from OIG audits.

State agency progress in meeting AIMS requirements will be reviewed by FNS Regional Offices through the Management Evaluation process.

FNSRO Evaluation of State Agencies

Proposed Provision—The proposed rule provided for FNS-conducted reviews and Office of the Inspector General audits to be used to monitor implementation of AIMS. In addition, the proposal placed responsibility on FNS regions for validating a State's review system and the effectiveness of its corrective actions by review of a sample of the School Food Authorities in which the State agency had conducted reviews, as well as by reviewing a sample of the State agency's records of reviews, audits and corrective actions as a part of the Management Evaluation process.

The Department believes that in order to fulfill its responsibility toward program improvement and protection of Federal monies, a review of AIMS implementation must be a major component of the FNS Management Evaluation of State agencies.

Commentors did not specifically address themselves to this provision but rather commented generally on the need for USDA staff training prior to conducting reviews as well as the need for consultation with States in the development of procedures to be used in Management Evaluations. A less specific, more flexible provision concerning FNS Regional Office evaluation of State agencies will be in the interim regulation. This parallels other changes which have made the interim regulation more flexible compared to the AIMS proposal.

Interim Provision—FNS Regional Offices will evaluate the State's progress in meeting AIMS requirements as a part of their Management Evaluation of the States.

Miscellaneous Provisions

There were several provisions built into the proposal to make the AIM System more effective.

1. State Agency Failure To Submit Timely Reports

In the proposal, this topic was covered under "Miscellaneous Provisions" and under "AIMS Sanctions." To avoid duplication, this topic is discussed only under "AIMS Sanctions" in this preamble.

2. Grant Closeout Reports

Proposed Provision—The proposal contained regulatory language to implement the Grant Closeout Procedures contained in Attachment L of OMB Circular A–102.

These provisions are necessary to bring the National School Lunch Program into compliance with Circular A–102.

Interim Provision—The Department retains the grant closeout procedures as proposed.

3. Claims for Reimbursement

Proposed Provision—The State agency shall not pay for any Claim for Reimbursement submitted more than 90 days after the end of the fiscal year in which the claim is filed with the exception of amended claims resulting from audits and/or investigations.

The reason for requiring the submission of Claims for Reimbursement within 90 days after the end of the fiscal year is to firmly establish Federal obligations for that fiscal year in order to accurately assess budget needs.

Those few commentors addressing the 90-day claim submission provision felt that State agency adjustments of claims should not be limited to those resulting from *Federal* audits or investigations as stated in the proposal. In addition, some commentors felt that the 90-day provisions should be even more stringent (i.e., on a monthly basis), thereby putting strict standards on the amount of time within which individual monthly claims must be submitted to be considered eligible for reimbursement.

A 90-day claim submission requirement for FY 1979 meal reimbursement claims was included in Pub. L. 96–38, 7/25/79 (FY 1979 Supplemental Appropriation Act). The Department implemented that requirement through regulatory amendments issued in late October 1979 and revised and expanded those regulatory amendments on February 1, 1980. Pub. L. 96–108, 11/9/79 (FY 1980 Appropriatons Act) contains the same 90-day claim submission requirement for FY 1980. This provision will apply to FY 1981 and future years. A separate regulatory amendment will include Pub. L. 96–108 requirements for FY 1980 so that they may be made effective at an earlier date than this rule.

Interim Provision—Under the interim regulations, a School Food Authority's final claims for reimbursement for meals served during any fiscal year must be submitted to the State agency within 90 days following the end of the fiscal year to be eligible for reimbursement. States may establish more stringent requirements. In response to commentor concerns, the State agency may make adjustments to these claims as determined necessary through their claims payment review process, reviews, audits, investigations, or through other means. Such adjustments must be completed and claims paid within 150 days following the end of the fiscal year in order for reimbursement to be made from Letter of Credit funds. Any adjustments in claims made after 150 days following the end of the fiscal year which result in reimbursement due to School Food Authorities must be submitted to FNS for approval. FNS responsibility for paying such adjusted claims will be limited to the availability of funds and will be paid by Treasury check since Letter of Credit authorizations for any fiscal year will be terminated on March 1 of the following fiscal year. In order to provide the information necessary to close out Federal obligations for the fiscal year, States are required to submit their final grant closeout reports (FNS–10, Report of Child Nutrition Operations, and SF–269, Financial Status Report), for any fiscal year within 150 days after the end of that fiscal year.

4. Use of Treasury Check

Proposed Provision—FNS shall have the option to reimburse a State by Treasury check.

This provision presented an alternative method of providing funds to State agencies for fiscal year obligations, which are submitted for

reimbursement after March 1 of the following fiscal year as described under number 3, above.

Generally, commentors that addressed this provision were concerned that it might delay the actual receipt of reimbursement at the School Food Authority level.

Interim Provision—The Department recognizes that this reimbursement method may not be as timely as the Letter of Credit method, but views its use as essential to the orderly control and closeout of fiscal year funds. This provision is retained as proposed.

Funding

a. Allocation of State Administrative Expense Funds for AIMS

Proposed Provision—The AIMS proposal included a reprint of the State Administrative Expense interim rule which was published on September 14, 1979. That rule established a method for allocating discretionary State Administrative Expense funds which will be made available to States to assist them in implementing AIMS requirements. This method was also used to allocate those State Administrative Expense discretionary funds which were made available in fiscal years 1979 and 1980 for program improvement within the States.

In order to relate funding to responsibilities, the Department, in developing the allocation formula, focused on quantifiable indicators of the workload involved in those problem areas to be addressed by AIMS. These problems included: (1) Free and reduced price lunch applications that are improperly approved or denied, (2) claims for free and reduced price lunches that exceed the number of currently enrolled children approved for such lunches, (3) reimbursement claims that are based on inaccurate counts of free, reduced price and paid lunches, (4) expenditure records that do not support reimbursements claimed, and (5) lunches claimed for reimbursement that lack required components. The indicators selected were (1) the total number of School Food Authorities by State, (2) the number of large School Food Authorities by State, and (3) the number of free and reduced price meals served. Sixty percent (20% for each indicator) of the State Administrative Expense funds available for AIMS purposes would be allocated based on these factors with the remaining 40% divided equally among the States.

Those few commentors that did comment on the allocation formula itself were primarily States with several large School Food Authorities. These commentors felt that the formula should provide a greater amount of funds to States with large School Food Authorities since the AIMS proposal called for biennial review of such School Food Authorities and for extensive follow-up review when performance standard violations exceeding error tolerances were noted. A few commentors indicated that the total amount of funds to be provided under the allocation method would be insufficient to carry out AIMS requirements. Some felt that geographical size of a State should be considered in the formula.

The Department believes that commentor concerns dealing with additional funding needs will be alleviated by a combination of changes. For example, AIMS reviews would change from a two-year/five-year tiered review system to a uniform four-year review system, and third reviews are not required. The Department believes that the tiering of requirements to target the large School Food Authorities for second reviews should continue to be reflected in the allocation formula and for that reason the formula is being retained as in the interim. The Department hopes to obtain additional comments on the formula after States have had more experience in actually implementing the new interim AIMS requirements with the State Administrative Expense funds made available under the formula.

Interim Provision—The allocation formula for AIMS funds is retained as in the proposed regulation.

b. Sanctions Against Noncomplying States

Proposed Provision—The AIMS proposal provided for specific State Administrative Expense fund sanctions to be taken for failure to carry out AIMS requirements.

The problems set forth above, which AIMS is intended to address, are potentially serious violations of fundamental principles of program administration. States have the responsibility to oversee the management of the school lunch program by School Food Authorities and to ensure the proper expenditure of program funds by each School Food Authority. State Administrative Expense funds are provided to assist States in properly carrying out these responsibilities. The Department must be able to control these funds in the event that States fail to satisfactorily carry out their responsibilities.

The area of State level sanctions generated a considerable number of negative comments primarily from State agencies. Several State directors were opposed to the concept of sanctions for failure to carry out AIMS requirements. A number of comments implied that the imposition of sanctions would end State administration of the programs and that programs may be turned back to the Department. One commentor raised the possibility that Governors may not approve State Plans for a program which is in danger of losing its administrative funding. Sanctions were seen as endangering Federal-State-local relationships.

Several ways to alter or improve the proposed sanction approach were suggested. One commentor suggested that using a term such as "control of funds" instead of "sanction" would remove some of the negative connotation associated with the term sanction. Another suggested that instead of sanctions, positive incentives could be given in the form of across-the-board additional funds or special project improvement grants.

The Department believes that any State which does not make the effort to systematically improve program management will be failing to adequately carry out its administrative responsibilities to operate the programs as efficiently as possible. Potential sanctions on State Administrative Expense funds are viewed by the Department as necessary to protect the integrity of federal funds which are made available to States to assist in properly administering the program. Since States receive a major part of their school nutrition State Administrative Expense funds to properly administer the school lunch program, the Department feels that provision should be made for sanction on all school nutrition State Administrative Expense funds where significant failures have occurred in administering the school lunch program.

Congress, in Pub. L. 96-108, provided the Department the authority to withhold some or all of the State Administrative Expense funds allocated to a State if the State's administration of the Program is deficient and the State fails to correct the deficiency within a specified period of time. Similar authority was provided to the Food Stamp Program under Pub. L. 95-113 enacted in 1977 and to the Special Supplemental Food Program for Women, Infants and Children under Pub. L. 95-627 enacted in 1978. While sufficient authority and rationale exist, the Department would prefer that State agencies work toward the betterment of school nutrition programs, and obviate the necessity for imposing sanctions.

This part of the AIM System has been developed to try to resolve problems before sanctions are taken. The corrective action process which allows FNS and the State agency to work together to avoid sanctions is retained. Additionally, since sanctions will be based on the severity and longevity of problems, the System will allow FNS to assess milder sanctions against those State agencies with less serious problems.

Interim Provision—The basic concept of sanctions as expressed in the proposal remains the same but some changes have been made based on comments received.

c. Sanction Areas

Proposed Provision—In addition to providing general sanction authority for failure to carry out the provisions of Part 235, the Department in the proposal identified five specific areas where failure to perform would constitute grounds for the imposition of specific sanctions. These potential deficiences were:

1. Outright failure to implement and carry out AIMS review requirement.
2. Failure to conduct the required number of School Food Authority and school reviews within required timeframes.
3. Failure to cover the performance standards in AIMS reviews, as required and, where necessary, to take specific corrective action including the assessment and recovery of claims.
4. Substantial failure to detect existing violations of the performance standards during the conduct of reviews when it is determined, through FNS monitoring, that such failure is the result of not performing thorough reviews or audits.
5. Failure to provide timely program and fiscal reports.

These five deficiencies address major State agency responsibilities and failure in any one of them would indicate substantial noncompliance.

Although there was not an extensive amount of comment on the sanctionable areas, a number of commentors were opposed to or expressed reservations about the actual implementation of one or more of the proposed sanction provisions without clear guidance concerning the determination of failure within these areas.

Three States objected to use of sanctions for late reporting. It was pointed out that there are often extenuating circumstances that result in later reports. At least one commentor felt that late reporting should be addressed through the annual Management Evaluation process. Another commentor indicated that reporting accuracy and not just report timeliness should be considered in imposing sanctions.

The Department continues to feel that these are the major areas of State agency responsibility but agrees with the need to provide specific guidance in the actual application of sanctions for failure within these areas. Furthermore, as experience is gained with the AIM System, the Department, through the regulatory process, may amend this list of specific failure areas and the sanctions associated with them.

Interim Provision—Essentially same as in proposal except that: wording for the second specific deficiency area has been revised slightly to make it clear that the required number of reviews or audits must be conducted within the timeframes established under AIMS; wording for the third specific deficiency area has been clarified to specify which performance standards are applicable in reviews and audits; and wording for the fourth specific deficiency area has been revised to make the deficiency applicable to reviews or audits.

d. Sanction Ranges

Proposed Provision—Sanctions were imposed within specific percentage ranges against funds allocated to a State agency during the failure year. For failure to carry out the provisions of Part 235, the proposal imposed a sanction range of up to 100% of all applicable funds allocated. For AIMS deficiency 1, the sanction range was up to 100% of funds provided. For AIMS deficiencies 2 through 4, a sanction range of up to 33⅓% of funds allocated was provided. For deficiency 5, a sanction range of up to 20% of funds allocated to a State was provided. The sanctionable funds were those earned for administering school nutrition programs, whereas for failure to carry out the provisions of part 235, the sanctionable funds were the total amount of funds earned. Sanction percentages were applied to those funds historically used by a State agency and a 100% sanction was applied to unused funds to prevent fund replacement.

The Department designed the proposal to apply appropriate sanctions to indicated deficiencies in a fair and judicious manner. Under the proposal, sanctions were not fixed but instead were individually determined within specified ranges. This approach would have allowed the Department flexibility in evaluating the seriousness of deficiencies, the number of times such deficiencies have occurred, the length of time over which such deficiencies occured, and any other circumstances which might have a bearing on the deficiencies. The Department believed that this approach would result in the most equitable application of sanctions should sanctions become necessary. Furthermore, it allowed State agencies to be aware in advance of the parameters of the sanctions.

Interim Provision—The interim regulations retain flexibility to determine the sanction based on the severity of the problem and introduce a modified system for so doing. Under the interim regulations, a State agency's overall performance will be assessed and if a sanction is deemed necessary a total of up to 33⅓% of its State Administrative Expense funds for School Nutrition Programs could be recovered, withheld or cancelled. The specific amount of the sanction would be determined based on the deficiencies, their cumulative severity and their longevity.

In applying a sanction to a State which historically does not use the entire State Administrative Expense fund allocation available to it, the appropriate sanction percentage will be assessed against the actual or projected amount of current fund usage and not the amount needed, based on historical use, as in the proposal. This change will make the sanction process more relevant. In such a case, the State may not use "unneeded" funds to replace sanctioned monies.

e. Funds Sanctioned.

Proposed Provision—In imposing a sanction, the Department proposed the options of (1) recovering funds that had been used during the failure year, or (2) withholding SAE fund allocations in whole or in part during the balance of the failure year and, if necessary, during the following year until the full amount of the sanction had been realized. The second option was included because, in most cases, the full extent of any failure would not be ascertainable until later in or after the end of the fiscal year to which it pertained. In imposing a sanction using option 2, the Department was to take into consideration the State's ability to accomplish the objectives of the child nutrition programs. Finally, any State under sanction would not be eligible to participate in any fund reallocation for any fiscal year during which sanctions were being carried out or any fiscal year to which such sanction were being applied. This limitation on reallocation would preclude States from recovering sanctioned funds through the reallocation process.

Interim Provision—For the reasons noted above, these provisions are being retained as in the proposal. The concept of withholding funds has been expanded

to also include cancelling allocations or reallocations. SAE fund allocations could be cancelled in whole or in part if FNS determines that corrective action will not be taken on identified deficiencies.

f. State Level Corrective Action Plans

Proposed Provision—If AIMS deficiencies were identified, FNS would notify the Chief State School Officer of the deficiencies found and its intention to impose sanctions unless an acceptable corrective action plan were submitted within 30 days. The State agency would then have to develop a corrective action plan with timeframes to correct the deficiencies. FNS would review the plan, and if found acceptable, would notify the Chief State School Officer of FNS' approval, and detail the FNS technical assistance that could be made available to the State. The letter would also specify the sanctions to be imposed if the corrective action plan were not implemented. Upon advice from the State that corrective action was taken, FNS would assess the action and advise the State if the actions taken were sufficient. If an acceptable corrective action plan were not submitted within 30 days, or if corrective action had not been completed within the time limits established in the corrective action plan FNS would impose sanctions and issue a notice of action to the Chief State School Officer. FNS could return some or all of any sanctioned funds if FNS subsequently determined that the noted deficiencies had been resolved and that the programs were being operated in an acceptable manner.

Interim Provision—These provisions are essentially being retained as proposed since they are very much in keeping with AIMS' primary objective of promoting corrective action for identified deficiencies. However, State agencies must prepare and obtain approval of any required State level corrective action plan within 60 days of receiving FNS notification of sanctionable deficiencies.

g. Sanction Review Procedure

Proposed Provision—A State agency would have had ten days after receiving a notice of sanction action to file a written request for review. The written request would be sent to an address designated by FNS with the envelope prominently marked "REQUEST FOR REVIEW OR HEARING." The State agency would have had the option of requesting a hearing before a designated review authority or a review by that authority of the record and any additional written information submitted by the State agency. FNS would acknowledge the State agency's request for a hearing or review in writing within ten days of receipt of the request. At that time, the Secretary of Agriculture would have designated the review authority.

The State agency would have had 30 days from receipt of FNS's acknowledgment to submit additional written information in support of its position. If a review of the record was requested, the review authority would have 30 days from receipt of that information to make a final determination. If a hearing was requested, it would be conducted within 60 days of receipt of States' information with a final determination of the reviewing authority due within 30 days after the hearing date.

In either case, the final determination would take effect upon receipt by the State of written notice of final decision.

Few comments were received on this subject. Two commentors expressed concern over whether the designated review official would, in fact, be an objective mediator between the State agency and FNS. One commentor indicated that the amount of time for filing a request for hearing/review should be increased.

Interim Provision—These provisions are essentially being retained as stated in the proposal. In response to commentor concerns, it is the Department's intention that the designated review authority will not include any FNS official directly involved in the sanction under review but rather will be an FNS Administrative Review Officer or an independent Department appeal board outside of FNS. These USDA officials are responsible for reviewing similar appeal requests for other FNS and USDA programs and have demonstrated their impartially. In addition, the Department agrees that the amount of time allowed to a State to file a request for review/hearing should be increased. Accordingly, these provisions will allow 30 days from receipt of a notice of sanction for filing such a request and will also allow FNS 15 days to provide written acknowledgment of such a request. The interim rule specifies that all timeframes are measured in calendar days.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

September 19, 1980.

PART 210–NATIONAL SCHOOL LUNCH PROGRAM

Accordingly, Part 210 is amended as follows:

1. § 210.2 is amended by redesignating (h–6) through (h–8) as (h–7) through (h–9) and adding new paragraphs (b), (b–1), (b–2), (b–3), (b–4), (h–6), and (q–2).

§ 210.2 Definitions.

* * * * *

(b) "AIMS" means the Assessment, Improvement and Monitoring System. This is a management improvement system used in the National School Lunch Program.

(b–1) "AIMS Audits" means on-site evaluations of all School Food Authorities by State auditors or State contracted auditors once every two years, with a minimum of 33⅓ percent of all School Food Authorities being reviewed in the first year of the first two year AIMS cycle, for compliance with AIMS Performance Standards 1 through 5, and which are conducted in accordance with USDA's audit guide or an audit guide approved by FNS and USDA's Office of the Inspector General.

(b–2) "AIMS error tolerance level" means the degree of error of an AIMS performance standard which if exceeded by a reviewed School Food Authority triggers a second AIMS review in large School Food Authorities and in 25% of small School Food Authorities.

(b–3) "AIMS Performance Standards" means the following five standards which measure compliance with existing regulations:

(1) All applications for free and reduced price meals are correctly approved or denied;

(2) The numbers of free and reduced price meals claimed for reimbursement in each school are, in each case, less than or equal to the number of children in that school correctly and currently approved for free and reduced price meals, respectively, times the days of operation for the reporting period;

(3) The system for counting and recording meal totals for paid, free and reduced price meals claimed for reimbursement at both the School Food Authority and school levels yields correct claims;

(4) Meals claimed for reimbursement contain food components as required by regulations; and

(5) Reimbursement claimed for meals is limited to allowable costs as documented by reviewable records.

(b–4) "AIMS reviews" means on-site evaluations of School Food Authorities once every four years by the State agency or State auditors with at least 20 percent of all School Food Authorities reviewed in each of the first two years of the first four year cycle, for compliance with AIMS Performance Standards 1, 2, 3 and 4 and follow-up reviews as required.

* * * * *

(h–6) "Large School Food Authority" means (1) Any School Food Authority with an enrollment of 40,000 students or more; and (2) In any State with less than two School Food Authorities with an enrollment of 40,000 students or more, each of the two largest School Food Authorities in the State but only if it has enrollment of at least 2,000 students.

* * * * *

(q–2) "Small School Food Authority" means a School Food Authority which is not a large School Food Authority.

* * * * *

2. § 210.4a is amended by revising paragraph (b)(7) as follows:

§ 210.4a State plan of child nutrition operations.

* * * * *

(b) * * *

(7) Provide a plan to monitor and improve program performance and measure progress in achieving program goals. The plan must include: (i) Specific objectives; (ii) reasons for setting these objectives; (iii) methods to achieve these objectives; (iv) evaluation methods to determine if the objectives are being met; (v) a description of the system to be used by the State for AIMS implementation through reviews or audits; (vi) a detailed description of the system to be used by the State for AIMS implementation if the State chooses to use a combination of AIMS reviews and AIMS audits. Such a description shall demonstate a coordinated system of reviews and audits which will ensure the integrity of the AIM System; (vii) a description of the system to be used for coordinating and achieving corrective action, when audits are used to meet AIMS requirements; (viii) the number of School Food Authorities in the State; and (ix) the number of large School Food Authorities in the State.

* * * * *

3. § 210.5 is amended by revising the first sentence of paragraph (a) and adding a new sentence at the end of paragraph (a) as follows:

§ 210.5 Method of payment to States.

(a) Funds to be paid to any State for general cash-for-food assistance or special cash assistance may be made available by means of Letters of Credit issued by FNS in favor of the State agency. * * *

* * * FNS may, at its option, reimburse a State agency by Treasury Check. FNS shall pay by Treasury Check with funds available in settlement of a valid claim if payment for that claim cannot be made within the grant closeout period specified in § 210.19(a).

* * * * *

§ 210.8 [Amended]

4. In § 210.8 paragraph (e)(18) is added as follows:

* * * * *

(e) * * *

(18) Maintain files of currently approved and denied (1) free and (2) reduced price applications, respectively. If applications are maintained at the School Food Authority level, they shall be readily retrievable by school.

5. In § 210.13, paragraph (b) is amended as follows:

§ 210.13 Reimbursement procedures.

* * * * *

(b) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State to provide the information for the reports required under § 210.14(g)(2). Claims for Reimbursement shall be received by the State agency, or FNSRO where applicable, by the 10th day of the month following the month covered. Not more than 10 days of the beginning or ending month of Program operations in a fiscal year may be combined on a Claim for Reimbursement with the operations of the month immediately following the beginning month, or preceding the ending month. Claims for Reimbursement may not combine operations occurring during the ending month of a fiscal year with the beginning month of the next fiscal year. Claims for Reimbursement for meals served during any fiscal year shall be filed with the State agency, or FNSRO where applicable, prior to January 1, of the following fiscal year in order to be eligible for reimbursement. The State agency, or FNSRO where applicable, shall, as determined necessary through its administrative review processes or otherwise, promptly take corrective action with respect to any such claim. Such corrective action shall be completed in sufficient time to be reflected in the applicable final Program Operations and Financial Status Reports for the fiscal year as required under OMB circular A–102 if reimbursement for such claims is to be made from funds made available for that fiscal year through the Letter of Credit process described under § 210.5(a) of this Part. Any requested increase in reimbursement level for any fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Reports, shall be submitted to FNS for approval. The request shall be accompanied by a written explanation of the basis for the adjustment and the actions taken to minimize the need for such adjustments in the future. If FNS approves of such increase, it shall make payments subject to the availability of funds. Any reduction in reimbursement level for any fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Report shall be handled in accordance with the provisions of § 210.16 of this Part except that amounts recovered may not be used to make program payments.

* * * * *

6. In § 210.14 paragraphs (a)(2), (a)(3), (a)(4) and (g)(2) are revised and new paragraph (g)(5) is added as follows:

§ 210.14 Special responsibilities of State agencies.

(a) * * *

(2) Such assistance shall include visits to participating schools to ensure compliance with program regulations and with the Department's nondiscrimination regulations (Part 15 of this title), issued under Title VI of the Civil Rights Act of 1964. AIMS reviews and/or AIMS audits, or a combination of AIMS reviews and AIMS audits, as described in this Section shall be made in participating School Food Authorities.

(3) Scope of AIMS reviews: States choosing to comply with these program assistance provisions by doing AIMS reviews shall ensure compliance with AIMS Performance Standards 1–4 described in § 210.2 of this Part. States using a combination of AIMS reviews and AIMS audits to monitor for compliance with performance standards shall review/audit AIMS Performance Standards 1–5. In the course of an AIMS review or audit, the State agency shall: analyze local approval procedures for free and reduced price meals, determine the adequacy of application approval and denial by an examination of all approved and denied applications in the schools reviewed on an AIMS review or AIMS audit and ensure that the system to update applications is adequate; ensure that in each school reviewed the

numbers of free and reduced price meals by type of meal claimed (free and reduced price) does not exceed the number of children correctly and currently approved for free and reduced price meal by type of meal, times the days in operation of that school as reported to the School Food Authority in its most recent claim; ensure that each school reviewed/audited has an adequate system for counting and recording meal totals and that the School Food Authority properly consolidates meal counts from its schools and determine by observation of a representative sample of meals that all meals contain all required components. On second AIMS reviews, the State agency shall, as a minimum, review the School Food Authority for the same performance standards exceeding error tolerances in the first review.

(i) Frequency of AIMS reviews: The first year of AIMS shall be the period January 1, 1981 through June 30, 1982 during which time the largest School Food Authority in the State shall be reviewed. The State agency shall review all School Food Authorities at least once every four years, with a minimum of 20% of all School Food Authorities to be reviewed for each of the first two years of the first four-year period.

(ii) Timing of AIMS reviews: The first AIMS review of a School Food Authority shall be completed within the school year in which it is scheduled for review. A second AIMS review, when required, is recommended to be conducted in the same school year as the first review and is required to be conducted no later than December 31 of the school year following the first review.

(iii) Method of selecting School Food Authorities and specific schools to review on AIMS reviews: On a first review, the State agency shall select as equal a number of schools as possible to review from each type of attendance unit (elementary school, middle school, high school, etc.), and shall select schools within attendance unit groupings either by:

(A) choosing schools on a random basis; or

(B) using State agency criteria which shall be kept on file at the State agency. The State agency's criteria shall ensure that some of the schools selected are chosen because of the likelihood of problems.

On a second AIMS review, the State agency shall select as equal a number of schools as possible to review, from each type of attendance unit. Within attendance unit groupings, the State agency shall choose schools on a random basis.

(iv) Error tolerance for AIMS review: A corrective action plan as described in this Section shall be undertaken and a second review shall be triggered in all large and one-quarter of all small School Food Authorities, if on a first AIMS review the State agency finds that the following error tolerance levels are exceeded:

(A) For AIMS Performance Standard 1, 10% or more of the free and reduced price applications reviewed in a School Food Authority are incorrectly approved or denied; and/or

(B) For AIMS Performance Standard 2, a number of schools reviewed in a School Food Authority, as specified in the following table, claim reimbursement for more free or more reduced price meals, respectively, than the number of children correctly and currently approved for such meals, times the days of operation in that school for the reporting period; and/or

(C) For AIMS Performance Standard 3, a number of schools reviewed in a School Food Authority, as specified in the following table, do not have an adequate system for counting and recording meal totals for paid, free and reduced price meals claimed for reimbursement which yields correct claims, or the School Food Authority does not use valid procedures for consolidating claims; and/or

(D) For AIMS Performance Standard 4, 10% or more of the total meals observed in a School Food Authority are missing one or more components.

The following chart indicates the number of schools violating Performance Standards 2 or 3, which would trigger a corrective action plan in the applicable School Food Authority and a second review in all large School Food Authorities and 25% of the small School Food Authorities.

Number of schools reviewed	Number of schools[1]
1 to 10	1
11 to 20	2
21 to 30	3
31 to 40	4
41 to 50	5
51 to 60	6
61 to 70	7
71 to 80	8
81 to 90	9
91 to 100	10
101 or more	[2]10

[1] Number of schools violating performance standards 2 or 3 respectively requiring a second review.
[2] 10 plus the number identified above for the appropriate increment.

(v) Corrective action plans for AIMS reviews: Corrective action plans are required to address AIMS performance standard deficiencies exceeding the error tolerance level described in this Section. The State agency shall assist School Food Authorities to develop a corrective action plan.

The following procedures shall be followed to develop a corrective action plan:

(A) The State agency shall require and assist the School Food Authority to develop a mutually agreed upon corrective action plan.

(B) The corrective action plan shall identify the corrective actions needed to correct the deficiencies found during the review, and the timeframes to correct those deficiencies. Corrective action shall include amending claims for reimbursement for the period covered by the review if necessary.

(C) The plan shall be written, signed by the School Food Authority, and submitted to and approved by the State agency within 60 days following the exit conference of a review.

(D) The State agency shall require the School Food Authority to implement an amended or extended corrective action plan when error tolerance levels described in this Section are exceeded on a second AIMS review.

(vi) New violations found on a second AIMS review: If during the course of a second AIMS review a performance standard violation is found that has not been noted on a previous AIMS review, the State agency shall institute and document appropriate corrective action. If the violation exceeds the error tolerance level described in this Section, a corrective action plan as described in this Section shall be developed and corrective action shall be taken. In either case a claim shall be assessed as described in § 210.16 of this Part.

(vii) AIMS audit: Audits by State agency or other State or State contracted auditors may be used as an alternative to AIMS reviews as described in this Section. If the State agency chooses this option, the audit must ensure that the five performance standards listed under § 210.2 of this Part are being complied with by the audited School Food Authority. This includes doing all activities described in § 210.14(a–3) under "Scope of AIMS reviews." Additionally, a State using AIMS audits in place of AIMS reviews shall: (A) conduct audits of the school food service account in a minimum of 33⅓% of its School Food Authorities between January 1, 1980 and June 30, 1982 including the largest School Food Authority in the State; (B) audit the remaining School Food Authorities the following year and in every 2-year cycle thereafter audit all School Food

Authorities once every two years; (C) take fiscal action against a School Food Authority for any degree of violation for performance standards 2 through 5 using its own methodology which reflects the longevity and severity of the problem; (D) have an approved system documented in the State Plan for achieving corrective action; (E) use USDA's audit guide or have its State audit guide approved by the Department's Office of the Inspector General (OIG). A State agency shall submit its guide to FNSRO by February 1 of each year; and (F) select schools within a School Food Authority based upon generally accepted audit principles.

(4) Number of schools the State shall review or audit for AIMS: The number of schools within the School Food Authority which must be included in a review/audit is dependent upon the number of schools in the School Food Authority. The minimum number of schools the State agency shall review/audit is illustrated in the following table.

Number of schools in the school food authority	Minimum number of schools to be reviewed/audited
1 to 5	1
6 to 10	2
11 to 20	3
21 to 40	4
41 to 60	6
61 to 80	8
81 to 100	10
101 or more	[1]12

[1] 12 + 5% of the number of schools over 100. Fractions shall be rounded to the nearest whole number.

(i) Records for AIMS reviews/audits: The State shall keep records of all reviews/audits, which document the details of reviews/audits, and demonstrate the degree of compliance with AIMS performance standards. When necessary, the records must include a formal corrective action plan as described in this Section. Additionally, the State agency must have on file: (A) its criteria for selecting schools on first reviews, if the selection is not random; and (b) its system for selecting small School Food Authorities for second reviews. This documentation must be kept on file by the State for a minimum of three years after the year in which problems have been resolved.

(ii) Exist conferences notification and corrective action: The State and the School Food Authority shall hold an exist conference at the close of an AIMS review/audit to discuss the deficiencies observed, the extent of the deficiencies and the corrective action needed to correct the deficiencies. If a corrective action plan is needed, as described in § 210.14(a)(3)(v), it shall be discussed during the exit conference. The State shall notify the School Food Authority's superintendent in writing of the review/audit findings.

The State shall require that the School Food Authority take and document corrective action for any program deficiency found on any review/audit. Corrective action can include training, assistance, recalculation of data to ensure the correctness of the claim the School Food Authority is preparing at the time of the review or other actions. As discussed in this Section, a formal corrective action plan shall be developed if error tolerance levels are exceeded on an AIMS review.

* * * * *

(g) * * *

(2) Each State agency shall, on a quarterly fiscal year basis, report information on the use of program funds to FNS on a form provided by FNS. Such reports shall be submitted no later than 30 days after the end of each fiscal year quarter. The final fiscal year closeout report shall be submitted in accordance with § 210.19(a)(2).

* * * * *

(5) Each State agency shall report to the FNS Regional Office the type and extent of regulatory violations and the name of any School Food Authority which exceeds an error tolerance level on a second AIMS review for referral to the Department's Office of the Inspector General for possible review or audit.

* * * * *

8. In § 210.16 paragraphs (a) and (e) are revised, new paragraph (b) is added.

§ 210.16 Claims against School Food Authorities.

(a) State agencies shall disallow any portion of a claim and recover any payment made to a School Food Authority that was not properly payable under circumstances as described in this Section. State agencies will use their own procedures, within the constraints of this Section, to disallow claims and recover overpayments.

(b) The State shall determine the extent of fiscal action to be taken, taking into account the severity and longevity of the problems. Fiscal action includes: recovery of overpayments through direct assessment or offset of future claims; disallowance of overclaims as reflected in unpaid Claims for Reimbursement; and correction of records to ensure that unfiled Claims for Reimbursement will be corrected when filed.

(1) When a State agency chooses to conduct AIMS reviews, as described in § 210.14, fiscal action may be assessed on a first review except fiscal action must be taken when, under Performance Standard 3, the number of meals claimed for School Food Authority reimbursement has been incorrectly aggregated from individual school reports. State agencies are required to take fiscal action beginning on the second review for any degree of violation of AIMS Performance Standards 2, 3 and 4.

(2) When a State agency chooses to conduct AIMS audits as described in § 210.14, fiscal action is required for violations of Performance Standards 2, 3, 4 and 5, as listed under § 210.14.

* * * * *

(e) If a State agency fails to collect an overpayment from a School Food Authority, as described in this Section or improperly pays a claim, FNS shall notify the State agency of its intention to assert a claim against the State agency. In all such cases, the State agency shall have full opportunity to submit evidence concerning the action it has taken to collect the overpayment. Unless FNS determines that the State agency has exerted reasonable efforts to recover the improper payment, FNS shall recover overpayments from the State agency for the amount of the overpayment made to the School Food Authority. The State agency's subsequent Letter of Credit will be reduced by the sum of the uncollected overpayment and the State agency must provide the funds necessary to maintain program participation at the level of operation reached prior to the Letter of Credit reduction. These funds must come from State and local sources and be reported as cash on hand in the State's financial reports to FNS.

* * * * *

9. In § 210.17 new paragraph (f) is added to read as follows:

§ 210.17 Mangement evaluations and audits.

* * * * *

(f) As a part of its Management Evaluation of a State agency, FNSRO shall evaluate the State's progress in effectively meeting the AIMS requirements.

10. In § 210.19 paragraph (a) is revised as follows:

§ 210.19 Miscellaneous provisions.

(a) Grant closeout procedures.

(1) General. Grant closeout procedures for the Program shall be in accordance with Federal Management Circular A–102, Attachment L. State agencies shall submit final grant closeout reports for each fiscal year or part thereof that the State agency administered the Program. All obligations shall be liquidated before

final closure of a fiscal year grant. Obligations shall be reported for the fiscal year in which they occur.

(2) Grant closeout report. State agencies shall submit to FNS, within 150 days after the end of any fiscal year, final fiscal year closeout reports (FNS–10's and SF–269). FNS shall not be responsible for reimbursing unpaid obligations reported later than 150 days after the close of the fiscal year in which they were incurred except for those obligations incurred under the Food Service Equipment Assistance Program and State Administrative Expense Funds Programs.

(3) Termination for cause. FNS may terminate a State agency's participation under the Program, in whole or in part, whenever FNS determines that the State agency has failed to comply with the conditions prescribed in this Part, and in FNS guidelines and instructions. FNS shall promptly notify the State agency in writing of the termination and the reasons for the termination, together with the effective date. A State agency shall terminate a local agency's participation under the Program by written notice whenever it is determined by FNS or the State agency that the local agency has failed to comply with the requirements of the Program.

(4) Termination for convenience. FNS and the State agency may terminate the State agency's participation under the Program, in whole or in part, when both parties agree that continuation under the Program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date thereof and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. FNS shall allow full credit to the State agency for the Federal share of the noncancellable obligation, properly incurred by the State agency prior to termination.

* * * * *

(Catalog of Federal Domestic Assistance No. 10.555)

(Sec. 7(a), Pub. L. 95–627, 92 Stat. 3622, 42 U.S.C. 1751)

PART 235—STATE ADMINISTRATIVE EXPENSE FUNDS

Accordingly, 7 CFR Part 235 is amended on an interim basis as follows:

1. § 235.4 is amended by revising paragraph (b)(3) to read as follows:

§ 235.4 Allocation of funds to States.

* * * * *

(b) * * *

(3) For the fiscal year ending September 30, 1981, and for each succeeding fiscal year, FNS shall allocate to each State agency amounts derived by application of the following four part formula:

(i) One equal share of the forty (40) percent of the funds designated by FNS for the Assessment, Improvement and Monitoring System (AIMS).

(ii) The ratio of the number of School Food Authorities within the State to School Food Authorities in all States times twenty (20) percent of the funds designated by FNS for AIMS.

(iii) The ratio of the number of free and reduced price meals served within the State during the second preceding fiscal year to the number of free and reduced price meals served in all States in the second preceding fiscal year times twenty (20) percent of the funds designated by FNS for AIMS.

(iv) Equal shares of twenty (20) percent of the funds designated by FNS for AIMS for each School Food Authority which has an enrollment of 40,000 or more; *Provided, however,* That in States where there are fewer than two School Food Authorities with enrollments of 40,000, or more an equal share shall be provided to the State agency, for either, or both of the two largest School Food Authorities which have enrollments of more than 2,000 and; *Provided, further,* That States with only one School Food Authority, regardless of size, shall be provided with one equal share. Funds issued under this paragraph shall be subject to the recall and reallocation provision of paragraph (e) of this section. For the fiscal year ending September 30, 1981 and for each succeeding fiscal year, the amount of State Administrative Expense funds designated by FNS for AIMS and subject to allocation under this paragraph shall be equal to or greater than the amount designated by FNS for program management improvements for the fiscal year ending September 30, 1980.

* * * * *

2. § 235.6 is amended by revising paragraph (a–1) 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 AIMS activities associated with carrying out actions to ensure adherence to the program performance standards in § 210.2.

* * * * *

3. § 235.11 is amended by revising paragraph (b) and adding a new paragraph (e) to read as follows:

§ 235.11 Other provisions.

* * * * *

(b) *Sanctions imposed.* (1) FNS may recover, withhold or cancel payment of up to one hundred (100) percent of the funds payable to a State agency under this Part, whenever it is determined by FNS that the State agency has failed to comply with the requirements contained in this Part.

(2) In addition to the general provisions found in paragraph (b)(1) of this section, FNS may, for any fiscal year, recover, withhold or cancel payment of up to thirty-three and one-third (33⅓) percent of the funds payable to, and to be used by, a State agency under § 235.4(a) and § 235.4(b)(3) for administration of school nutrition programs if FNS determines that a state agency is deficient in one or more of the following:

(i) Implementing the requirements in § 210.14 of this title;

(ii) Conducting the number of reviews or audits required in § 210.14 of this title within the timeframes specified;

(iii) Covering the performance standards set forth in § 210.2 in the conduct of reviews or audits as required in § 210.14, carrying out corrective action, and assessing and recovering claims as prescribed in § 210.14 and § 210.16 of this title;

(iv) Conducting reviews or audits with sufficient thoroughness to identify violations of the performance standards listed in § 210.2 of this title; and,

(v) Meeting the reporting deadlines prescribed for the form (FNS–10) required under § 210.14(g)(1) of this title and for the form (SF–269) required under § 210.14(g)(2) of this title.

(3) In establishing the amounts of funds to be recovered, withheld or cancelled under subparagraph 2 of this paragraph, FNS shall determine the current or projected rate of funds usage by the State for all funds allocated under § 235.4(a) and § 235.4(b)(3), and after considering the severity and longevity of the cumulative deficiencies, shall apply an appropriate sanction percentage to the amount so determined. State agencies may not use funds not included in the determination of funds usage to replace sanctioned funds. The maximum sanction percentage that may be imposed against a State agency for failure within one or more of the five deficiency areas specified in subparagraph 2 of this paragraph for

any fiscal year shall be thirty-three and one-third (33⅓) percent of the funds payable under § 235.4(a) and §235.4(b)(3) for administration of school nutrition programs for such fiscal year.

(4) Before carrying out any sanction against a State agency in accordance with this paragraph, the following procedures shall be followed:

(i) FNS shall notify the Chief State School Officer or equivalent of the deficiencies found and of its intention to impose sanctions unless an acceptable corrective action plan is submitted and approved by FNS within 60 calendar days.

(ii) The State agency shall develop a corrective action plan with specific timeframes to correct the deficiencies and/or prevent their future recurrence. The plan will include dates by which the State agency will accomplish such corrective action.

(iii) FNS shall review the corrective action plan. If it is acceptable, FNS shall issue a letter to the Chief State School Officer or equivalent approving the corrective action plan, and detailing the technical assistance that is available to the State agency to correct the deficiencies. The letter shall advise the Chief State School Officer or equivalent of the specific sanctions to be imposed if the corrective action plan is not implemented within timeframes set forth in the approved plan.

(iv) Upon advice from the State agency that corrective action has been taken, FNS shall assess such action and, if necessary, shall perform a follow-up review to determine if the noted deficiencies have been corrected. FNS shall then advise the State agency if the actions taken are in compliance with the corrective action plan or if additional corrective action is needed.

(v) If an acceptable corrective action plan is not submitted within 60 calendar days, or if corrective action is not completed within the time limits established in the corrective action plan, FNS may impose a sanction by reduction in the State agency Letter of Credit (LOC) or by assessing a claim against the State agency. FNS shall notify the Chief State School Officer or equivalent of any such action.

(vi) If, subsequent to the imposition of any sanction, FNS determines that the noted deficiencies have been resolved and that the school nutrition programs are being operated in an acceptable manner, FNS may return to the State agency or restore to the State agency's Letter of Credit (LOC) part or all of any sanctioned SAE funds.

(5) In carrying out sanctions under this paragraph for any fiscal year, FNS may reduce the amount of allocated SAE funds payable to a State agency in whole or in part during such fiscal year and during following fiscal years if necessary.

(6) Any State agency which has a sanction imposed against it in accordance with this paragraph shall not be eligible to participate in any reallocation of SAE funds under § 235.4(e) of this Part during any fiscal year in which such sanction is being applied.

* * * * *

(e) *Administrative Review Process.* When FNS asserts a sanction against a State agency under the provisions of paragraph (b) above, the State agency may appeal the case and be afforded a hearing or review by an FNS Administrative Review Officer or an independent USDA Appeal Board outside of FNS. A State agency shall have the option of requesting a hearing to present its position or a review of the record including any additional written submissions prepared by the State agency.

(1) FNS shall provide a written notice and shall ensure the receipt of such notice when asserting a sanction against a State agency.

(2) A State agency aggrieved by a sanction asserted against it may file a written request with the Director, Administrative Review Staff, U.S. Department of Agriculture, Food and Nutrition Service, Washington, D.C. 20250, for a hearing or a review of the record. Such request must be postmarked within 30 calendar days of the date of delivery of the sanction notice and the envelope containing the request shall be prominently marked "REQUEST FOR REVIEW OR HEARING." If the State agency does not request a review or hearing within 30 calendar days of delivery of the notice, the administrative decision on the sanctions shall be final.

(3) Within 15 calendar days of receipt by the Administrator of a request for review, or hearings, FNS shall provide the State agency with a written acknowledgment of the request.

(i) The acknowledgment shall include the name and address of the FNS Administrative Review Officer or independent USDA Appeal Board to review the sanction;

(ii) The acknowledgment shall also notify the State agency that within 30 calendar days of the receipt of the acknowledgment, the State agency shall submit information in support of its position.

(4) When a hearing is requested pursuant to this paragraph, the Department has up to 60 calendar days of receipt of the State agency's information to schedule and conduct the hearing and shall advise the State agency of the time, date and location of the hearing at least ten calendar days in advance.

(5) When a hearing is requested, the FNS Administrative Review Officer or independent USDA Appeal Board shall make a final determination within 30 calendar days after the hearing, and the final determination shall take effect upon delivery of the written notice of this final decision to the State agency.

(6) When a review is requested, the FNS Administrative Review Officer or independent USDA Appeal Board shall review information presented by a State agency and shall make a final determination within 30 calendar days after the receipt of that information. The final determination shall take effect upon delivery of the written notice of this final decision to the State agency.

* * * * *

(Catalog of Federal Domestic Assistance No. 10.555 and 10.560)

(Sec. 7(a), Public Law 95-627, 92 Stat. 3622, 42 U.S.C. 1751)

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Friday
September 26, 1980

Part V

Department of the Treasury

Fiscal Service

Regulations Governing U.S. Savings Bonds, Series A, B, C, D, E, F, G, H, J, and K, and U.S. Savings Notes

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 315

Regulations Governing U.S. Savings Bonds, Series A, B, C, D, E, F, G, H, J, and K, and U.S. Savings Notes

AGENCY: Fiscal Service, Department of the Treasury.

ACTION: Final regulations.

SUMMARY: The Department of the Treasury hereby issues final regulations governing United States Savings Bonds of Series A, B, C, D, E, F, G, J, and K, and United States Savings Notes. The regulations revise those found in Department of the Treasury Circular No. 530, Tenth Revision (31 CFR, Part 315).

The changes made reflect the withdrawal from sale of Series E and H savings bonds, and parallel, to the extent legally feasible, the format and content of the regulations governing Series EE and HH savings bonds.

EFFECTIVE DATE: October 1, 1980.

FOR FORTHER INFORMATION CONTACT: Calvin Ninomiya, Chief Counsel, Bureau of the Public Debt (202) 376–0244.

SUPPLEMENTARY INFORMATION: All series of the United States Savings Bonds, except Series EE and HH, and all United States Savings Notes have been governed by regulations published in Department of the Treasury Circular No. 530 (31 CFR, Part 315), hereafter referred to as Circular No. 530.

The individual series of bonds and notes subject to that Circular were issued pursuant to the terms and conditions of the following offering circulars, including any revisions and amendments:

Series	Department of the Treasury Circular No.
A	529.
B	554.
C	571.
D	596.
E	653.
F	654.
G	654.
H	905 and 1036.
J	906.
K	906.
Savings Notes	Public Debt Series No. 3–67.

All of these securities have now been withdrawn from sale. The offering circulars covering Series E and H bonds and savings notes provide that these securities may be held for optional extension periods beyond their original maturities during which they will continue to earn interest.

On June 27, 1980, the Department of the Treasury published in proposed form an Eleventh Revision of Circular No. 530. The public was invited to submit written comments on the proposed regulations on or before August 1, 1980. No comments were received.

The Eleventh Revision of Circular No. 530 was drafted to conform as closely as possible to the regulations governing Series EE and HH savings bonds, which were offered for sale as of January 1, 1980. Those regulations are contained in Department of the Treasury Circular, Public Debt Series No. 3–80 (31 CFR, Part 353), published in the **Federal Register** on December 26, 1979, pages 76440 through 76455.

The ways in which the Eleventh Revision of Circular No. 530 differ from the Tenth Revision are discussed in the following paragraphs:

General

The regulations in Circular No. 530 are divided into subparts and sections numbered by reference to Part 315 under which the Circular appears in Title 31 of the Code of Federal Regulations. To avoid repetitious citations in the explanations that follow, reference will be made only to subparts or section numbers of Circular No. 530, without parenthetical CFR references.

Application of Regulations

Section 315.0. This section explains that the rules in the Eleventh Revision of Circular No. 530 apply to all series of United States Savings Bonds, except Series EE and HH, and to all United States Savings Notes.

Definitions

Section 315.2. The definitions in the Tenth Revision of Circular No. 530 have been conformed to those appearing in Circular No. 3–80.

Registration

Subpart B. Although the sale of all bonds and notes governed by Circular No. 530 has been discontinued, the provisions relating to registration on original issue have been retained for reference purposes. For the sake of clarity, the Subpart has been rearranged under new headings, but the contents remain relatively unchanged.

Section 315.5 no longer contains the general prohibition against the designation of attorneys-in-fact for the purpose of requesting payment. Limited acceptance of powers of attorney is now authorized under conditions specified in §§ 315.40(d) and 315.65.

Adjudication of Claims

Subpart F. The only substantive change in this Subpart is the addition of a new § 315.29 relating to the adjudication of claims for lost, stolen or destroyed savings bonds and notes.

In the ordinary course of business, the Bureau of the Public Debt creates records that reflect the status of each savings bond and note manufactured and delivered to the Bureau. Supplementing these are records, principally on microfilm, that show the registration and other essential data for each security issued and retired, including the signature to the request for payment on each redeemed security.

The proliferation of detailed records encompassing some 5 billion individual securities issued over a period of 45 years has created storage and other administrative problems, and has resulted in steadily rising costs. Changes in the adjudication process that are outlined below will permit the Bureau to eliminate a number of these detailed records without affecting its ultimate ability to adjudicate claims for relief or unduly impairing the rights of individual security owners. The changes described below are effective as of December 1, 1980.

First, photocopies of bonds and notes showing the signature to the request for payment will not be supplied to any person who files a claim on account of a security more than 10 years after the date of its redemption, based on the records of the Bureau of the Public Debt. This will not bar the acceptance and adjudication of any claim on the basis of the facts presented and other Bureau records.

Second, no claim for any savings bond or note that is filed six or more years after the final maturity of the security will be accepted and adjudicated unless the claimant can furnish the serial number of the security. Records retained beyond six years from a security's final maturity can be accessed only by serial number.

Holders of savings bonds and notes have always been encouraged to keep lists of their securities by serial numbers in a place apart from the securities. The information facilitates the adjudication of claims in all cases. This practice becomes increasingly important as Bureau records are disposed of in compliance with Federal records retention standards.

Interest

Subpart G. The rules covering payment of interest on Series E bonds in § 315.30 have been rewritten for purposes of clarification. Section 315.31,

covering Series H interest, has been subdivided and subheads have been added.

Payment

Subpart H. This Subpart brings together all general provisions relating to the payment of bonds and notes which were found in Subparts L, M, and N in previous revisions of the Circular.

The following changes in organization have been made to group the rules in a clearer, more logical order:

Eleventh revision	Appeared in tenth revision
Section 315. 39(a)	Section 315.38(b).
Section 315. 39(b)	Section 315.38(a).
Section 315. 39(c)	Section 315.37(b).
Section 315. 40(a), (b), (c)	Section 315.37(a), (c).

Section 315.40(d) is new and provides that attorneys-in-fact may request payment of bonds belonging to the grantor of a power of attorney if the power was executed before an authorized certifying officer and specifically covers the sale of Treasury securities.

The rules on the use of a power of attorney in the case of a grantor who has become incompetent or physically disabled appear in § 315.65. These rules require that the power specifically provide that the authority granted will not be affected by the subsequent incapacity of the grantor.

Reissue

Subpart I. As in Subpart H, the prncipal changes in this Subpart result from the reorganization of the material relating to reissue previously found in Subparts L, M, and N.

For certain types of reissue, the parties involved must be related. The degree of that relationship is no longer specified in the Eleventh Revision; rather, the rules apply to any relationship by blood, adoption, or marriage.

Section 315.47(b). This paragraph introduces two slight modifications of previous rules for the reissue of savings bonds and notes registered in coownership form. The changes deal with cases involving the removal of the name(s) of either or both coowners and the designation of a third individual as owner, coowner, or beneficiary. This minor revision brings the rules for Series E and H bonds and savings notes into conformity with the rule for Series EE and HH bonds.

Section 315.47(c). This section is substantially the same as § 315.66 in the Tenth Revision. It should be noted that there is no change in the requirement that a beneficiary's name may not be removed from a bond or note while the beneficiary is living, without the beneficiary's consent. This rule has been in effect since savings bonds were first issued and continues to apply to all series of bonds and notes governed by Circular No. 530. Courts have held that under the provisions of the regulations, by virtue of the registration of a security in beneficiary form, the beneficiary acquires vested rights in the security. These rights are spelled out in the regulations. The provision requiring the beneficiary's written consent to the removal of his or her name from a security has not been carried over into the regulations governing Series EE and HH bonds. However, it is continued for all outstanding Series E and H bonds and savings notes because it is a part of the contract under which they were issued and applies uniformly to all such securities.

Certifying Officers

Subpart J. The list of officers authorized to certify requests for payment, reissue, and other transactions has been revised to delete the names of certain designees who seldom, if ever, provide the service. One change involves the termination of the certification services of post offices, since they no longer issue savings bonds.

Small Estates

Subpart L. Section 315.73(b) of the Tenth Revision provides that persons entitled to share in the estate of a deceased sole owner of savings bonds or notes whose estate is not being administered may, by joint agreement, request disposition of the bonds or notes.

To simplify the disposition of bonds and notes in amounts not exceeding $1,000 (face amount), § 315.72(d) of the Eleventh Revision establishes a new procedure under which payment of bonds may be made to certain classes of survivors, without the necessity of the agreement of all other persons who might have an interest in the decedent's estate under State law.

The Fiscal Service issues the following regulations to govern all series of United States Savings Bonds of Series A, B, C, D, E, F, G, H, J, and K, and all United States Savings Notes.

Dated: September 11, 1980.

Paul H. Taylor,

Fiscal Assistant Secretary.

Part 315 of Title 31 CFR is revised as follows:

PART 315—REGULATIONS GOVERNING U.S. SAVINGS BONDS, SERIES A, B, C, D, E, F, G, H, J, AND K, AND U.S. SAVINGS NOTES

Subpart A—General Information

Sec.
315.0 Applicability.
315.1 Official agencies.
315.2 Definitions.

Subpart B—Registration

315.5 General rules.
315.6 Restrictions on registration.
315.7 Authorized forms of registration.

Subpart C—Limitations on Annual Purchases

315.10 Limitations.
315.11 Excess purchases.

Subpart D—Limitations on Transfer or Pledge

315.15 Transfer.
315.16 Pledge.

Subpart E—Limitations on Judicial Proceedings—No Stoppage or Caveats Permitted

315.20 General.
315.21 Payment to judgment creditors.
315.22 Payment or reissue pursuant to judgment.
315.23 Evidence.

Subpart F—Relief for Loss, Theft, Destruction, Mutilation, Defacement, or Nonreceipt of Bond

315.25 General.
315.26 Application for relief—after receipt of bond.
315.27 Application for relief—nonreceipt of bond.
315.28 Recovery or receipt of bond before or after relief is granted.
315.29 Adjudication of claims.

Subpart G—Interest

315.30 Series E bonds and savings notes.
315.31 Series H bonds.
315.32 Series A, B, C, D, F, G, J, and K bonds.

Subpart H—General Provisions for Payment

315.35 Payment (redemption).
315.36 Payment during life of sole owner.
315.37 Payment during lives of both coowners.
315.38 Payment during lifetime of owner of beneficiary bond.
315.39 Surrender for payment.
315.40 Special provisions for payment.
315.41 Partial redemption.
315.42 Nonreceipt or loss of check issued in payment.
315.43 Effective date of request for payment.
315.44 Withdrawal of request for payment.

Subpart I—Reissue and Denominational Exchange

315.45 General
315.46 Effective date of request for reissue.
315.47 Authorized reissue—during lifetime.
315.48 Restrictions on reissue.
315.49 Correction of errors.
315.50 Change of name.
315.51 Requests for reissue.

Subpart J—Certifying Officers

Sec.
315.55 Individuals authorized to certify.
315.56 General instructions and liability.
315.57 When a certifying officer may not certify.
315.58 Forms to be certified.

Subpart K—Minors, Incompetents, Aged Persons, Absentees, et al.

315.60 Conditions for payment to representative of an estate.
315.61 Payment after death.
315.62 Payment to minors.
315.63 Payment to a parent or other person on behalf of a minor.
315.64 Payment, reinvestment, or exchange—voluntary guardian of an incompetent.
315.65 Payment—attorney-in-fact of an incompetent or a physically disabled person.
315.66 Reissue.

Subpart L—Deceased Owner, Coowner or Beneficiary

315.70 General rules governing entitlement.
315.71 Estate administered.
315.72 Estate not administered.

Subpart M—Fiduciaries

315.75 Payment or reissue during the existence of the fiduciary estate.
315.76 Payment or reissue after termination of the fiduciary estate.
315.77 Exchanges by fiduciaries.

Subpart N—Private Organizations (Corporations, Associations, Partnerships, etc.) and Governmental Agencies, Units and Officers

315.80 Payment to corporations or unincorporated associations.
315.81 Payment to partnerships.
315.82 Reissue or payment to successors of corporations, unincorporated associations, or partnerships.
315.83 Reissue or payment on dissolution of corporation or partnership.
315.84 Payment to certain institutions.
315.85 Reissue in name of trustee or agent for reinvestment purposes.
315.86 Reissue upon termination of investment agency.
315.87 Payment to governmental agencies, units, or their officers.

Subpart O—Miscellaneous Provisions

315.90 Waiver of regulations.
315.91 Additional requirements; bond of indemnity.
315.92 Preservation of rights.
315.93 Supplements, amendments, or revisions.

Authority: Sec. 22 of the Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c); Sec. 8 of the Act of July 8, 1937, as amended, 50 Stat. 481, as amended (31 U.S.C. 738a); and (5 U.S.C. 301).

Subpart A—General Information

§ 315.0 Applicability.

The regulations in this circular, Department of the Treasury Circular No. 530, and the provisions of the respective offering circulars, govern—

(a) United States Savings Bonds of Series E and Series H and United States Savings Notes, and

(b) United States Savings Bonds of Series A, B, C, D, F, G, J, and K, all of which have matured and are no longer earning interest.

The regulations in Department of the Treasury Circular, Public Debt Series No. 3–80 (31 CFR, Part 353), govern United States Savings Bonds of Series EE and Series HH.

§ 315.1 Official agencies.

(a) The Bureau of the Public Debt of the Department of the Treasury is responsible for administering the Savings Bonds Program. Authority to process most transactions has been delegated to Federal Reserve Banks and Branches, as fiscal agents of the United States.

(b) Communications concerning transactions and requests for forms should be addressed to (1) a Federal Reserve Bank or Branch; (2) the Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101; or (3) the Bureau of the Public Debt, Washington, D.C. 20226. Notices and documents must be filed with these agencies, as provided in these regulations. The names and addresses of the Federal Reserve Banks and Branches are:

Federal Reserve Bank of Boston, Boston, Massachusetts 02106.
Federal Reserve Bank of New York, Federal Reserve Post Office Station, New York, New York 10045.
Buffalo Branch, Federal Reserve Bank, Box 961, Buffalo, New York 14240.
Federal Reserve Bank of Philadelphia, Box 77, Philadelphia, Pennsylvania 19105.
Federal Reserve Bank of Cleveland, Box 6387, Cleveland, Ohio 44101.
Cincinnati Branch, Federal Reserve Bank, Box 999, Cincinnati, Ohio 45201.
Pittsburgh Branch, Federal Reserve Bank, Box 867, Pittsburgh, Pennsylvania 15230
Federal Reserve Bank of Richmond, Box 27622, Richmond, Virginia 23261.
Baltimore Branch, Federal Reserve Bank, Box 1378, Baltimore, Maryland 21203.
Charlotte Branch, Federal Reserve Bank, Box 300, Charlotte, North Carolina 28230.
Federal Reserve Bank of Atlanta, Atlanta, Georgia 30303.
Birmingham Branch, Federal Reserve Bank, Box 10447, Birmingham, Alabama 35202.
Jacksonville Branch, Federal Reserve Bank, Jacksonville, Florida 32203.
Miami Branch, Federal Reserve Bank, Box 520847, Miami, Florida 33152.
Nashville Branch, Federal Reserve Bank, Nashville, Tennessee 37203.
New Orleans Branch, Federal Reserve Bank, Box 61630, New Orleans, Louisiana 70161.
Federal Reserve Bank of Chicago, Box 834, Chicago, Illinois 60690.
Detroit Branch, Federal Reserve Bank, Box 1059, Detroit, Michigan 48231.
Federal Reserve Bank of St. Louis, Box 442, St. Louis, Missouri 63166.
Little Rock Branch, Federal Reserve Bank, Box 1261, Little Rock, Arkansas 72203.
Louisville Branch, Federal Reserve Bank, Box 32710, Louisville, Kentucky 40232.
Memphis Branch, Federal Reserve Bank, Box 407, Memphis, Tennessee 38101.
Federal Reserve Bank of Minneapolis, Minneapolis, Minnesota 55480.
Helena Branch, Federal Reserve Bank, Helena, Montana 59601.
Federal Reserve Bank of Kansas City, Federal Reserve Station, Kansas City, Missouri 64198.
Denver Branch, Federal Reserve Bank, Box 5228, Terminal Annex, Denver, Colorado 80217.
Oklahoma City Branch, Federal Reserve Bank, Box 25129, Oklahoma City, Oklahoma 73125.
Omaha Branch, Federal Reserve Bank, Omaha, Nebraska 68102.
Federal Reserve Bank of Dallas, Station K, Dallas, Texas 75222.
El Paso Branch, Federal Reserve Bank, Box 100, El Paso, Texas 79999.
Houston Branch, Federal Reserve Bank, Box 2578, Houston, Texas 77001.
San Antonio Branch, Federal Reserve Bank, Box 1471, San Antonio, Texas 78295.
Federal Reserve Bank of San Francisco, Box 7702, San Francisco, California 94120.
Los Angeles Branch, Federal Reserve Bank, Box 2077, Terminal Annex, Los Angeles, California 90051.
Portland Branch, Federal Reserve Bank, Box 3436, Portland, Oregon 97208.
Salt Lake City Branch, Federal Reserve Bank, Box 30780, Salt Lake City, Utah 84125.
Seattle Branch, Federal Reserve Bank, Box 3567, Seattle, Washington 98124.

§ 315.2 Definitions.

As used in these regulations—

(a) "Bond" means a United States Savings Bond of any series except EE and HH, unless the context indicates otherwise. General references to bonds and direct references to Series E bonds also include United States Savings Notes, unless specifically excluded.

(b) "Extended maturity period" means any period after the original maturity date during which the owner may retain a bond and continue to earn interest on the maturity value or extended maturity value under applicable provisions of the circular offering the bond for sale.

(c) "Extended maturity value" is the value of a bond at the end of the applicable extended maturity period.

(d) "Final extended maturity date" is the date on which a bond will mature and cease to bear interest at the end of the final extended maturity period.

(e) "Incompetent" means an individual who is incapable of handling

his or her business affairs because of a legal, mental or medically-established physical disability, except that a minor is not an incompetent solely because of age.

(f) "Issuing agent" means an organization that has been qualified under the provisions of Department of the Treasury Circular, Public Debt Series No. 4–67, current revision (31 CFR, Part 317), to issue savings bonds.

(g) "Original maturity date" means the date on which the bond reaches the end of the term for which it was initially offered and, unless further extended, ceases to earn interest.

(h) "Paying agent" means a financial institution that has been qualified under the provisions of Department of the Treasury Circular No. 750, current revision (31 CFR, Part 321), to make payment of savings bonds.

(i) "Payment" means redemption, unless otherwise indicated by context.

(j) "Person" means any legal entity including, but without limitation, and individual, corporation (public or private), partnership, unincorporated association, or fiduciary estate.

(k) "Personal trust estates" means trust estates established by natural persons in their own right for the benefit of themselves or other natural persons in whole or in part, and common trust funds comprised in whole or in part of such trust estates.

(l) "Reissue" means the cancellation and retirement of a bond and the issuance of a new bond or bonds of the same series, same issue date, and same total face amount.

(m) "Representative of the estate of a minor, incompetent, aged person, absentee, et al." means the court-appointed or otherwise qualified person, regardless of title, who is legally authorized to act for the individual. The term does not include parents in their own right, voluntary or natural guardians, or the executors or administrators of decedents' estates.

(n) "Surrender" means the actual receipt of a bond with an appropriate request for payment or reissue by either a Federal Reserve Bank or Branch, the Bureau of the Public Debt, or, if a paying agent is authorized to handle the transaction, the actual receipt of the bond and the request for payment by the paying agent.

(o) "Taxpayer identifying number" means a social security account number or an employer identification number.

(p) "Voluntary guardian" means an individual who is recognized as authorized to act for an incompetent, as provided by § 315.64.

Subpart B—Registration

§ 315.5 General rules.

(a) *Registration is conclusive of ownership.* Savings bonds are issued only in registered form. The registration must express the actual ownership of, and interest in, the bond. The registration is conclusive of ownership, except as provided in § 315.49.

(b) *Requests for registration.* Registrations requested must be clear, accurate and complete, conform substantially with one of the forms set forth in this Subpart, and include the taxpayer identifying number of the owner or first-named coowner. The taxpayer identifying number of the second-named coowner or beneficiary is not required but its inclusion is desirable. The registration of all bonds owned by the same person, organization, or fiduciary should be uniform with respect to the name of the owner and any description of the fiduciary capacity. An individual should be designated by the name he or she is ordinarily known by or uses in business, including at least one full given name. The name may be preceded or followed by any applicable title, such as "Miss", "Mr.", "Mrs.", "Ms.", "Dr.", "Rev.", "M.D.", or "D.D.". A suffix, such as "Sr." or "Jr.", must be included when ordinarily used or when necessary to distinguish the owner from another member of his family. A married woman's own given name, not that of her husband, must be used; for example, "Mary A. Jones" or "Mrs. Mary A. Jones," NOT "Mrs. Frank B. Jones." The address must include, where appropriate, the number and street, route, or any other local feature, city, State, and ZIP Code.

§ 315.6 Restrictions on registration.

(a) *Natural persons.* Only an individual in his or her own right may be designated as coowner or beneficiary along with any other individual, whether on original issue or reissue, except as provided in § 315.7(g).

(b) *Residence.* The designation of an owner or first-named coowner is restricted, on original issue only, to persons (whether individuals or others) who are—

(1) Residents of the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the former Canal Zone;

(2) Citizens of the United States residing abroad;

(3) Civilian employees of the United States or members of its armed forces, regardless of their residence or citizenship; and

(4) Residents of Canada or Mexico who work in the United States but only if the bonds are purchased on a payroll deduction plan and the owner provides a taxpayer identifying number.

A nonresident alien may be designated coowner or beneficiary or, on authorized reissue, owner, unless the nonresident alien is a resident of an area with respect to which the Department of the Treasury restricts or regulates the delivery of checks drawn against funds of the United States or its agencies or instrumentalities. See Department of the Treasury Circular No. 655, current revision (31 CFR, Part 211). Registration is not permitted in any form which includes the name of any alien who is a resident of any restricted area.

(c) *Minors.*

(1) Minors may purchase with their wages, earnings, or other funds belonging to them and under their control bonds registered in their names alone or with a coowner or beneficiary.

(2) Bonds purchased by another person with funds belonging to a minor not under legal guardianship or similar fiduciary estate must be registered, without a coowner or beneficiary, in the name of the minor or a natural guardian on behalf of a minor.

(3) Bonds purchased with funds of another may be registered to name the minor as owner, coowner, or beneficiary. If the minor is under legal guardianship or similar fiduciary estate, the registration must include an appropriate reference to it.

(4) Bonds purchased as a gift to a minor under a gifts-to-minors statute must be registered as prescribed by the statute and no coowner or beneficiary may be named.

(5) Bonds purchased by a representative of a minor's estate must be registered in the name of the minor and must include in the registration an appropriate reference to the guardianship or similar fiduciary estate. Bonds purchased by a representative of the estates of two or more minors, even though appointed in a single proceeding, must be registered in the name of each minor separately with appropriate reference to the guardianship or similar fiduciary estate.

(d) *Incompetents.* Bonds may be registered to a name as owner, coowner, or beneficiary an incompetent for whose estate a guardian or similar representative has been appointed, except that a coowner or beneficiary may not be named on bonds purchased with funds belonging to the incompetent. The registration must include appropriate reference to the guardianship or similar fiduciary estate.

Bonds should not be registered in the name of an incompetent unless there is a representative for his or her estate, except as provided in § 315.64.

§ 315.7 Authorized forms of registration.

(a) *General.* Subject to any limitations or restrictions contained in these regulations on the right of any person to be named as owner, coowner, or beneficiary, bonds should be registered as indicated below. A savings bond inscribed in a form not substantially in agreement with one of the forms authorized by this Subpart is not considered validly issued.

(b) *Natural persons.* A bond may be registered in the names of individuals in their own right, but only in one of the forms authorized by this paragraph.

(1) *Single ownership form.* A bond may be registered in the name of one individual. Example:

John A. Jones 123–45–6789.

(2) *Coownership form.* A bond may be registered in the names of two individuals in the alternative as coowners. The form of registration "A and B" is not authorized. Examples:

John A. Jones 123–45–6789 or Ella S. Jones 987–65–4321.
John A. Jones 123–45–6789 or (Miss, Ms. or Mrs.) Ella S. Jones.
Ella S. Jones 987–65–4321 or John A. Jones.

(3) *Beneficiary form.* A bond may be registered in the name of one individual payable on death to another. "Payable on death to" may be abbreviated to "P.O.D." Examples:

John A. Jones 123–45–6789 payable on death to Mrs. Ella S. Jones.
John A. Jones 123–45–6789 P.O.D. Ella S. Jones 987–65–4321.

(c) *Fiduciaries (including legal guardians and similar representatives, certain custodians, natural guardians, executors, administrators, and trustees).*

(1) *General.* A bond may be registered in the name of any person or persons or any organization acting as fiduciary of a single fiduciary estate, but not where the fiduciary will hold the bond merely or principally as security for the performance of a duty, obligation, or service. Registration should conform to a form authorized by this paragraph. A coowner or beneficiary may be named only in accordance with the applicable provisions of § 315.6(c) and (d). A common trust fund established and maintained by a financial institution authorized to act as a fiduciary will be considered a single fiduciary estate within the meaning of these regulations.

(2) *Legal guardians, conservators, similar representives, certain custodians.* A bond may be registered in the name and title or capacity of the legally appointed or authorized representative of the estate of a minor, incompetent, aged or infirm person, absentee, et al., or in the name of that individual followed by an appropriate reference to the estate. Examples:

Tenth National Bank, guardian (or conservator, trustee, etc.) of the estate of George N. Brown 123–45–6789, a minor (or an incompetent, aged person, infirm person, or absentee).
Henry C. Smith, conservator of the estate of John R. White 123–45–6789, an adult, pursuant to Sec. 633.572 of the Iowa Code.
John F. Green 123–45–6789, a minor (or an incompetent) under custodianship by designation of the Veterans Administration.
Frank M. Redd 123–45–6789, an incompetent for whom Eric A. Redd has been designated trustee by the Department of the Army pursuant to 37 U.S.C. 602.
Arnold A. Ames, as custodian for Barry B. Bryan 123–45–6789, under the California Uniform Gifts to Minors Act.
Thomas J. Reed, as custodian for Lawrence W. Reed 123–45–6789, a minor, under the laws of Georgia.
Richard A. Rowe 123–45–6789, for whom Reba L. Rowe is representative payee for social security benefits (or black lung benefits, as the case may be). (If the beneficiary is a minor, the words "a minor" should appear immediately after the social security number.)
Henry L. Green 123–45–6789 or George M. Brown, a minor under legal guardianship of the Tenth National Bank.
Henry L. Green 123–45–6789 P.O.D. George M. Brown, a minor under legal guardianship of the Tenth National Bank.
Redd State Hospital and School, selected payee for John A. Jones 123–45–6789, a Civil Service annuitant, pursuant to 5 U.S.C. 8345(e).

(3) *Natural guardians.* A bond may be registered in the name of either parent of a minor, as natural guardian. The registration of a bond in this form is considered as establishing a fiduciary relationship. A coowner or beneficiary may be named but only if the funds used to purchase the bond do not belong to the minor. Examples:

John A. Jones, as natural guardian for Henry M. Jones 123–45–6789.
Melba Smith, as natural guardian for Thelma Smith 123–45–6789 P.O.D. Bartholomew Smith.

(4) *Executors and administrators.* A bond may be registered in the name of the representative appointed by a court to act for an estate of a decedent, or in the name of an executor authorized to administer a trust under the terms of a will although not named trustee. The name and capacity of all the representatives as shown in the letters of appointment must be included in the registration and be followed by an adequate identifying reference to the estate. Examples:

John H. Smith and Calvin N. Jones, executors of the will (or administrators of the estate) of Robert J. Smith, deceased 12–3456789.
John H. Smith, executor of the will of Robert J. Smith, deceased, in trust for Mrs. Jane L. Smith, with remainder over 12–3456789.

(5) *Trustee or life tenants under wills, deeds of trust, agreements, or similar instruments.* A bond may be registered in the name and title of the trustee of a trust estate, or in the name of a life tenant, followed by an adequate identifying reference to the authority governing the trust or life tenancy. Examples:

Thomas J. White and Tenth National Bank, trustees under the will of Robert J. Smith, deceased 12–3456789.
Jane N. Black 123–45–6789, life tenant under the will of Robert J. Black, deceased.
Tenth National Bank, trustee under agreement with Paul E. White, dated 2/1/76, 12–3456789.
Carl A. Black and Henry B. Green, trustees under agreement with Paul E. White, dated 2/1/76, 12–3456789.
Paul E. White, trustee under declaration of trust dated 2/1/76, 12–3456789.

(i) If the trust instrument designates by title only an officer of a board or an organization as trustee, only the title of the officer should be used. Example:

Chairman, Board of Trustees, First Church of Christ, Scientist, of Chicago, Illinois, in trust under the will of Robert J. Smith, deceased 12–3456789.

(ii) The names of all trustees, in the form used in the trust instrument, must be included in the registration, except as follows:

(A) If there are several trustees designated as a board or they are required to act as a unit, their names may be omitted and the words "Board of Trustees" substituted for the word "trustee". Example:

Board of Trustees of Immediate Relief Trust of Federal Aid Association, under trust indenture dated 2/1/76, 12–3456789.

(B) If the trustees do not constitute a board or are not required to act as a unit, and are too numerous to be designated in the registration by names and title, some or all the names may be omitted. Examples:

John A. Smith, Henry B. Jones, et al., trustees under the will of Edwin O. Mann, deceased 12–3456789.
Trustees under the will of Edwin O. Mann, deceased 12–3456789.

(6) *Employee thrift, savings, vacation and similar plans.* A bond may be registered in the name and title, or title alone, of the trustee of an eligible

employee thrift, savings, vacation or similar plan, as defined in § 316.5, of Department of the Treasury Circular No. 653, current revision. If the instrument creating the trust provides that the trustees shall serve for a limited term, their names may be omitted. Examples:

Tenth National Bank, trustee of Pension Fund of Safety Manufacturing Company, U/A with the company, dated March 31, 1976, 12–3456789.
Trustees of Retirement Fund of Safety Manufacturing Company, under directors' resolution adopted March 31, 1976, 12–3456789.
County Trust Company, Trustee of the Employee Savings Plan of Jones Company, Inc., U/A dated January 17, 1976, 12–3456789.
Trustee of the Employee Savings Plan of Brown Brothers, Inc., U/A dated January 20, 1976, 12–3456789.

(7) *Funds of lodges, churches, societies, or similar organizations.* A bond may be registered in the title of the trustees, or a board of trustees, holding funds in trust for a lodge, church, or society, or similar organization, whether or not incorporated. Examples:

Trustees of the First Baptist Church, Akron, Ohio, acting as a Board under Section 15 of its bylaws 12–3456789.
Trustees of Jamestown Lodge No. 1000, Benevolent and Protective Order of Elks, under Section 10 of its bylaws 12–3456789.
Board of Trustees of Lotus Club, Washington, Indiana, under Article 10 of its constitution 12–3456789.

(8) *Investment agents for religious, educational, charitable and non-profit organizations.* A bond may be registered in the name of a bank, trust company, or other financial institution, or an individual, as agent under an agreement with a religious, educational, charitable or non-profit organization, whether or not incorporated, if the agent holds funds for the sole purpose of investing them and paying the income to the organization. The name and designation of the agent must be followed by an adequate reference to the agreement. Examples:

Tenth National Bank, fiscal agent U/A with the Evangelical Lutheran Church of the Holy Trinity, dated 12/28/76, 12–3456789.
Sixth Trust Company, Investment Agent U/A dated September 16, 1976, with Central City Post, Department of Illinois, American Legion, 12–3456789.
John Jones, Investment Agent U/A dated September 16, 1976, with Central City Post, Department of Illinois, American Legion, 12–3456789.

(9) *Funds of school groups or activities.* A bond may be registered in the title of the principal or other officer of a public, private, or parochial school holding funds in trust for a student body fund or for a class, group, or activity. If the amount purchased for any one fund does not exceed $2,500 (face amount), no reference need be made to a trust instrument. Examples:

Principal, Western High School, in trust for the Class of 1976 Library Fund, 12–3456789.
Director of Athletics, Western High School, in trust for Student Activities Association, under resolution adopted 5/12/76, 12–3456789.

(10) *Public corporations, bodies, or officers as trustees.* A bond may be registered in the name of a public corporation or a public body, or in the title of a public officer, acting as trustee under express authority of law, followed by an appropriate reference to the statute creating the trust. Examples:

Rhode Island Investment Commission, trustee of the General Sinking Fund under Title 35, Ch. 8, Gen. Laws of Rhode Island.
Superintendent of the Austin State Hospital Annex, in trust for the Benefit Fund under Article 3183C, Vernon's Civ. Stat. of Texas Ann.

(d) *Private organizations (corporations, associations, partnerships).*

(1) *General.* A bond may be registered in the name of any private organization in its own right. The full legal name of the organization as set forth in its charter, articles of incorporation, constitution, partnership agreement, or other authority from which its powers are derived, must be included in the registration and may be followed by a parenthetical reference to a particular account other than a trust account.

(2) *Corporations.* A bond may be registered in the name of a business, fraternal, religious, non-profit, or other private corporation. The words "a corporation" must be included in the registration unless the fact of incorporation is shown in the name. Examples:

Smith Manufacturing Company, a corporation 12–3456789.
Green and Redd, Inc. 12–3456789 (Depreciation Acct.).

(3) *Unincorporated associations.* A bond may be registered in the name of a club, lodge, society, or a similar self-governing association which is unincorporated. The words "an unincorporated association" must be included in the registration. This form of registration must not be used for a trust fund, board of trustees, a partnership, or a sole proprietorship. If the association is chartered by or affiliated with a parent organization, the name or designation of the subordinate or local organization must be given first, followed by the name of the parent organization. The name of the parent organization may be placed in parentheses and, if well known, may be abbreviated. Examples:

The Lotus Club, an unincorporated association, 12–3456789.
Local 447, Brotherhood of Railroad Trainmen, an unincorporated association, 12–3456789.
Eureka Lodge 317 (A.F. and A.M.), an unincorporated association, 12–3456789.

(4) *Partnerships.* A bond may be registered in the name of a partnership. The words "a partnership" must be included in the registration. Examples:

Smith & Jones, a partnership, 12–3456789.
Acme Novelty Company, a partnership, 12–3456789.

(5) *Sole proprietorships.* A bond may be registered in the name of an individual who is doing business as a sole proprietor. A reference may be made to the trade name under which the business is conducted. Example:

John Jones d.b.a. Jones Roofing Company, 123–45–6789

(e) *Institutions (churches, hospitals, homes, schools, etc.).* A bond may be registered in the name of a church, hospital, home, school, or similar institution conducted by a private organization or by private trustees, regardless of the manner in which it is organized or governed or title to its property is held. Descriptive words, such as "a corporation" or "an unincorporated association", must not be included in the registration. Examples:

Shriners' Hospital for Crippled Children, St. Louis, Missouri, 12–3456789.
St. Mary's Roman Catholic Church, Albany, New York, 12–3456789.
Rodeph Shalom Sunday School, Philadelphia, Pennsylvania, 12–3456789.

(f) *States, public bodies and corporations, and public officers.* A bond may be registered in the name of a State, county, city, town, village, school district, or other political entity, public body, or corporation established by law (including a board, commission, administration, authority, or agency) which is the owner or official custodian of public funds, other than trust funds, or in the full legal title of the public officer having custody of the funds. Examples:

State of Maine.
Town of Rye, New York (Street Improvement Fund).
Maryland State Highway Administration.
Treasurer, City of Chicago.

(g) *The United States Treasury.* A person who desires to have a bond become the property of the United States upon his or her death may

designate the United States Treasury as coowner or beneficiary. Examples:

George T. Jones 123–45–6789 or the United States Treasury.
George T. Jones 123–45–6789 P.O.D. the United States Treasury.

Subpart C—Limitations on Annual Purchases

§ 315.10 Limitations.

Specific limitations have been placed on the amounts of bonds of each series and savings notes that might be purchased in any one year in the name of any one person or organization. The amounts applicable to each series of bonds and savings notes for each specific year, which has varied from time to time, can be found in the appropriate offering circulars, as revised and amended.

§ 315.11 Excess purchases.

The Commissioner of the Public Debt may permit excess purchases to stand in any particular case or class of cases.

Subpart D—Limitations on Transfer or Pledge

§ 315.15 Transfer.

Savings bonds are not transferable and are payable only to the owners named on the bonds, except as specifically provided in these regulations and then only in the manner and to the extent so provided.

§ 315.16 Pledge.

(a) *General.* A savings bond may not be hypothecated, pledged, or used as security for the performance of an obligation, except as provided in paragraph (b) of this section.

(b) *Pledge under Treasury Circular No. 154.* A bond may be pledged by the registered owner in lieu of surety under the provisions of Department of the Treasury Circular No. 154, current revision (31 CFR, Part 225), if the bond approving officer is the Secretary of the Treasury. In this case, an irrevocable power of attorney shall be executed authorizing the Secretary of the Treasury to request payment.

Subpart E—Limitations on Judicial Proceedings—No Stoppage or Caveats Permitted

§ 315.20 General.

The following general rules apply to the recognition of a judicial determination on adverse claims affecting savings bonds:

(a) The Department of the Treasury will not recognize a judicial determination that gives effect to an attempted voluntary transfer inter vivos of a bond, or a judicial determination that impairs the rights of survivorship conferred by these regulations upon a coowner or beneficiary. All provisions of this Subpart are subject to these restrictions.

(b) The Department of the Treasury will recognize a claim against an owner of a savings bond and conflicting claims of ownership of, or interest in, a bond between coowners or between the registered owner and the beneficiary, if established by valid, judicial proceedings, but only as specifically provided in this Subpart. Section 315.23 specifies the evidence required to establish the validity of the judicial proceedings.

(c) The Department of the Treasury and the agencies that issue, reissue, or redeem savings bonds will not accept a notice of an adverse claim or notice of pending judicial proceedings, nor undertake to protect the interests of a litigant not in possession of a savings bond.

§ 315.21 Payment to judgment creditors.

(a) *Purchaser or officer under levy.* The Department of the Treasury will pay (but not reissue) a savings bond to the purchaser at a sale under a levy or to the officer authorized under appropriate process to levy upon property of the registered owner or coowner to satisfy a money judgment. Payment will be made only to the extent necessary to satisfy the money judgment. The amount paid is limited to the redemption value 60 days after the termination of the judicial proceedings. Payment of a bond registered in coownership form pursuant to a judgment or a levy against only one coowner is limited to the extent of that coowner's interest in the bond. That interest must be established by an agreement between the coowners or by a judgment, decree, or order of a court in a proceeding to which both coowners are parties.

(b) *Trustee in bankruptcy, receiver, or similar court officer.* The Department of the Treasury will pay, at current redemption value, a savings bond to a trustee in bankruptcy, a receiver of an insolvent's estate, a receiver in equity, or a similar court officer under the provisions of paragraph (a) of this section.

§ 315.22 Payment or reissue pursuant to judgment.

(a) *Divorce.* The Department of the Treasury will recognize a divorce decree that ratifies or confirms a property settlement agreement disposing of bonds or that otherwise settles the interests of the parties in a bond. Reissue of a savings bond may be made to eliminate the name of one spouse as owner, coowner, or beneficiary, or to substitute the name of one spouse for that of the other spouse as owner, coowner, or beneficiary pursuant to the decree. However, if the bond is registered in the name of one spouse with another person as coowner, there must be submitted either (1) a request for reissue by the other person or (2) a certified copy of a judgment, decree, or court order entered in proceedings to which the other person and the spouse named on the bond are parties, determining the extent of the interest of that spouse in the bond. Reissue will be permitted only to the extent of that spouse's interest. The evidence required under § 315.23 must be submitted in every case. When the divorce decree does not set out the terms of the property settlement agreement, a certified copy of the agreement must be submitted. Payment, rather than reissue, will be made if requested.

(b) *Gift causa mortis.* A savings bond belonging solely to one individual will be paid or reissued at the request of the person found by a court to be entitled by reason of a gift causa mortis from the sole owner.

(c) *Date for determining rights.* When payment or reissue under this section is to be made, the rights of the parties will be those existing under the regulations current at the time of the entry of the final judgment, decree, or court order.

§ 315.23 Evidence.

(a) *General.* To establish the validity of judicial proceedings, certified copies of the final judgment, decree, or court order, and of any necessary supplementary proceedings, must be submitted. If the judgment, decree, or court order was rendered more than six months prior to the presentation of the bond, there must also be submitted a certificate from the clerk of the court, under court seal, dated within six months of the presentation of the bond, showing that the judgment, decree, or court order is in full force.

(b) *Trustee in bankruptcy or receiver of an insolvent's estate.* A request for payment by a trustee in bankruptcy or a receiver of an insolvent's estate must be supported by appropriate evidence of appointment and qualification. The evidence must be certified by the clerk of the court, under court seal, as being in full force on a date that is not more than six months prior to the presentation of the bond.

(c) *Receiver in equity or similar court officer.* A request for payment by the receiver in equity or a similar court officer, other than a receiver of an insolvent's estate, must be supported by

a copy of an order that authorizes the presentation of the bond for redemption, certified by the clerk of the court, under court seal, as being in full force on a date that is not more than six months prior to the presentation of the bond.

Subpart F—Relief for Loss, Theft, Destruction, Mutilation, Defacement, or Nonreceipt of Bonds

§ 315.25 General.

Relief, by the issue of a substitute bond or by payment, is authorized for the loss, theft, destruction, mutilation, or defacement of a bond after receipt by the owner or his or her representative. As a condition for granting relief, the Commissioner of the Public Debt, as designee of the Secretary of the Treasury, may require a bond of indemnity, in the form, and with the surety, or security, he considers necessary to protect the interests of the United States. In all cases the savings bond must be identified by serial number and the applicant must submit satisfactory evidence of the loss, theft, or destruction, or a satisfactory explanation of the mutilation or defacement.

§ 315.26 Application for relief—after receipt of bond.

(a) *Serial number known.* If the serial number of the lost, stolen, or destroyed bond is known, the claimant should execute an application for relief on the appropriate form and submit it to the Bureau of the Public Debt, Parkersburg, West Virginia 26101.

(b) *Serial number not known.* If the bond serial number is not known, the claimant must provide sufficient information to enable the Bureau of the Public Debt to identify the bond by serial number. See § 315.29(c). The Bureau will furnish the proper application form and instructions.

(c) *Defaced or mutilated bond.* A defaced bond and all available fragments of a mutilated bond should be submitted to the Bureau.

(d) *Execution of claims application.* The application must be made by the person or persons (including both coowners, if living) authorized under these regulations to request payment of the bonds. In addition—

(1) If the bond is in beneficiary form and the owner and beneficiary are both living, both will ordinarily be required to join in the application.

(2) If a minor named on a bond as owner, coowner, or beneficiary is not of sufficient competency and understanding to request payment, both parents will ordinarily be required to join in the application.

(e) If the application is approved, relief will be granted by the issuance of a bond bearing the same issue date as the bond for which the claim was filed or by the issuance of a check in payment.

§ 315.27 Application for relief—nonreceipt of bond.

If a bond issued on any transaction is not received, the issuing agent must be notified as promptly as possible and given all information available about the nonreceipt. An appropriate form and instructions will be provided. If the application is approved, relief will be granted by the issuance of a bond bearing the same issue date as the bond that was not received.

§ 315.28 Recovery or receipt of bond before or after relief is granted.

(a) *Recovery prior to granting relief.* If a bond reported lost, stolen, destroyed, or not received, is recovered or received before relief is granted, the Bureau of the Public Debt, Parkersburg, West Virginia 26101, must be notified promptly.

(b) *Recovery subsequent to granting of relief.* A bond for which relief has been granted is the property of the United States and, if recovered, must be promptly submitted to the Bureau of the Public Debt, Parkersburg, West Virginia 26101, for cancellation.

§ 315.29 Adjudication of claims.

(a) *General.* The Bureau of the Public Debt will adjudicate claims for lost, stolen or destroyed bonds on the basis of records created and regularly maintained in the ordinary course of business.

(b) *Claims filed ten years after payment.* A bond for which no claim has been filed within ten years of the recorded date of redemption will be presumed to have been properly paid. If a claim is subsequently filed, a photographic copy of the bond will not be available to support the disallowance. This provision will be effective 60 days after the effective date of the Eleventh Revision of Department of the Treasury Circular No. 530 (31 CFR, Part 315).

(c) *Claims filed six years after final maturity.* No claim filed six years or more after the final maturity of a savings bond will be entertained, unless the claimant supplies the serial number of the bond.

Subpart G—Interest

§ 315.30 Series E bonds and savings notes.

Series E bonds and savings notes are discount securities. The accrued interest is added to the issue price at stated intervals and is payable only at redemption as part of the redemption value. All Series E bonds and savings notes have been extended and continue to earn interest until their final maturity dates, unless redeemed earlier. Information regarding extended maturity periods, investment yields and redemption values is found in Department of the Treasury Circular No. 653, current revision (31 CFR, Part 316) for Series E bonds, and in Department of the Treasury Circular, Public Debt Series No. 3–67, current revision (31 CFR, Part 342) for savings notes.

§ 315.31 Series H bonds.

(a) *General.* Series H bonds are current-income bonds issued at par (face amount). Interest on a Series H bond is paid semiannually by check, beginning six months from the issue date. All Series H bonds have been extended and continue to earn interest until their final maturity dates, unless redeemed earlier. If a bond is redeemed before its final maturity date, interest ceases as of the end of the interest payment period preceding redemption. For example, if a bond on which interest is payable on January 1 and July 1 is redeemed on September 1, interest ceases as of the preceding July 1, and no adjustment of interest will be made for the period from July 1 to September 1. However, if the date of redemption falls on an interest payment date, interest ceases on that date. Information regarding authorized extended maturity periods and investment yields is found in Department of the Treasury Circular No. 905, current revision (31 CFR, Part 332).

(b) *Payment of interest.* Series H bond interest accounts are maintained by the Bureau of the Public Debt, Parkersburg, West Virginia 26101. Interest will be paid on each interest payment date by check mailed to the address specified for the delivery of checks in the purchase application, exchange subscription, notification of change of address or request for reissue. If no instruction is given as to the delivery of interest checks, the address inscribed on the bond for the owner or the first-named coowner will be used.

(c) *Delivery of interest.*

(1) *Notices affecting delivery of interest checks.* To insure appropriate action, notices affecting the delivery of interest checks on Series H bonds, including changes of addresses, must be received by the Bureau of the Public Debt, Parkersburg, West Virginia 26101, at least one month prior to the interest payment date. Each notice must identify the bonds by the name and taxpayer identifying number of the bondowner.

The notice must be signed by the owner or coowner, or, in the case of a minor or incompetent, as provided in paragraph (d) or (e) of this section.

(2) *Owner or coowner deceased.*

(i) *Sole owner.* Upon receipt of notice of the death of the owner of a bond, payment of interest on the bond will be suspended until satisfactory evidence is submitted as to who is authorized to endorse and collect interest checks on behalf of the estate of the decedent, in accordance with the provisions of Subpart L.

(ii) *Coowner.* Upon receipt of notice of the death of the coowner to whom interest is being mailed, payment of interest will be suspended until a request for change of address is received from the other coowner, if living, or, if not, until satisfactory evidence is submitted as to the individual who is authorized to endorse and collect interest checks on behalf of the estate of the last deceased coowner, in accordance with the provisions of Subpart L.

(iii) *Owner with beneficiary.* In the case of a bond registered in the form "A payable on death to B", the check will be drawn to the order of "A" along unless the Bureau of the Public Debt, Parkersburg, West Virginia 26101, receives notice of A's death. In that event, the payment of interest will be suspended until the bond is presented for payment or reissue. Interest so withheld will be paid to the person entitled to the bond.

(d) *Representative appointed for the estate of a minor, incompetent, absentee, et al.* Interest on Series H bonds is paid in accordance with the provisions of § 315.60 to the representative appointed for the estate of an owner who is a minor, incompetent, absentee, et al. If the registration of the bonds does not include a reference to the owner's status, the bonds should be submitted for reissue to a Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Parkersburg, West Virginia 26101, so that interest checks may be properly drawn and delivered. They must be accompanied by the proof of appointment required by § 315.60.

(e) *Adult incompetent's estate having no representative.* If an adult owner of a Series H bond is incompetent to endorse and collect the interest checks and no legal guardian or similar representative has been appointed to act for him or her, the relative, or other person, responsible for his or her care and support, may apply to the Bureau of the Public Debt for recognition as voluntary guardian for the purpose of receiving, endorsing, and collecting the checks.

(f) *Reissue during interest period.* Physical reissue of a Series H bond will be made without regard to interest payment dates. The Series H interest accounts maintained by the Bureau of the Public Debt will be closed in the first week of the month preceding each interest payment date. Interest checks will be drawn to the order of the persons shown to be entitled on these accounts as of the date the accounts are closed.

(g) *Endorsement of checks.* Interest checks must be endorsed in accordance with the regulations governing the endorsement and payment of Government warrants and checks, which are contained in Department of the Treasury Circular No. 21, current revision (31 CFR, Part 240).

(h) *Nonreceipt or loss of check.* If an interest check is not received or is lost after receipt, the Bureau of the Public Debt, Parkersburg, West Virginia 26101, should be notified and advised of the bond serial number, the inscription on the bond, including the taxpayer identifying number of the bondowner, and the interest payment date.

§ 315.32 Series A, B, C, D, F, G, J, and K bonds.

All bonds of these series have matured and no longer earn interest.

Subpart H—General Provisions for Payment

§ 315.35 Payment (redemption).

(a) *General.* Payment of a savings bond will be made to the person or persons entitled under the provisions of these regulations, except that checks in payment will not be delivered to addresses in areas with respect to which the Department of the Treasury restricts or regulates the delivery of checks drawn against funds of the United States. See Department of the Treasury Circular No. 655, current revision (31 CFR, Part 211). Payment will be made without regard to any notice of adverse claims to a bond and no notification of stoppage or caveat against payment of a bond will be made.

(b) *Series A, B, C, D, F, and J.* A bond of Series A, B, C, D, F, or J will be paid at face value.

(c) *Series E and Savings Notes.* A Series E bond will be paid at any time after two months from issue date at the appropriate redemption value shown in Department of the Treasury Circular No. 653 (31 CFR, Part 316), current revision. A savings note will be paid at anytime at the appropriate redemption value shown in Department of the Treasury Circular, Public Debt Series No. 3–67, current revision (31 CFR, Part 342).

(d) *Series G and K.* A bond of Series G or K will be paid at face value plus the final semiannual interest due. For Series G bonds, the final interest paid with principal is $1.25 per $100; for Series K bonds, the final interest is $6.90 per $500.

(e) *Series H.* A Series H bond will be paid at face value at anytime after six months from issue date. However, a bond received for redemption during the calendar month preceding an interest payment date may not be redeemed until that date.

§ 315.36 Payment during life of sole owner.

A savings bond registered in single ownership form (i.e., without a coowner or beneficiary) will be paid to the owner during his or her lifetime upon surrender with an appropriate request.

§ 315.37 Payment during lives of both coowners.

A savings bond registered in coownership form will be paid to either coowner upon surrender with an appropriate request, and, upon payment (as determined in § 315.43), the other coowner will cease to have any interest in the bond. If both coowners request payment and payment is to be made by check, the check will be drawn in the form, "John A. Jones AND Mary C. Jones".

§ 315.38 Payment during lifetime of owner of beneficiary bond.

A savings bond registered in beneficiary form will be paid to the registered owner during his or her lifetime upon surrender with an appropriate request. Upon payment (as determined in § 315.43), the beneficiary will cease to have any interest in the bond.

§ 315.39 Surrender for payment.

(a) *Procedure for bonds of Series A to E, inclusive, in the names of individual owners or coowners only.* An individual who is the owner or coowner of a bond of Series A, B, C, D, or E may present the bond to an authorized paying agent for redemption. The presenter must be prepared to establish his or her identity in accordance with Treasury instructions and identification guidelines. The owner or coowner must sign the request for payment on the bond or, if authorized, on a separate detached request, and add his or her address. In addition, in the case of a Series E bond or savings note, the presenter must record his or her social security number on the face of the security, provided it does not already appear in the inscription. Paying agents are authorized to refuse payment in any

case where the presenter's number is not provided. If the request for payment has been signed, or signed and certified, before presentation of the bond, the paying agent must be satisfied that the person presenting the bond for payment is the owner or coowner and may require the person to sign the request for payment again. If the bond is in order for payment, the paying agent will make immediate payment at the current redemption value without charge to the presenter. Paying agents are not authorized to process any case involving partial redemption or any case in which supporting evidence is required.

(b) *Procedure for all other cases.* In the case of a bond to which the procedure in paragraph (a) of this section does not apply, or if otherwise preferred, the owner or coowner, or other person entitled to payment, should appear before an officer authorized to certify requests for payment, establish his or her identity, sign the request for payment, and provide information as to the addresss to which the check in payment is to be mailed. In addition, in the case of a Series E bond or savings note, the presenter must record his or her social security number on the face of the security, provided it does not already appear in the inscription. The bond must be forwarded to a Federal Reserve Bank or Branch or the Bureau of the Public Debt. Usually, payment will be expedited by submission to a Federal Reserve Bank or Branch. In all cases, the cost and risk of presentation of a bond will be borne by the owner. Payment will be made by check drawn to the order of the registered owner or other person entitled and will be mailed to the address requested.

(c) *Date of request.* Requests executed more than six months before the date of receipt of a bond for payment will not be accepted. Neither will a bond be accepted if payment is requested as of a date more than three months in the future.

§ 315.40 Special provisions for payment.

(a) *Owner's signature not required.* A bond may be paid by a paying agent or Federal Reserve Bank without the owner's signature to the request for payment, if the bond bears the special endorsement of a financial institution specifically qualified to place such an endorsement on savings bonds under the provisions of Department of the Treasury Circular No. 888, current revision (31 CFR, Part 330).

(b) *Signature by mark.* A signature by mark (X) must be witnessed by at least one disinterested person and a certifying officer. See Subpart J. The witness must attest to the signature by mark substantially as follows: "Witness to signature by mark," followed by his or her signature and address.

(c) *Name change.* If the name of the owner, coowner, or other person entitled to payment, as it appears in the registration or in evidence on file in the Bureau of the Public Debt, has been changed in any legal manner, the signature to the request for payment must show both names and the manner in which the change was made; for example, "Mary T. Jones Smith (Mary T. J. Smith or Mary T. Smith) changed by marriage from Mary T. Jones," or "John R. Young, changed by order of court from Hans R. Jung," See § 315.50.

(d) *Attorneys-in-fact.* A request for payment signed by an attorney-in-fact will be recognized if it is accompanied by a copy of a power of attorney, executed before a certifying officer, that authorizes the attorney-in-fact to sell or cash the grantor's Treasury securities. See Sec. 315.65 for separate rules relating to the use of powers of attorney for incompetent or physically disabled individuals.

§ 315.41 Partial redemption.

A bond of any series may be redeemed in part at current redemption value, but only in an amount corresponding to one or more authorized denominations, upon surrender of the bond to a Federal Reserve Bank or Branch or to the Bureau of the Public Debt in accordance with § 315.39(b). In any case in which partial redemption is requested, the phrase "to the extent of $—— (face amount) and reissue of the remainder" should be added to the request. Upon partial redemption of the bond, the remainder will be reissued as of the original issue date, as provided in Subpart I.

§ 315.42 Nonreceipt or loss of check issued in payment.

If a Treasury check in payment of a bond surrendered for redemption is not received within a reasonable time or is lost after receipt, notice should be given to the same agency to which the bond was surrendered for payment. The notice should give the date the bond was surrendered for payment, and describe the bond by series, denomination, serial number, and registration, including the taxpayer identifying number of the owner.

§ 315.43 Effective date of request for payment.

The Department of the Treasury will treat the receipt of a bond with an appropiate request for payment by (a) a Federal Reserve Bank or Branch, (b) the Bureau of the Public Debt, or (c) a paying agent authorized to pay that bond, as the date upon which the rights of the parties are fixed for the purpose of payment.

§ 315.44 Withdrawal of request for payment.

(a) *Withdrawal by owner or coowner.* An owner or coowner, who has surrendered a bond to a Federal Reserve Bank or Branch or to the Bureau of the Public Debt or an authorized paying agent with an appropriate request for payment, may withdraw the request if notice of intent to withdraw is received by the same agency prior to payment either in cash or through the issuance of the redemption check.

(b) *Withdrawal on behalf of deceased owner or incompetent.* A request for payment may be withdrawn under the same conditions as in paragraph (a) of this section by the executor or administrator of the estate of a deceased owner or by the person or persons who would have been entitled to the bond under Subpart L, or by the legal representative of the estate of a person under legal disability, unless surrender of the bond for payment has eliminated the interest of a surviving coowner or beneficiary. See § 315.70 (b) and (c).

Subpart I—Reissue and Denominational Exchange

§ 315.45 General.

Reissue of a bond may be made only under the conditions specified in these regulations, and only at (a) a Federal Reserve Bank or Branch, or (b) the Bureau of the Public Debt. Reissue will not be made if the request is received less than one full calendar month before the final maturity date of a bond. The request, however, will be effective to establish ownership as though the reissue had been made.

§ 315.46 Effective date of request for reissue.

The Department of the Treasury will treat the receipt by (a) a Federal Reserve Bank or Branch or (b) the Bureau of the Public Debt of a bond and an acceptable request for reissue as determining the date upon which the rights of the parties are fixed for the purpose of reissue. For example, if the owner or either coowner of a bond dies after the bond has been surrendered for reissue, the bond will be regarded as having been reissued in the decedent's lifetime.

§ 315.47 Authorized reissue—during lifetime.

A bond belonging to an individual may be reissued in any authorized form

of registration upon an appropriate request for the purposes outlined below:

(a) *Single ownership.* A bond registered in single ownership form may be reissued—

(1) To add a coowner or beneficiary;

(2) To name a new owner, with or without a coowner or beneficiary, but only if (i) the new owner is related to the previous owner by blood (including legal adoption) or marriage, (ii) the previous owner and the new owner are parties to a divorce or annulment, or (iii) the new sole owner is the trustee of a personal trust estate which was created by the previous owner or which designates as beneficiary either the previous owner or a person related to him or her by blood (including legal adoption) or marriage.

(b) *Coownership.*

(1) *Reissue—to name a related individual as owner or coowner.* During the lifetime of both coowners, a coownership bond may be reissued in the name of another individual related by blood (including legal adoption) or marriage to either coowner—

(i) As single owner,

(ii) As owner with one of the original coowners as beneficiary, or

(iii) As a new coowner with one of the original coowners.

(2) *Reissue—to name either coowner alone or with another individual as coowner or beneficiary.* During the lifetime of both coowners, a coownership bond may be reissued in the name of either coowner alone or with another individual as coowner or beneficiary if—

(i) After issue of the submitted bond, either coowner named thereon marries, or the coowners are divorced or legally separated from each other, or their marriage is annulled; or

(ii) Both coowners on the submitted bond are related by blood (including legal adoption) or marriage to each other.

(3) *Reissue—to name the trustee of a personal trust estate.* A bond registered in coownership form may be reissued to name a trustee of a personal trust estate created by either coowner or by some other person if (i) either coowner is a beneficiary of the trust, or (ii) a beneficiary of the trust is related by blood or marriage to either coowner.

(c) *Beneficiary.* A bond registered in beneficiary form may be reissued—

(1) To name the beneficiary as coowner;

(2) To eliminate the name of the owner and to name as owner a custodian for the beneficiary, if a minor, under a statute authorizing gifts to minors;

(3) To eliminate the beneficiary or to substitute another individual as beneficiary, but only if the request is supported by the certified consent of the beneficiary or by proof of his or her death; or

(4) To eliminate the names of the owner and the beneficiary and to name as new owner the trustee of the personal trust estate which was created by the previous owner or which designates as beneficiary either the previous owner or a person related to him or her by blood (including legal adoption) or marriage, but only if the request is supported by the certified consent of the beneficiary or by proof of his or her death.

§ 315.48 Restrictions on reissue.

(a) *Denominational exchange.* Reissue is not permitted solely to change denominations.

(b) *United States Treasury.* Reissue may not be made to eliminate the United States Treasury as coowner or beneficiary.

§ 315.49 Correction of errors.

A bond may be reissued to correct an error in registration upon appropriate request, supported by satisfactory proof of the error.

§ 315.50 Change of name.

An owner, coowner, or beneficiary whose name is changed by marriage, divorce, annulment, order of court, or in any other legal manner after the issue of bond should submit the bond with a request for reissue to substitute the new name for the name inscribed on the bond. Documentary evidence may be required in any appropriate case.

§ 315.51 Requests for reissue.

A request for reissue of bonds in coownership form during the lifetime of the coowners must be signed by both coowners, except that a request solely to eliminate the name of one coowner may be signed by that coowner only. A bond registered in beneficiary form may be reissued upon the request of the owner, supported by the certified consent of the beneficiary or by proof of his or her death. Public Debt forms are available for requesting reissue.

Subpart J—Certifying Officers

§ 315.55 Individuals authorized to certify.

The following individuals are authorized to act as certifying officers for the purpose of certifying a request for payment, reissue, or a signature to a Public Debt form:

(a) *Officers generally authorized.*

(1) *At banks, trust companies, and member organizations of the Federal Home Loan Bank System.*

(i) Any officer of a bank incorporated in the United States, the territories or possessions of the United States, or the Commonwealth of Puerto Rico.

(ii) Any officer of a trust company incorporated in the United States, the territories or possessions of the United States, or the Commonwealth of Puerto Rico.

(iii) Any officer of an organization that is a member of the Federal Home Loan Bank System. This includes Federal savings and loan associations.

(iv) Any officer of a foreign branch or a domestic branch of an institution described in paragraphs (a)(1) (i) through (iii) of this section.

(v) Any officer of a Federal Reserve Bank, a Federal Land Bank, or a Federal Home Loan Bank.

(vi) Any employee of an institution described in paragraph (a)(1) (i) through (v) of this section, who is expressly authorized to certify by the institution. Certification by these officers or designated employees must be authenticated by a legible imprint either of a corporate stamp of the institution or of the issuing or paying agent's stamp. An employee authorized to certify requests must sign his or her name over the title "Designated Employee".

(2) *At issuing agents that are not banks or trust companies.* Any officer of an organization, not a bank or a trust company, that is qualified as an issuing agent for savings bonds. The agent's stamp must be imprinted in the certification.

(3) *By United States officials.* Any judge, clerk, or deputy clerk of a United States court, including United States courts for the territories and possessions of the United States, and the Commonwealth of Puerto Rico or any United States Commissioner or United States Attorney.

(b) *Officers with limited authority.*

(1) *In the Armed Forces.* Any commissioned officer or warrant officer of the Armed Forces of the United States, but only for members of the respective services, their families, and civilian employees at posts, bases, or stations. The certifying officer must indicate his or her rank and state that the individual signing the request is one of the class whose request the certifying officer is authorized to certify.

(2) *At Veterans Administration facilities, Federal penal institutions, and United States Public Health Service hospitals.* Any officer in charge of a home, hospital, or other facility of the Veterans Administration, but only for the patients, or employees of the facility; any officer of a Federal penal institution or a United States Public Health Service hospital expressly authorized to certify by the Secretary of the Treasury or his designee, but only for the inmates,

patients or employees of the institution involved. Officers of Veterans Administration facilities, Federal penal institutions, and Public Health Service hospitals must use the stamp of the particular institution or service.

(c) *Authorized officers in foreign countries.* Any United States diplomatic or consular representative, or the officer of a foreign branch of a bank or trust company incorporated in the United States whose signature is attested by an imprint of the corporate stamp or is certified to the Department of the Treasury. If none of these individuals is available, a notary public or other officer authorized to administer oaths may certify, but his or her official character and jurisdiction must be certified by a United States diplomatic or consular officer under seal of his or her office.

(d) *Authorized officers in particular localities.* The Governor and the Treasurer of Puerto Rico; the Governor and the Commissioner of Finance of the Virgin Islands; the Governor and the Director of Finance of Guam; and the Governor and the Director of Administrative Services of American Samoa; and designated officers of the Panama Canal Commission.

(e) *Special provisions.* If no certifying officer is readily accessible, the Commissioner of the Public Debt, Deputy Commissioner, any Assistant Commissioner, or other designated official of the Bureau or of a Federal Reserve Bank or Branch is authorized to make special provision for any particular case.

§ 315.56 General instructions and liability.

(a) *Certification procedure.* Certifying officers at financial institutions qualified as paying agents should observe the Treasury's payment instructions and identification guidelines in certifying savings bonds and savings notes being forwarded to a Federal Reserve Bank for any transaction. Other certifying officers should provide certification services for persons with whom they have substantial personal acquaintance, and for other persons whose identities have been unmistakably established. A notation showing exactly how identification was established should be placed on the back of the security or Public Debt form, or in a separate record. As part of the certification, the certifying officer must affix his or her official signature, title and address, the exact date of execution and, where one is available, a corporate stamp or issuing or paying agent's stamp.

(b) *Liability.* The certifying officer and, if such person is an officer or an employee of an organization, the organization will be held fully responsible for the adequacy of the identification.

§ 315.57 When a certifying officer may not certify.

Certifying officers may not certify the requests for payment of bonds, or appropriate Public Debt forms if, in their own right or in a representative capacity, they

(a) Have an interest in the bonds, or

(b) Will, by virtue of the requests being certified, acquire an interest in the bonds.

§ 315.58 Forms to be certified.

When required in the instructions on a Public Debt form, the form must be signed before an authorized certifying officer.

Subpart K—Minors, Incompetents, Aged Persons, Absentees, et al.

§ 315.60 Conditions for payment to representative of an estate.

(a) *General.* The representative of an estate of an owner who is a minor, an aged person, incompetent, absentee, et al., may receive upon request—

(1) If the registration shows the name and capacity of the representative;

(2) If the registration shows the capacity but not the name of the representative and the request is accompanied by appropriate evidence; or

(3) If the registration includes neither the name of the representative nor his or her capacity but the request is accompanied by appropriate evidence.

(b) *Evidence.* Appropriate evidence for paragraphs (a)(2) and (a)(3) of this section includes a certified copy of the letters of appointment or, if the representative is not appointed by a court, other proof of qualification. Except in the case of corporate fiduciaries, the evidence must show that the appointment is in full force and be dated not more than one year prior to the presentation of the bond for payment. The request for payment appearing on the back of a bond must be signed by the representative as such, for example, "John S. Jones, guardian (committee) of the estate of Henry W. Smith, a minor (an incompetent)."

§ 315.61 Payment after death.

After the death of the ward, and at any time prior to the representative's discharge, the representative of the estate will be entitled to obtain payment of a bond to which the ward was solely entitled.

§ 315.62 Payment to minors.

If the owner of a savings bond is a minor and the form of registration does not indicate that there is a representative of the minor's estate, payment will be made to the minor upon his or her request, provided the minor is of sufficient competency to sign the request for payment and to understand the nature of the transaction. In general, the fact that the request for payment has been signed by a minor and certified will be accepted as sufficient proof of competency and understanding.

§ 315.63 Payment to a parent or other person on behalf of a minor.

If the owner of a savings bond is a minor and the form of registration does not indicate that there is a representative of his or her estate, and if the minor is not of sufficient competency to sign the request for payment and to understand the nature of the transaction, payment will be made to either parent with whom the minor resides or to whom legal custody has been granted. If the minor does not reside with either parent, payment will be made to the person who furnishes the chief support for the minor. The request must appear on the back of the bond in one of the following forms:

(a) *Request by parent.*

I certify that I am the mother of John C. Jones (with whom he resides) (to whom legal custody has been granted). He is —— years of age and is not of sufficient understanding to make this request.

Mary Jones on behalf of John C. Jones.

(b) *Request by other person.*

I certify that John C. Jones does not reside with either parent and that I furnish his chief support. He is —— years of age and is not of sufficient understanding to make this request.

Alice Brown, grandmother, on behalf of John C. Jones.

§ 315.64 Payment, reinvestment, or exchange—voluntary guardian of an incompetent.

When an adult owner of bonds is incapable of requesting payment and there is no other person legally qualified to do so, the relative or other person responsible for the owner's care and support may submit an application for recognition as voluntary guardian for the purpose of redeeming the bonds in the following situations:

(a) The proceeds of the bonds are needed to pay expenses already incurred, or to be incurred during any 90-day period, for the support of the incompetent or his or her legal dependents.

(b) If the bonds have finally matured and it is desired to redeem them and reinvest the proceeds in other savings

bonds, the new bonds must be registered in the name of the incompetent, followed by words showing he or she is under voluntary guardianship; for example, "John Jones 123–45–6789, under voluntary guardianship". A living coowner or beneficiary named on the matured bonds must be designated on the new bonds unless the named person furnishes a certified statement consenting to omission of his or her name. If an amount insufficient to purchase an additional bond of any authorized denomination of either series remains after the reinvestment, the voluntary guardian may furnish additional funds sufficient to purchase another bond of either series in the lowest available denomination. If additional funds are not furnished, the remaining amount will be paid to the voluntary guardian for the use and benefit of the incompetent. The provisions for reinvestment of the proceeds of matured bonds are equally applicable to any authorized exchange of bonds of one series for those another.

§ 315.65 Payment—attorney-in-fact of an incompetent or a physically disabled person.

A request for payment by an individual as attorney-in-fact of an incompetent or a physically disabled owner will be honored if the power of attorney grants the attorney-in-fact authority to sell or cash the grantor's securities, sell his or her personal property, or otherwise grants similar authority. In the case of incompetency or total incapacity, the power of attorney must provide that the grantor's subsequent disability will not affect the authority granted. The request must be supported in all cases by a copy of the power of attorney and medical evidence of the grantor's condition.

§ 315.66 Reissue.

A bond on which a minor or other person under legal disability is named as the owner or coowner, or in which he or she has an interest, may be reissued under the following conditions:

(a) A minor for whose estate no representative has been appointed may request reissue if the minor is of sufficient competency to sign his or her name to the request and to understand the nature of the transaction.

(b) A bond on which a minor is named as beneficiary or coowner may be reissued in the name of a custodian for the minor under a statute authorizing gifts to minors upon the request of the adult whose name appears on the bond as owner or coowner.

(c) A minor coowner for whose estate no representative has been appointed, may be named sole owner upon the request of the competent coowner.

(d) Reissue to eliminate the name of a minor or incompetent for whose estate a legal representative has been appointed is permitted only if supported by evidence that a court has authorized the representative of the minor's or incompetent's estate to request the reissue. See § 315.23.

Except to the extent provided in paragraphs (a) through (d), above, reissue will be restricted to a form of registration which does not adversely affect the existing ownership or interest of a minor who is not of sufficient understanding to make a request, or other person under legal disability. Requests for reissue should be executed by the person authorized to request payment under §§ 315.60 and § 315.63, or the person who may request recognition as voluntary guardian under § 315.64.

Subpart L—Deceased Owner, Coowner or Beneficiary

§ 315.70 General rules governing entitlement.

The following rules govern ownership or entitlement where one or both of the persons named on a bond have died without the bond having been surrendered for payment or reissue:

(a) *Single owner bond.* If the owner of a bond registered in single ownership form has died, the bond becomes the property of that decedent's estate, and payment or reissue will be made as provided in this Subpart.

(b) *Coowner bond.*

(1) *One coowner deceased.* If one of the coowners named on a bond has died, the surviving coowner will be recognized as its sole and absolute owner, and payment or reissue will be made as though the bond were registered in the name of the survivor alone. Any request for reissue by the surviving coowner must be supported by proof of death of the other coowner.

(2) *Both coowners deceased.* If both coowners named on a bond have died, the bond becomes the property of the estate of the coowner who died last, and payment or reissue will be made as if the bond were registered in the name of the last deceased coowner alone. Proof of death of both coowners will be required to establish the order of death.

(3) *Simultaneous death of both coowners.* If both coowners die under conditions where it cannot be established, either by presumption of law or otherwise, which coowner died first, the bond becomes the property of both equally, and payment or reissue will be made accordingly.

(c) *Beneficiary bond.*

(1) *Owner deceased.* If the owner of a bond registered in beneficiary form has died and is survived by the beneficiary, upon proof of death of the owner, the beneficiary will be recognized as the sole and absolute owner of the bond. Payment or reissue will be made as though the bond were registered in the survivor's name alone. A request for payment or reissue by the beneficiary must be supported by proof of death of the owner.

(2) *Beneficiary deceased.* If the beneficiary's death occurs before, or simultaneous with, that of the registered owner, payment or reissue will be made as though the bond were registered in the owner's name alone. Proof of death of the owner and beneficiary is required to establish the order of death.

(d) *Nonresident aliens.* If the person who becomes entitled to a bond because of the death of an owner is an alien who is a resident of an area with respect to which the Department of the Treasury restricts or regulates the delivery of checks drawn against funds of the United States or its agencies or instrumentalities, delivery of the redemption check will not be made so long as the restriction applies. See Department of the Treasury Circular No. 655, current revision (31 CFR, Part 211).

§ 315.71 Estate administered.

(a) *During administration.* The legal representative of an estate may request payment of bonds, including interest or redemption checks, belonging to the estate or may have the bonds reissued in the names of the persons entitled to share in the estate under the following conditions:

(1) When there is more than one legal representative, all must join in the request for payment or reissue, unless § 315.75(a)(1) or (b) applies.

(2) The request for payment or reissue must be signed in the form: "John A. Jones, administrator of the estate (or executor of the will) of Henry M. Jones, deceased". The request must be supported by evidence of the legal representative's authority in the form of a court certificate or a certified copy of the legal representative's letters of appointment which must be dated within six months of the date of presentation of the bond, unless the evidence shows that the appointment was made within one year prior to the presentation of the bond.

(3) For reissue, the legal representative must certify that each person in whose name reissue is requested is entitled to the extent

specified and must certify that each person has consented to the reissue. If a person in whose name reissue is requested desires to name a coowner or beneficiary, the person must execute an additional request for reissue on the appropriate form.

(b) *After administration.* If the estate of the decedent has been settled through judicial proceedings, the bond and interest and redemption checks will be paid, or the bond will be reissued, upon the request of the person shown to be entitled by the court order. The request must be supported by a certified copy of the legal representative's court-approved final account, the decree of distribution, or other pertinent court records. If two or more persons have an interest in the bond, they must enter into an agreement concerning the bond's disposition. If the person entitled desires to name a coowner or beneficiary, a separate request must be made on an appropriate form.

(c) *Special provisions for small amounts.* Special procedures are available for establishing entitlement to, or effecting disposition of, savings bonds and interest and redemption checks if the aggregate face amount, excluding interest checks, does not exceed $1,000.

§ 315.72 Estate not administered.

(a) *Special State law provisions.* A request for payment or reissue of a bond by the person who has qualified under State law to receive or distribute the assets of a decedent's estate will be accepted, provided evidence of the person's authority is submitted.

(b) *Agreement of persons entitled.* If there is no legal representative for the estate of a decedent, the bonds will be paid to, or reissued in the name of, the persons entitled, pursuant to an agreement and request executed by all persons entitled to share in the decedent's personal estate. If the persons entitled to share in the decedent's personal estate include minors or incompetents, payment or reissue of the bonds must be made to them or in their names unless their interest in the bonds is otherwise protected.

(c) *Creditors.* An institutional creditor of a deceased owner's estate is entitled to payment only to the extent of its claim.

(d) *Special provisions for payment of small amounts—survivors of the decedent.*

(1) If the face amount of the bond does not exceed $500 and there is no legal representative of the deceased owner's estate, the bond will be paid upon the request of the person who paid the burial expenses and who has not been reimbursed.

(2) If there is no legal representative of the estate of a decedent who died without a will, and the total face amount of bonds in the estate does not exceed $1,000 (face amount), the bonds may be paid to the decedent's survivors upon request in the following order of precedence:

(i) Surviving spouse;

(ii) If no surviving spouse, to the child or children of the decedent, and the descendants of deceased children by representation;

(iii) If none of the above, to the parents of the decedent, or the survivor;

(iv) If none of the above, to the brothers and sisters, and the descendants of deceased brothers or sisters by representation;

(v) If none of the above, to other next-of-kin, as determined by the laws of the owner's domicile at death;

(vi) If none of the above, to persons related to the decedent by marriage.

The payment pursuant to this subsection shall be made upon the request and agreement of the survivors to receive the redemption proceeds individually and for the account of any persons entitled. Interest checks held for the estate of a decedent will be distributed with the bonds.

Subpart M—Fiduciaries

§ 315.75 Payment or reissue during the existence of the fiduciary estate.

(a) *Payment or reissue before maturity.*

(1) *Request from the fiduciary named in the registration.* A request for reissue or payment prior to maturity must be signed by all of the fiduciaries unless by statute, decree of court, or the terms of the governing instrument, any lesser number may properly execute the request. If the fiduciaries named in the registration are still acting, no further evidence will be required. In other cases, evidence to support the request will be required, as specified:

(i) *Fiduciaries by title only.* If the bond is registered only in the titles, without the names, of fiduciaries not acting as a board, satisfactory evidence of their incumbency must be furnished, except in the case of bonds registered in the title of public officers as trustees.

(ii) *Boards, committees, commissions, etc.* If a bond is registered in the name of a governing body which is empowered to act as a unit, and which holds title to the property of a religious, educational, charitable or nonprofit organization or a public corporation, the request should be signed in the name of the body by an authorized person. Ordinarily, a signed and certified request will be accepted without further evidence.

(iii) *Corporate fiduciaries.* If a bond is registered in the name of a public or private corporation or a governmental body as fiduciary, the request must be signed by an authorized officer in the name of the organization as fiduciary. Ordinarily, a signed and certified request will be accepted without further evidence.

(2) *Trustee of a common trust fund.* A bond held by a financial institution in a fiduciary capacity may be reissued in the name of the institution as trustee of its common trust fund to the extent that participation in the common trust fund is authorized by law or regulation. The request for reissue should be executed by the institution and any cofiduciary.

(3) *Successor fiduciary.* If the fiduciary in whose name the bond is registered has been replaced by another fiduciary, satisfactory evidence of successorship must be furnished.

(b) *Payment at or after final maturity.* At or after final maturity, a request for payment signed by any one or more of the fiduciaries will be accepted. Payment will be made by check drawn as the bond is registered.

§ 315.76 Payment or reissue after termination of the fiduciary estate.

A bond registered in the name or title of a fiduciary may be paid or reissued to the person who has become entitled by reason of the termination of a fiduciary estate. Requests for reissue made by a fiduciary pursuant to the termination of a fiduciary estate should be made on the appropriate form. Requests for payment or reissue by other than the fiduciary must be accompanied by evidence to show that the person has become entitled in accordance with applicable State law or otherwise. When two or more persons have become entitled, the request for payment or reissue must be signed by each of them.

§ 315.77 Exchanges by fiduciaries.

Fiduciaries are authorized to request an exchange of bonds of one series for those of another, pursuant to any applicable Department of the Treasury offering. A living coowner or beneficiary named on the bonds submitted in exchange may be retained in the same capacity on the new bonds.

Subpart N—Private Organizations (Corporations, Associations, Partnerships, etc.) and Governmental Agencies, Units and Officers

§ 315.80 Payment to corporations or unincorporated associations.

A bond registered in the name of a private corporation or an

unincorporated association will be paid to the corporation or unincorporated association upon a request for payment on its behalf by an authorized officer. The signature to the request should be in the form, for example, "The Jones Coal Company, a corporation, by John Jones, President", or "The Lotus Club, an unincorporated association, by William A. Smith, Treasurer". A request for payment so signed and certified will ordinarily be accepted without further evidence of the officer's authority.

§ 315.81 Payment to partnerships.

A bond registered in the name of an existing partnership will be paid upon a request for payment signed by a general partner. The signature to the request should be in the form, for example, "Smith and Jones, a partnership, by John Jones, a general partner". A request for payment so signed and certified will ordinarily be accepted as sufficient evidence that the partnership is still in existence and that the person signing the request is authorized.

§ 315.82 Reissue or payment to successors of corporations, unincorporated associations, or partnerships.

A bond registered in the name of a private corporation, an unincorporated associations, or a partnership which has been succeeded by another corporation, unincorporated association, or partnership by operation of law or otherwise, in any manner whereby the business or activities of the original organization are continued without substantial change, will be paid to or reissued in the name of the succeeding organization upon appropriate request on its behalf, supported by satisfactory evidence of successorship. The appropriate form should be used.

§ 315.83 Reissue or payment on dissolution of corporation or partnership.

(a) *Corporations.* A bond registered in the name of a private corporation which is in the process of dissolution will be paid to the authorized representative of the corporation upon a request for payment, supported by satisfactory evidence of the representative's authority. At the termination of dissolution proceedings, the bond may be reissued upon the request of the authorized representative in the names of those persons, other than creditors, entitled to the assets of the corporation, to the extent of their respective interests. Proof will be required that all statutory provisions governing the dissolution of the corporation have been complied with and that the persons in whose names reissue is requested are entitled and have agreed to the reissue. If the dissolution proceedings are under the direction of a court, a certified copy of an order of the court, showing the authority of the representative to make the distribution requested must be furnished.

(b) *Partnerships.* A bond registered in the name of a partnership which has been dissolved by death or withdrawal of a partner, or in any other manner—

(1) will be paid upon a request for payment by any partner or partners authorized by law to act on behalf of the dissolved partnership, or

(2) will be paid to or reissued in the names of the persons entitled as the result of such dissolution to the extent of their respective interests, except that reissue will not be made in the names of creditors.

The request must be supported by satisfactory evidence of entitlement, including proof that the debts of the partnership have been paid or properly provided for. The appropriate form should be used.

§ 315.84 Payment to certain institutions.

A bond registered in the name of a church, hospital, home, school, or similar institution, without reference in the registration to the manner in which it is organized or governed or to the manner in which title to its property is held, will be paid upon a request for payment signed on behalf of such institution by an authorized representative. A request for payment signed by a pastor of a church, superintendent of a hospital, president of a college, or by any official generally recognized as having authority to conduct the financial affairs of the particular institution will ordinarily be accepted without further proof of authority. The signature to the request should be in the form, for example, "Shriners' Hospital for Crippled Children, St. Louis, Missouri, by William A. Smith, Superintendent", or "St. Mary's Roman Catholic Church, Albany, New York, by the Rev. John Smyth, Pastor".

§ 315.85 Reissue in name of trustee or agent for reinvestment purposes.

A bond registered in the name of a religious, educational, charitable or nonprofit organization, whether or not incorporated, may be reissued in the name of a financial institution, or an individual, as trustee or agent. There must be an agreement between the organization and the trustee or agent holding funds of the organization, in whole or in part, for the purpose of investing and reinvesting the principal and paying the income to the organization. Reissue should be requested on behalf of the organization by an authorized officer using the appropriate form.

§ 315.86 Reissue upon termination of investment agency.

A bond registered in the name of a financial institution, or individual, as agent for investment purposes only, under an agreement with a religious, an educational, a charitable, or a nonprofit organization, may be reissued in the name of the organization upon termination of the agency. The former agent should request such reissue and should certify that the organization is entitled by reason of the termination of the agency. If such request and certification are not obtainable, the bond will be reissued in the name of the organization upon its own request, supported by satisfactory evidence of the termination of the agency. The appropriate form should be used.

§ 315.87 Payment to governmental agencies, units, or their officers.

(a) *Agencies and units.* A bond registered in the name of a State, county, city, town, village, or in the name of a Federal, State, or local governmental agency, such as a board, commission, or corporation, will be paid upon a request signed in the name of the governmental agency or unit by an authorized officer. A request for payment so signed and certified will ordinarily be accepted without further proof of the officer's authority.

(b) *Officers.* A bond registered in the official title of an officer of a governmental agency or unit will be paid upon a request for payment signed by the officer. The request for payment so signed and certified will ordinarily be accepted as proof that the person signing is the incumbent of the office.

Subpart O—Miscellaneous Provisions

§ 315.90 Waiver of regulations.

The Commissioner of the Public Debt, as designee of the Secretary of the Treasury, may waive or modify any provision or provisions of these regulations. He may do so in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardship, (a) if such action would not be inconsistent with law or equity, (b) if it does not impair any existing rights, and (c) if he is satisfied that such action would not subject the United States to any substantial expense or liability.

§ 315.91 Additional requirements; bond of indemnity.

The Commissioner of the Public Debt, as designee of the Secretary of the Treasury, may require (a) such additional evidence as he may consider necessary or advisable, or (b) a bond of indemnity, with or without surety, in any case in which he may consider such a bond necessary for the protection of the interests of the United States.

§ 315.92 Preservation of rights.

Nothing contained in these regulations shall be construed to limit or restrict existing rights which holders of savings bonds previously issued may have acquired under circulars offering the bonds for sale or under the regulations in force at the time of the purchase.

§ 315.93 Supplements, amendments, or revisions.

The Secretary of the Treasury may at any time, or from time to time, prescribe additional, supplemental, amendatory, or revised rules and regulations governing the United States Savings Bonds and Savings Notes to which this circular applies.

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federal register

Friday
September 26, 1980

Part VI

Department of Energy

Office of Conservation and Solar Energy

Energy Conservation Program for Consumer Products; Provisions for the Waiver of Consumer Product Test Procedures

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products; Provisions for the Waiver of Consumer Product Test Procedures

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy amends the Department's energy conservation program for consumer products by allowing the Assistant Secretary for Conservation and Solar Energy temporarily to waive test procedure requirements for a particular covered product. Waivers may be granted when characteristics of the product prevent use of the prescribed test procedures or lead to results of the test procedures that provide materially inaccurate comparative data. The energy conservation program for consumer products was established pursuant to the Energy Policy Conservation Act, as amended by the National Energy Conservation Policy Act.

EFFECTIVE DATE: October 27, 1980.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, U.S. Department of Energy, Office of Conservation and Solar Energy, Room GH-065, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9510

SUPPLEMENTARY INFORMATION: .

A. Background

Section 323 (42 U.S.C. 6293) of the Energy Policy and Conservation Act (EPCA) (Pub. L. 94-163), as amended by the National Energy Conservation Policy Act (NECPA) (Pub. L. 95-619), requires the Department of Energy (DOE) to prescribe standardized test procedures to measure the energy consumption characteristics of certain specified consumer products. These test procedures form one element of the energy conservation program for consumer products established by Title III, Part B of the Act.[1] The test procedures are intended for use in other program elements, such as product labeling (administered by the Federal Trade Commission pursuant to section 324 of the Act) and energy efficiency standards, which were proposed by notice issued June 19, 1980 (45 FR 43976, June 30, 1980).

DOE has prescribed test procedures for the covered products enumerated in section 322(a) (1)-(13) of the Act, including refrigerators and refrigerator-freezers, freezers, dishwashers, clothes dryers, water heaters, room air conditioners, home heating equipment (not including furnaces), television sets, kitchen ranges and ovens, clothes washers, humidifiers, dehumidifiers, central air conditioners, and furnances.

Procedures to allow DOE temporarily to waive test procedure requirements under certain narrow conditions were proposed by notice issued February 28, 1980 (45 FR 14188, March 4, 1980). A public hearing on the proposed procedures was held on April 30, 1980, at which proposed changes were discussed.

B. Discussion of Comments

Comments were received from manufacturers, a trade association, and interested individuals. The major issues raised by the comments are discussed below.

1. Design Characteristics

One commenter stated that a waiver should be granted if the petitioner can demonstrate that the design characteristics either prevent testing according to the test procedures or the test procedures evaluate the basic model in an unrepresentative manner, regardless of whether the design characteristics of the basic model are "unique." DOE is aware that these problems may arise even if a manufacturer's basic model does incorporate unique design characteristics. Therefore, § 430.27(a) has been changed to reflect that situation.

Several commenters suggested that proposed §§ 430.27(a) and 430.27(b) are contradictory. Proposed § 430.27(a) establishes the grounds for a petition as "one or more unique design characteristics," and proposed § 430.27(b) requires the petitioner to "identify all other basic models * * * incorporating the unique design characteristics * * *." The commenters stated that if a manufacturer's product incorporates one or more "unique" design characteristics there would be no need to identify other basic models since there would be no other models incorporating the design characteristics. Some commenters suggested that the requirement to identify all other basic models incorporating the unique design characteristics is unreasonable in that it requires knowledge of other basic models marketed in the United States. Rather than the manufacturers identifying other basic models, some commenters recommended DOE should determine if the basic model is unique through other means, such as searching the databank created by the Federal Trade Commission (FTC) for the labeling program. Unfortunately, the FTC databank is inadequate in scope to perform this suggested function since it does not include information on product design. After reviewing all other comments, and in accordance with the change to § 430.27(a) discussed above, DOE has changed § 430.27(b) to require the petitioner to identify other basic models marketed in the United States that the petitioner knows incorporate similar design characteristics.

2. Notification of Competitors

Nearly all of the commenters expressed concern that the requirement of proposed § 430.27(c) for the petitioner to distribute copies of the petition for waiver would result in premature disclosure of a manufacturer's proprietary data and plans. Under the proposed rule, these copies would go to all manufacturers of domestically marketed units of the same product type and to each person who may be aggrieved by the DOE action sought. Also, a number of commenters stated that if the design characteristics are so unique that a product cannot be tested in accordance with the DOE test procedures, other manufacturers may not have enough knowledge to file meaningful comments. In addition, the commenters stated that the expense of developing a mailing list, duplicating and mailing materials to all manufacturers would be a burden to the petitioner. One commenter suggested that DOE maintain a list of all manufacturers and persons to whom copies of the petition should be sent.

DOE has reviewed all comments and has determined that because basic models domestically marketed by other manufacturers may include the same or similar design characteristics, DOE sees the need to notify the manufacturers of the petition. DOE agrees that it would place an unreasonable burden upon the petitioner to send all manufacturers of domestically marketed units of the same product type copies of the petition for waiver. Based upon these comments, DOE has modified § 430.27(c) to require the petitioner, after filing with DOE, to notify in writing all known manufacturers of domestically marketed

[1] References in this notice to "the Act" or to sections of the Act refer to EPCA as amended by NECPA.

units of the same product type (as listed in section 322(a) of the Act) of the petition to waive a test procedure. Upon receipt of the petition and after review, DOE shall publish in the **Federal Register** the petition and supporting documentation from which confidential information, as determined by DOE, has been deleted in accordance with 10 CFR 1004.11 and shall solicit comments, data and information with respect to the determination of the petition. In the notice to be sent to all manufacturers of the same product type, petitioner shall include a statement that DOE has published in the **Federal Register** on a certain date the petition and supporting documents.

One commenter stated that the requirements of proposed § 430.27(c) would destroy the manufacturers' incentive to consider new product development and that "it is reasonably certain that no monies will be authorized past the prototype model until government approval is obtained." A number of commenters suggested that the proposed procedures be modified to include a preliminary waiver of test procedures based upon a petitioner's petition to and consultation with DOE. Commenters stated that the purpose of a preliminary waiver would be to provide petitioners with an opportunity to ascertain the outcome of the final waiver and to establish a basis upon which the manufacturer could develop a product development plan. The commenters suggested that a preliminary waiver be based upon one-on-one communications between the petitioner and DOE and that information regarding the petition and its disposition shall be maintained in confidence by DOE. DOE has carefully considered these comments and has concluded that it would be inappropriate to include these procedures for preliminary test procedure waiver. Such procedures would be inconsistent with the intended public nature of the review process. Therefore, no changes have been made to § 430.27(c) of today's final rule to include provisions for a preliminary waiver.

3. Representations

One commenter recommended that § 430.27(f) be deleted and that the petition for a waiver should include a proposed alternate test procedure, prepared by the petitioner, to be used for making representations regarding the energy consumption and energy efficiency until a waiver is issued by DOE.

DOE agrees that if the petitioner is aware of an alternate test procedure, the alternate test procedure should be provided for consideration by DOE. Consequently § 430.27(b) of today's final rule has been changed to require that each petition shall include any alternate test procedures known to the petitioner to evaluate the product in a manner representative of the energy consumption characteristics of the basic model. Representations respecting energy consumption of covered products are to made in accordance with applicable DOE test procedures or as specified by a test procedure waiver. Therefore, no changes have been made to § 430.27(f) of today's final rule.

4. Determination of Product Coverage for Energy Efficiency Standards

Two commenters requested the waiver provisions be modified to include a procedure to determine whether a new product or feature after being granted a waiver is covered by the DOE energy efficiency standards. If the test procedure is waived without conditions for a basic model, that basic model is not subject to the DOE energy efficiency standards since there are no test procedures as required by section 325(b) of the Act. However, if the waiver is granted subject to conditions, the waiver will address whether or not the basic model is covered by DOE energy efficiency standards. Also, in § 430.75 of the notice of proposed rulemaking regarding energy efficiency standards for nine types of consumer products issued on June 19, 1980 (45 FR 43976, June 30, 1980), DOE proposed procedures under which any manufacturer or private labeler may request a field test exemption from applicable energy efficiency standards. Consequently, no changes have been made in today's final rule to include procedures to determine whether a new product or feature is covered by the DOE energy efficiency standards.

C. Regulations Prescribed

1. General Provisions

Subpart B of Part 430 contains the provisions allowing the Department of Energy temporarily to waive test procedure requirements for particular covered products containing design characteristics that either prevent testing according to the prescribed test procedures, or that the prescribed test procedures evaluate in a manner so unrepresentative of their true energy consumption characteristics as to provide materially inaccurate data. These are substantially the same as those proposed with the exception of the changes discussed above.

2. Regulatory and Environmental Review.

Pursuant to Section 7(a)(1) of the Federal Energy Administration Act of 1974, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. No comments have been received from the Administrator.

In accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., DOE has evaluated the proposed establishment of these testing procedures for consumer products to determine if an environmental assessment (EA) or an environmental impact statement (EIS) is required. These test procedures will be used only to standardize the measurement of energy usage for the subject consumer products. The action of prescribing these test procedures, by itself, will not result in any environmental impacts. Thus, it is clear that this action is not a major Federal action significantly affecting the quality of the human environment, and neither an EA nor an EIS is required. The potential environmental impacts that might occur from the application of the test procedures in connection with DOE's energy efficiency standards program has been evaluated separately by that program and it was determined that the standards program does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(c) of NEPA. The Environmental Assessment of the energy efficiency standards program for consumer products is available for public review in the DOE Freedom of Information Reading Room, Room 5B–180, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8 a.m., and 4 p.m., Monday through Friday, except Federal holidays.

The proposed rule has been reviewed in accordance with Executive Order 12044 and DOE Order 2030.1, and it has been determined that the proposal is significant in nature but does not have major impacts to manufacturers and consumers (i.e., would not impose annual economic costs of $100 million or more). Consequently, a regulatory analysis has not been prepared for this proposed rule.

In consideration of the foregoing, Part 430 of Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective October 27, 1980.

Issued in Washington, D.C., September 18, 1980.

Maxine Savitz,

Deputy Assistant Secretary for Conservation, Conservation and Solar Energy.

1. Part 430 of Chapter II of Title 10, Code of Federal Regulations, is amended by establishing a new § 430.27, to read as follows:

§ 430.27 Petitions for waiver.

(a) Notwithstanding any other provisions of this subpart, any interested person may submit a petition to waive for a particular basic model any requirements of § 430.22, or of any appendix to this subpart, upon the grounds that the basic model contains one or more design characteristics which either prevent testing of the basic model according to the prescribed test procedures, or the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data.

(b) Each petition shall be denominated "Petition for Waiver" and shall be submitted, in triplicate, to the Assistant Secretary for Conservation and Solar Energy, United States Department of Energy. Each petition shall identify the particular basic model for which a waiver is requested, the design characteristic(s) constituting the grounds for the petition, and the specific requirements sought to be waived and shall discuss in detail the need for the requested waiver. Each petition shall identify manufacturers of all other basic models marketed in the United States and known to the petitioner to incorporate similar design characteristic(s). Each petition shall include any alternate test procedures known to the petitioner to evaluate in a manner representative of the energy consumption characteristics of the basic model. Each petition shall be signed by the petitioner or by an authorized representative. If an authorized representative signs the petition, a statement shall be included certifying that such person is an authorized representative of the petitioner. In accordance with the provisions set forth in 10 CFR 1004.11, any request for confidential treatment of any information contained in a petition for waiver or in supporting documentation must be accompanied by a copy of the petition or supporting documentation from which the information claimed to be confidential has been deleted. DOE shall publish in the **Federal Register** the petition and supporting documents from which confidential information, as determined by DOE, has been deleted in accordance with 10 CFR 1004.11 and shall solicit comments, data and information with respect to the determination of the petition. Each petitioner after complying with the requirements of paragraph (c) of this section, shall file with DOE a statement certifying the names and addresses of each person to whom a notice of the petition for waiver has been sent.

(c) Each petitioner, after filing with DOE, shall notify in writing all known manufacturers of domestically marketed units of the same product type (as listed in section 322(a) of the Act) of the petition to waive a test procedure and shall include in the notice a statement that DOE has published in the **Federal Register** on a certain date the petition and supporting documents from which confidential information, as determined by DOE, has been deleted in accordance with 10 CFR 1004.11.

(d) A petitioner may, within ten working days of receipt of a copy of any comments submitted in accordance with paragraph (b) of this section, submit a rebuttal statement to the Assistant Secretary for Conservation and Solar Energy. A petitioner may rebut more than one response in a single rebuttal statement.

(e) Petitioner shall be notified in writing as soon as practicable of the disposition of each petition for waiver. Within 30 days of receipt of a petition for waiver, a timely response, or a timely rebuttal statement, whichever occurs last, the Assistant Secretary for Conservation and Solar Energy shall notify the petitioner in writing that either (1) a waiver has been granted; (2) a waiver has been denied, stating the reasons for denial; (3) further information is required to be submitted; or (4) review of the petition is continuing.

(f) The filing of a petition for waiver shall not constitute grounds for noncompliance with any requirements of this subpart, until a waiver has been granted.

(g) Waivers will be granted by the Assistant Secretary for Conservation and Solar Energy, if it is determined that the basic model for which the waiver was requested contains a design characteristic which either prevents testing of the basic model according to the prescribed test procedures, or the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. Waivers may be granted subject to conditions, which may include adherence to alternate test procedures specified by the Assistant Secretary for Conservation and Solar Energy. The Assistant Secretary shall consult with the Federal Trade Commission prior to granting any waiver, and shall promptly publish in the **Federal Register** notice of each waiver granted, and any limiting conditions of each waiver.

(h) Within one year of the granting of any waiver, the Department of Energy will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. As soon thereafter as practicable, the Department of Energy will publish a final rule. Such waiver will terminate on the effective date of such final rule.

(i) Any person who is aggrieved by an action of failure to act on the part of the Department of Energy under this section may file an appeal with the Department of Energy's Office of Hearings and Appeals as provided in 10 CFR Part 205, Subpart H. Any person who believes that he has suffered serious hardship or gross inequity as a result of any requirements of this subpart may file an application for exception with the Office of Hearings and Appeals as provided in 10 CFR Part 205, Subpart D. Any person who desires an interpretation of any provision of this subpart may file a formal request for interpretation as provided in 10 CFR Part 205, Subpart F.

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federal register

Friday
September 26, 1980

Part VII

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Acceptance of Petition and Status Review; Merriam's Montezuma Quail

Part VII

Department of the Interior

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Acceptance of Petition and Status Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition acceptance and status review.

SUMMARY: Notice is given that the petition to remove the Merriam's Montezuma quail (*Cyrtonyx montezumae merriami*) from the List of Endangered and Threatened Wildlife submitted by Mr. Jerome J. Pratt, Sierra Vista, Arizona, is accepted. Under rules published February 27, 1980, (to be codified at 50 CFR 424) the Director has determined that substantial evidence has been presented to support the petition received on July 8, 1980. A status review has been conducted and is included in this notice, as required by the above rules. The Service anticipates preparation of a proposal rule to delist this bird within the next few months.

DATES: Persons wishing to comment on this notice should submit their data or other relevant information to the Director by November 25, 1980.

ADDRESSES: Director (OES), U.S. Fish and Wildlife Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION: On July 8, 1980, a petition was received from Mr. Jerome J. Pratt, Sierra Vista, Arizona, to remove Merriam's Montezuma quail (*Crytonyx montezumae merriami*) from the List of Endangered and Threatened Wildlife (50 CFR 17.11). This action is allowed under the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the rules published in the **Federal Register** of February 27, 1980 (to be codified at 50 CFR Part 424). A detailed analysis of the scientific literature was included in the petition. Under separate letter dated July 15, 1980, Dr. A. Starker Leopoid, University of California, Berkeley, has fully supported Mr. Pratt's petition.

Status Review

Merriam's Montezuma quail was described scientifically in 1897 by E. W. Nelson (Auk, 14:48) on the basis of a single male specimen from Mount Orizaba, State of Vera Cruz, Mexico (type in U.S. Museum of Natural History, Washington). A. Starker Leopold and Robert A. McCabe reviewed the taxonamy of this quail in Mexico (1957, Condor, 59:3–26) and concluded that the single type specimen represented an uncommon plumage pattern found in other series of specimen from nearby localities. The type locality is also in the narrow zone of intergradation between two well recognized subspecies (i.e., *C. m. montezumae* and *C. m. sallei*). The plumage characteristics in this species are variable. No other series of specimens from the general area of Mount Orizaba is known. Apparently a small, now probably extirpated, population of this small quail was on Mount Orizaba and was only an intergrade (hybrids between two subspecies of the same species) population. Leopold and McCabe (*op. cite*) concluded that the name *merriami* Nelson should become a synonym of *sallei* J. Verreaux as had been suggested earlier in 1902 by W. R. Ogilvie-Grant (Ibis, Series 8, 2:233–245).

C. m. merriami was included in the first list of Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). A request in May 1975 by the Fund for Animals, Inc. to the Service resulted in a proposal (40 FR 44329–44333, September 26, 1975) to add 216 species then appearing on the CITES Appendix I to the U.S. List of Endangered and Threatened Wildlife. Merriam's Montezuma quail was included in the proposal of 216 species and was later added to this latter list in a final rule published in the **Federal Register** on June 14, 1976 (41 FR 24062–24067). No comments (of some 309 letters) were received by the Service on the September 26, 1975, proposal that wee relevant to *C. m. merriami.*

At the Conference of the Parties, held in San Jose, Costa Rica, from March 19 to 30, 1979, the Merriam's Montezuma quail was deleted from Appendix I. The basis for that action was the same as the Pratt petition: unique type specimen from a narrow zone of intergradation between two well recognized subspecies.

The Service intends to prepare a proposed rule to delist Merriam's Montezuma quail as soon as possible. An additional public comment period will be provided at that time. The basis for such a proposal would be that the single specimen does not represent a recognized subspecies (or any higher taxonomic level) or a distinct geographic population of a vertebrate. Therefore, this quail no longer meets the definition of a "species" (*see* 50 CFR 424.02). The Government of Mexico is being contacted to see if they have any further comments on this quail. Because of the requirement of the Act to publish a status review and acceptance of petition in the **Federal Register** within 90 days, the Service is unable to meet other regulatory requirements (*see* 43 CFR Part 14 and 50 CFR Part 424) to publish a proposal at this time. A final rule (or notice of withdrawal) could be expected in early 1981.

The primary author of this notice is Jay M. Sheppard, Office of Endangered Species (703/235–1975).

Dated: September 23, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-29902 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-55-M

federal register

Friday
September 26, 1980

Part VIII

Department of Labor

Employment and Training Administration

Comprehensive Employment and Training Act (CETA); Wage Adjustment Index

DEPARTMENT OF LABOR

Employment and Training Administration

Comprehensive Employment and Training Act (CETA) Wage Adjustment Index

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This place promulgates the final CETA wage adjustment index for Fiscal Year 1981 as required under Section 122(i)(3) of the Comprehenisve Employment and Training Act.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Anderson, Administrator, Office of Comprehensive Employment Development, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213, Telephone (202) 376-6254.

1. *Purpose.* To transmit the annual CETA wage adjustment index for Fiscal Year 1981

2. *Background.* Section 122(i)(3) of the Act states that "the Secretary shall issue and publish annually an area wage adjustment index based upon the ratio which annual average wages in regular public and private employment in various areas served by recipients bear to the average of all such wages nationally, on the basis of the most satisfactory data the Secretary determines to be available." This wage adjustment index serves two purposes:

(a) To determine the maximum wage payable to any public service employee from funds under the Act; and (b) to determine the average annual federally supported wage rate which must be maintained in each prime sponsor area.

3. *Computation and Format of the Index.* The CETA wage adjustment index is based on unemployment insurance data as reported on the ES 202 reports for the period January 1979 through December 1979. The index was computed as the ratio of the average annual wage in each area to the national average annual wage. An index value has been computed for each prime sponsor, each Standard Metropolitan Statistical Area (SMSA), and for each county eligible to be a program agent (at least 50,000 population) in a Balance of State (BOS), consortium, or rural concentrated employment program (CEP).

The maximum and average wages presented in the attached table are based on the highest of the prime sponsor index, the SMSA index, or the individual county index. In BOS, consortia, and rural CEP prime sponsors, the county index and maximum and average wages are shown only for counties eligible to be program agents (at least 50,000 population).

All untitled entries in the table, for example, the entry directly below "Balance of Alabama," refers to the areas within a prime sponsor jurisdiction with populations of less than 50,000 for which separate indexes have not been computed. All areas within a prime sponsor's jurisdiction that do not appear on the attached table must adhere to the average wage for the prime sponsor as a whole.

4. *Application of the Index.* (a) Prime sponsors may use the SMSA index, if higher than the prime sponsor index, for the portion of their jurisdiction that is in an SMSA. In addition, prime sponsors may elect to use the county index(es) where higher than the prime sponsor index for the particular county or counties within their jurisdiction that have at least 50,000 populations for which that index applies.

5. *Action Required.* RA's are requested to immediately transmit the attached CETA wage adjustment index for Fiscal Year 1981 to all prime sponsors. This index is effective October 1, 1980.

6. *Inquiries.* Questions should be directed to Jean Dobbins on 8-376-7006.

7. *Attachment.* (RA's only) CETA Wage Adjustment Index for Fiscal Year 1981.

Signed this 17th day of September 1980 at Washington, D.C.

Charles B. Knapp,

Deputy Assistant Secretary for Employment and Training.

BILLING CODE 4510-30-M

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ALABAMA					
BIRMINGHAM CONSORTIUM					
JEFFERSON	102.1	102.1	101.0	10,210	8,445
HUNTSVILLE CONSORTIUM					
MADISON	101.5	101.5	97.0	10,150	8,395
MOBILE CONSORTIUM					
	90.3			10,000	7,665
BALDWIN	90.3	70.2	91.2	10,000	7,665
MOBILE	90.3	94.2	91.2	10,000	7,791
MONTGOMERY CONSORTIUM					
AUTAUGA	87.2		87.2	10,000	7,665
ELMORE	87.2		87.2	10,000	7,665
MONTGOMERY	87.2	87.6	87.2	10,000	7,665
TUSCALOOSA COUNTY					
TUSCALOOSA	90.3	90.3	90.3	10,000	7,665
BALANCE OF ALABAMA					
	83.4			10,000	7,665
CALHOUN	83.4	85.7	85.7	10,000	7,665
COLBERT	83.4	118.8	98.3	11,880	9,826
CULLMAN	83.4	75.8		10,000	7,665
DALLAS	83.4	71.6		10,000	7,665
ETOWAH	83.4	100.9	100.9	10,090	8,345
HOUSTON	83.4	81.6		10,000	7,665
LAUDERDALE	83.4	72.9	98.3	10,000	8,130
LEE	83.4	83.1		10,000	7,665
LIMESTONE	83.4		97.0	10,000	8,023
MARSHALL	83.4	76.3	97.0	10,000	8,023
MORGAN	83.4	94.1		10,000	7,783
RUSSELL	83.4		79.9	10,000	7,665
ST. CLAIR	83.4		101.0	10,100	8,354
SHELBY	83.4	93.2	101.0	10,100	8,354
TALLADEGA	83.4	85.1		10,000	7,665
WALKER	83.4		101.0	10,100	8,354
ALASKA					
MUNICIPALITY OF ANCHORAGE					
ANCHORAGE DIVISION	161.5	161.5	161.5	16,150	13,358
BALANCE OF ALASKA					
	162.8			16,280	13,465
FAIRBANKS DIVISION	162.8	174.3		17,430	14,416
ARIZONA					
BALANCE OF ARIZONA					
	91.8			10,000	7,665
COCHISE	91.8	92.1		10,000	7,665
COCONINO	91.8	82.8		10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ARIZONA					
BALANCE OF ARIZONA					
NAVAJO	91.8	98.6		10,000	8,155
PINAL	91.8	99.9		10,000	8,263
YAVAPAI	91.8	83.4		10,000	7,665
YUMA	91.8	83.6		10,000	7,665
MARICOPA COUNTY					
MARICOPA	97.7	97.7	97.7	10,000	8,081
PHOENIX CITY					
MARICOPA	97.7	97.7	97.7	10,000	8,081
TUCSON CITY					
PIMA	92.1	92.1	92.1	10,000	7,665
PIMA COUNTY					
PIMA	92.1	92.1	92.1	10,000	7,665
ARKANSAS					
CENTRAL ARKANSAS CONSORTIUM	90.7			10,000	7,665
PULASKI	90.7	91.8	92.4	10,000	7,665
SALINE	90.7		92.4	10,000	7,665
BALANCE OF ARKANSAS	77.2			10,000	7,665
BENTON	77.2	76.2	76.5	10,000	7,665
CRAIGHEAD	77.2	78.6		10,000	7,665
CRAWFORD	77.2		83.8	10,000	7,665
CRITTENDEN	77.2	75.4	93.5	10,000	7,733
GARLAND	77.2	75.4		10,000	7,665
JEFFERSON	77.2	92.8	92.8	10,000	7,675
MISSISSIPPI	77.2	70.8		10,000	7,665
SEBASTIAN	77.2	87.5	83.8	10,000	7,665
WASHINGTON	77.2	76.8	76.5	10,000	7,665
CALIFORNIA					
ALAMEDA COUNTY TRAINING AND EMPLOYMENT BOARD					
ALAMEDA	114.9	114.9	116.3	11,630	9,619
BERKELEY CITY					
ALAMEDA	114.9	114.9	116.3	11,630	9,619
BUTTE COUNTY					
BUTTE	81.8	81.8		10,000	7,665
CONTRA COSTA COUNTY					
CONTRA COSTA	107.5	107.5	116.3	11,630	9,619
FRESNO EMPLOYMENT AND TRAINING COMMISSION					
FRESNO	85.4	85.4	85.4	10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
CALIFORNIA					
GLENDALE CITY					
LOS ANGELES	112.8	112.8	112.8	11,280	9,330
HUMBOLDT COUNTY					
HUMBOLDT	96.0	96.0		10,000	7,940
IMPERIAL COUNTY					
IMPERIAL	79.6	79.6		10,000	7,665
INLAND MANPOWER ASSOCIATION					
RIVERSIDE	93.8	89.7	93.8	10,000	7,758
SAN BERNARDINO	93.8	96.9	93.8	10,000	8,015
KERN COUNTY					
KERN	98.5	98.5	98.5	10,000	8,147
LONG BEACH CITY					
LOS ANGELES	112.8	112.8	112.8	11,280	9,330
LOS ANGELES CITY					
LOS ANGELES	112.8	112.8	112.8	11,280	9,330
MARIN COUNTY					
MARIN	96.8	96.8	116.3	11,630	9,619
LOS ANGELES COUNTY					
LOS ANGELES	112.8	112.8	112.8	11,280	9,330
MERCED COUNTY					
MERCED	77.9	77.9		10,000	7,665
MONTEREY COUNTY					
MONTEREY	91.8	91.8	91.8	10,000	7,665
OAKLAND CITY					
ALAMEDA	114.9	114.9	116.3	11,630	9,619
ORANGE COUNTY MANPOWER COMMISSION					
ORANGE	103.4	103.4	103.4	10,340	8,552
PASADENA CITY					
LOS ANGELES	112.8	112.8	112.8	11,280	9,330
RICHMOND CITY					
CONTRA COSTA	107.5	107.5	116.3	11,630	9,619
SAN DIEGO RETC					
SAN DIEGO	97.8	97.8	97.8	10,000	8,089
SAN FRANCISCO CITY/COUNTY					
SAN FRANCISCO	121.8	121.8	116.3	12,000	10,074
SAN LUIS OBISPO COUNTY					
SAN LUIS OBISPO	89.4	89.4		10,000	7,665
SAN MATEO COUNTY					
SAN MATEO	119.5	119.5	116.3	11,950	9,884

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
CALIFORNIA					
SANTA BARBARA COUNTY					
SANTA BARBARA	91.1	91.1	91.1	10,000	7,665
SANTA CLARA COUNTY					
SANTA CLARA	117.3	117.3	117.3	11,730	9,702
SANTA CRUZ COUNTY					
SANTA CRUZ	80.8	80.8	80.8	10,000	7,665
SOLANO COUNTY					
SOLANO	110.8	110.8	105.5	11,080	9,164
SONOMA COUNTY					
SONOMA	93.6	93.6	93.6	10,000	7,742
STANISLAUS COUNTY					
STANISLAUS	88.4	88.4	88.4	10,000	7,665
STOCKTON/SAN JOAQUIN EMPLOYMENT AND TRAINING COMMITTEE					
SAN JOAQUIN	95.0	95.0	95.0	10,000	7,857
SUNNYVALE CITY					
SANTA CLARA	117.3	117.3	117.3	11,730	9,702
TORRANCE CITY					
LOS ANGELES	112.8	112.8	112.8	11,280	9,330
TULARE COUNTY					
TULARE	75.9	75.9		10,000	7,665
VENTURA COUNTY					
VENTURA	97.7	97.7	97.7	10,000	8,081
BALANCE OF CALIFORNIA					
	86.2			10,000	7,665
EL DORADO	86.2	85.2		10,000	7,665
KINGS	86.2	82.7		10,000	7,665
MADERA	86.2	75.0		10,000	7,665
MENDOCINO	86.2	87.0		10,000	7,665
NAPA	86.2	94.3	105.5	10,550	8,726
SACRAMENTO CONSORTIUM					
SACRAMENTO	111.6	111.6	106.8	11,160	9,230
YOLO COUNTY					
YOLO	88.1	88.1	106.8	10,680	8,833
SHASTA COUNTY					
SHASTA	100.0	100.0		10,000	8,271
PLACER COUNTY					
PLACER	88.0	88.0	106.8	10,680	8,833
COLORADO					
ADAMS COUNTY					
ADAMS	101.0	101.0	105.5	10,550	8,726

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
COLORADO					
ARAPAHOE COUNTY					
ARAPAHOE	100.2	100.2	105.5	10,550	8,726
BOULDER COUNTY					
BOULDER	92.9	92.9	105.5	10,550	8,726
COLORADO SPRINGS CONSORTIUM					
EL PASO	86.8	86.8	86.5	10,000	7,665
DENVER CITY/COUNTY					
DENVER	111.4	111.4	105.5	11,140	9,214
JEFFERSON COUNTY					
JEFFERSON	102.4	102.4	105.5	10,550	8,726
LARIMER COUNTY					
LARIMER	89.0	89.0	89.0	10,000	7,665
PUEBLO COUNTY					
PUEBLO	101.8	101.8	101.8	10,180	8,420
WELD COUNTY					
WELD	88.6	88.6	88.6	10,000	7,665
BALANCE OF COLORADO					
	84.1			10,000	7,665
DOUGLAS	84.1		105.5	10,550	8,726
GILPIN	84.1		105.5	10,550	8,726
MESA	84.1	92.7		10,000	7,667
CONNECTICUT					
BRIDGEPORT CONSORTIUM					
FAIRFIELD	111.3	113.9	113.9	11,390	9,421
NEW HAVEN	111.3	95.8	95.8	11,130	9,206
HARTFORD CONSORTIUM					
HARTFORD	104.6	106.2	103.7	10,620	8,784
TOLLAND	104.6	79.6	103.7	10,460	8,651
NEW HAVEN CONSORTIUM					
NEW HAVEN	95.8	95.8	95.8	10,000	7,924
STAMFORD CONSORTIUM					
FAIRFIELD	113.9	113.9	113.9	11,390	9,421
WATERBURY CITY					
NEW HAVEN	95.8	95.8	95.8	10,000	7,924
BALANCE OF CONNECTICUT					
	101.4			10,140	8,387
FAIRFIELD	101.4	113.9	113.9	11,390	9,421
HARTFORD	101.4	106.2	103.7	10,620	8,784
LITCHFIELD	101.4	89.5		10,140	8,387
MIDDLESEX	101.4	92.6	103.7	10,370	8,577
NEW HAVEN	101.4	95.8	95.8	10,140	8,387
NEW LONDON	101.4	99.9	99.9	10,140	8,387
TOLLAND	101.4	79.6	103.7	10,370	8,577
WINDHAM	101.4	83.9		10,140	8,387

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
DELAWARE					
WILMINGTON					
NEW CASTLE	113.0	113.0	112.6	11,300	9,346
DELAWARE INTERGOV. EMPLOYMENT AND TRAINING CSRT					
KENT	103.5	85.3		10,350	8,560
NEW CASTLE	103.5	113.0	112.6	11,300	9,346
SUSSEX	103.5	79.6		10,350	8,560
DISTRICT OF COLUMBIA					
DISTRICT OF COLUMBIA					
DISTRICT OF COLUMBIA	130.0	130.0	114.8	12,000	10,752
FLORIDA					
ALACHUA COUNTY					
ALACHUA	77.5	77.5	77.5	10,000	7,665
BREVARD COUNTY					
BREVARD	99.4	99.4	99.4	10,000	8,221
BROWARD CONSORTIUM					
BROWARD	89.0	89.0	89.0	10,000	7,665
ESCAMBIA COUNTY					
ESCAMBIA	90.9	90.9	90.0	10,000	7,665
HEARTLAND CONSORTIUM					
	82.7			10,000	7,665
POLK	82.7	86.2	86.2	10,000	7,665
LEE COUNTY					
LEE	80.1	80.1	80.1	10,000	7,665
LEON/GADSEN CONSORTIUM					
	81.9			10,000	7,665
LEON	81.9	83.0	82.8	10,000	7,665
MANATEE COUNTY					
MANATEE	76.6	76.6	76.6	10,000	7,665
SOUTH FLORIDA CONSORTIUM					
	96.3			10,000	7,965
DADE	96.3	97.0	97.0	10,000	8,023
N.E. FLORIDA EMPLOYMENT AND TRAINING CONSORTIUM					
BAKER	93.8		91.6	10,000	7,758
DUVAL	93.8	93.7	91.6	10,000	7,758
NASSAU	93.8		91.6	10,000	7,758
OKALOOSA COUNTY					
OKALOOSA	76.6	76.6		10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
FLORIDA					
ORANGE COUNTY					
ORANGE	87.6	87.6	85.5	10,000	7,665
PALM BEACH COUNTY					
PALM BEACH	90.8	90.8	90.8	10,000	7,665
PASCO COUNTY					
PASCO	71.4	71.4	85.7	10,000	7,665
SARASOTA COUNTY					
SARASOTA	80.4	80.4	80.4	10,000	7,665
SEMINOLE COUNTY					
SEMINOLE	79.1	79.1	85.5	10,000	7,665
TAMPA					
HILLSBOROUGH	89.9	89.9	85.7	10,000	7,665
HILLSBOROUGH COUNTY					
HILLSBOROUGH	89.9	89.9	85.7	10,000	7,665
ST. PETERSBURG CONSORTIUM					
PINELLAS	82.6	82.6	85.7	10,000	7,665
MARION COUNTY					
MARION	75.4	75.4		10,000	7,665
VOLUSIA COUNTY					
VOLUSIA	74.0	74.0	74.0	10,000	7,665
BALANCE OF FLORIDA					
	74.8			10,000	7,665
BAY	74.8	77.5	77.5	10,000	7,665
CLAY	74.8	73.2	91.6	10,000	7,665
COLLIER	74.8	69.6		10,000	7,665
LAKE	74.8	68.9		10,000	7,665
OSCEOLA	74.8		85.5	10,000	7,665
ST. JOHNS	74.8		91.6	10,000	7,665
ST. LUCIE	74.8	78.8		10,000	7,665
SANTA ROSA	74.8		90.0	10,000	7,665
WAKULLA	74.8		82.8	10,000	7,665
GEORGIA					
ATLANTA CITY					
DEKALB	107.5	99.1	101.8	10,750	8,891
FULTON	107.5	107.9	101.8	10,790	8,924
CLAYTON COUNTY					
CLAYTON	99.0	99.0	101.8	10,180	8,420
COBB COUNTY					
COBB	94.4	94.4	101.8	10,180	8,420
COLUMBUS AREA CONSORTIUM					
CHATTAHOOCHEE	80.5		79.9	10,000	7,665
COLUMBUS	80.6	78.6	79.9	10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
GEORGIA					
CENTRAL SAVANNAH RIVER CONSORTIUM					
.....	80.3			10,000	7,665
COLUMBIA.....	80.3		88.7	10,000	7,665
RICHMOND.....	80.3	86.4	88.7	10,000	7,665
DEKALB COUNTY					
DEKALB.....	99.1	99.1	101.8	10,180	8,420
FULTON COUNTY					
FULTON.....	107.9	107.9	101.8	10,790	8,924
GWINNETT CO					
GWINETT.....	95.6	95.6	101.8	10,180	8,420
MID GEORGIA CONSORTIUM					
.....	90.6			10,000	7,665
BIBB.....	90.6	85.6	92.8	10,000	7,675
HOUSTON.....	90.6	106.8	92.8	10,680	8,833
JONES.....	90.6	70.5	92.8	10,000	7,675
TWIGGS.....	90.6		92.8	10,000	7,675
SAVANNAH/CHATHAM CONSORTIUM					
CHATHAM.....	90.4	90.4	89.4	10,000	7,665
BALANCE OF GEORGIA					
.....	76.9			10,000	7,665
BRYAN.....	76.9		89.4	10,000	7,665
BUTTS.....	76.9		101.8	10,180	8,420
CARROLL.....	76.9	76.1		10,000	7,665
CATOOSA.....	76.9		93.2	10,000	7,709
CHEROKEE.....	76.9		101.8	10,180	8,420
CLARKE.....	76.9	83.7		10,000	7,665
DADE.....	76.9		93.2	10,000	7,709
DOUGHERTY.....	76.9	92.1	91.3	10,000	7,665
DOUGLAS.....	76.9		101.8	10,180	8,420
EFFINGHAM.....	76.9		89.4	10,000	7,665
FAYETTE.....	76.9		101.8	10,180	8,420
FLOYD.....	76.9	88.6		10,000	7,665
FORSYTH.....	76.9		101.8	10,180	8,420
HALL.....	76.9	77.6		10,000	7,665
HENRY.....	76.9		101.8	10,180	8,420
LEE.....	76.9		91.3	10,000	7,665
LOWNDES.....	76.9	77.1		10,000	7,665
NEWTON.....	76.9		101.8	10,180	8,420
PAULDING.....	76.9		101.8	10,180	8,420
ROCKDALE.....	76.9		101.8	10,180	8,420
WALKER.....	76.9	74.5	93.2	10,000	7,709
WALTON.....	76.9		101.8	10,180	8,420
WHITFIELD.....	76.9	85.4		10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
HAWAII					
HONOLULU CITY/COUNTY					
HONOLULU	91.7	91.7	91.7	10,000	7,665
BALANCE OF HAWAII					
	86.4			10,000	7,665
HAWAII	86.4	86.1		10,000	7,665
MAUI + KALAWAO	86.4	88.5		10,000	7,665
IDAHO					
IDAHO EMPLOYMENT AND TRAINING CONSORTIUM					
	88.9			10,000	7,665
ADA	88.9	95.3	95.3	10,000	7,882
BANNOCK	88.9	86.2		10,000	7,665
BONNEVILLE	88.9	90.5		10,000	7,665
CANYON	88.9	79.9		10,000	7,665
ILLINOIS					
CHAMPAIGN CONSORTIUM					
	82.8			10,000	7,665
CHAMPAIGN	82.8	85.1	85.1	10,000	7,665
CITY OF CHICAGO					
COOK	116.8	116.8	113.7	11,680	9,661
COOK COUNTY					
COOK	116.8	116.8	113.7	11,680	9,661
DUPAGE COUNTY					
DU PAGE	101.8	101.8	113.7	11,370	9,404
KANE COUNTY					
KANE	98.4	98.4	113.7	11,370	9,404
LAKE COUNTY					
LAKE	104.2	104.2	113.7	11,370	9,404
LA SALLE COUNTY					
LA SALLE	98.4	98.4		10,000	8,139
MACON COUNTY					
MACON	109.8	109.8	109.8	10,980	9,082
MADISON COUNTY CONSORTIUM					
MADISON	109.9	111.5	104.9	11,150	9,222
MCHENRY COUNTY					
MCHENRY	93.3	93.3	113.7	11,370	9,404
MCLEAN COUNTY					
MCLEAN	90.1	90.1	90.1	10,000	7,665
PEORIA CONSORTIUM					
PEORIA	113.1	113.1	121.3	12,000	10,033

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ILLINOIS					
ROCKFORD CONSORTIUM					
BOONE	110.7		110.7	11,070	9,156
WINNEBAGO	110.7	108.7	110.7	11,070	9,156
ROCK ISLAND COUNTY					
ROCK ISLAND	119.7	119.7	112.0	11,970	9,900
SANGAMON-CASS CONSORTIUM					
SANGAMON	93.6	93.1	92.8	10,000	7,742
SHAWNEE CONSORTIUM FOR SOUTHERN MOST ILLINOIS	82.1			10,000	7,665
ST. CLAIR COUNTY CONSORTIUM	94.3			10,000	7,800
ST. CLAIR	94.3	93.5	104.9	10,490	8,676
TAZEWELL COUNTY					
TAZEWELL	141.5	141.5	121.3	12,000	11,703
WILL-GRUNDY CONSORTIUM					
WILL	110.5	110.2	113.7	11,370	9,404
BALANCE OF ILLINOIS	90.5			10,000	7,665
ADAMS	90.5	91.3		10,000	7,665
CLINTON	90.5		104.9	10,490	8,676
DE KALB	90.5	87.9		10,000	7,665
HENRY	90.5	81.9	112.0	11,200	9,264
JACKSON	90.5	76.1		10,000	7,665
KANKAKEE	90.5	90.5	90.5	10,000	7,665
KNOX	90.5	92.7		10,000	7,667
MENARD	90.5		92.8	10,000	7,675
MONROE	90.5		104.9	10,490	8,676
VERMILION	90.5	104.7		10,470	8,660
WHITESIDE	90.5	110.9		11,090	9,173
WILLIAMSON	90.5	95.0		10,000	7,857
INDIANA					
DELAWARE BLACKFORD CONSORTIUM	99.3			10,000	8,213
DELAWARE	99.3	100.7	100.7	10,070	8,329
ELKHART COUNTY					
ELKHART	96.2	96.2	96.2	10,000	7,957
FT. WAYNE AREA CONSORTIUM	101.3			10,130	8,379
ADAMS	101.3		103.7	10,370	8,577
ALLEN	101.3	106.4	103.7	10,640	8,800
DEKALB	101.3		103.7	10,370	8,577

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
INDIANA					
CITY OF GARY					
LAKE	127.4	127.4	125.9	12,000	10,537
CITY OF HAMMOND					
LAKE	127.4	127.4	125.9	12,000	10,537
CITY OF INDIANAPOLIS					
MARION	108.3	108.3	103.9	10,830	8,957
LAKE COUNTY					
LAKE	127.4	127.4	125.9	12,000	10,537
LA PORTE COUNTY					
LAPORTE	93.3	93.3		10,000	7,717
MADISON COUNTY					
MADISON	116.5	116.5	116.5	11,650	9,636
SOUTHWESTERN INDIANA EMPLOYMENT AND TRAINING CONSORTIUM					
	97.0			10,000	8,023
GIBSON	97.0		97.8	10,000	8,089
POSEY	97.0		97.8	10,000	8,089
VANDERBURGH	97.0	93.8	97.8	10,000	8,089
WARRICK	97.0		97.8	10,000	8,089
SOUTH BEND-ST. JOSEPH COUNTY CSRT					
ST. JOSEPH	97.4	97.4	95.6	10,000	8,056
TIPPECANOE COUNTY					
TIPPECANOE	96.8	96.8	96.8	10,000	8,006
VIGO COUNTY					
VIGO	90.3	90.3	91.7	10,000	7,665
BALANCE OF INDIANA					
	91.7			10,000	7,665
BARTHOLOMEW	91.7	119.5		11,950	9,884
BOONE	91.7		103.9	10,390	8,594
CLARK	91.7	85.1	99.7	10,000	8,246
CLAY	91.7		91.7	10,000	7,665
DEARBORN	91.7		106.3	10,630	8,792
FLOYD	91.7	80.8	99.7	10,000	8,246
GRANT	91.7	104.5		10,450	8,643
HAMILTON	91.7	88.0	103.9	10,390	8,594
HANCOCK	91.7		103.9	10,390	8,594
HENDRICKS	91.7	85.8	103.9	10,390	8,594
HENRY	91.7	93.7		10,000	7,750
HOWARD	91.7	124.7	120.4	12,000	10,314
JOHNSON	91.7	76.9	103.9	10,390	8,594
KOSCIUSKO	91.7	89.7		10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
INDIANA					
BALANCE OF INDIANA					
MARSHALL	91.7		95.6	10,000	7,907
MONROE	91.7	84.8	84.8	10,000	7,665
MORGAN	91.7		103.9	10,390	8,594
PORTER	91.7	117.1	125.9	12,000	10,413
SHELBY	91.7		103.9	10,390	8,594
SULLIVAN	91.7		91.7	10,000	7,665
TIPTON	91.7		120.4	12,000	9,958
VERMILLION	91.7		91.7	10,000	7,665
WAYNE	91.7	93.5		10,000	7,733
WELLS	91.7		103.7	10,370	8,577
IOWA					
BLACKHAWK COUNTY					
BLACK HAWK	111.7	111.7	111.7	11,170	9,239
CENTRAL IOWA REGIONAL ASSN. OF LOCAL GOVERNMENTS					
	96.1			10,000	7,948
POLK	96.1	100.6	99.7	10,060	8,321
STORY	96.1	87.1		10,000	7,948
WARREN	96.1		99.7	10,000	8,246
DAVENPORT-SCOTT COUNTY					
SCOTT	109.2	109.2	112.0	11,200	9,264
LINN COUNTY MANPOWER CONSORTIUM					
LINN	104.2	104.2	104.2	10,420	8,618
WOODBURY COUNTY					
WOODBURY	90.5	90.5	91.1	10,000	7,665
BALANCE OF IOWA					
	84.2			10,000	7,665
CLINTON	84.2	95.2		10,000	7,874
DUBUQUE	84.2	108.6	108.6	10,860	8,982
JOHNSON	84.2	89.1	89.1	10,000	7,665
POTTAWATTAMIE	84.2	80.6	94.1	10,000	7,783
KANSAS					
KANSAS CITY CONSORTIUM					
WYANDOTTE	110.7	110.7	103.9	11,070	9,156
TOPEKA/SHAWNEE COUNTY CONSORTIUM					
SHAWNEE	94.6	94.6	92.9	10,000	7,824
WICHITA CITY					
SEDGWICK	101.9	101.9	101.0	10,190	8,428

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
KANSAS					
BALANCE OF KANSAS					
.....	84.2			10,000	7,665
DOUGLAS.....	84.2	86.1	86.1	10,000	7,665
JEFFERSON.....	84.2		92.9	10,000	7,684
JOHNSON.....	84.2	96.6	103.9	10,390	8,594
LEAVENWORTH.....	84.2	87.6		10,000	7,665
OSAGE.....	84.2		92.9	10,000	7,684
RENO.....	84.2	88.9		10,000	7,665
RILEY.....	84.2	76.6		10,000	7,665
SEDGWICK.....	84.2	101.9	101.0	10,190	8,428
KENTUCKY					
BLUE GRASS EMPLOYMENT AND TRAINING CONSORTIUM					
.....	89.9			10,000	7,665
BOURBON.....	89.9		91.4	10,000	7,665
CLARK.....	89.9		91.4	10,000	7,665
FAYETTE.....	89.9	93.2	91.4	10,000	7,709
SCOTT.....	89.9		91.4	10,000	7,665
WOODFORD.....	89.9		91.4	10,000	7,665
EASTERN KENTUCKY RURAL CEP					
.....	105.5			10,550	8,726
PIKE.....	105.5	115.7		11,570	9,570
KENTON COUNTY					
KENTON.....	84.4	84.4	106.3	10,630	8,792
LOUISVILLE/JEFFERSON CONSORTIUM					
JEFFERSON.....	102.5	102.5	99.7	10,250	8,478
BALANCE OF KENTUCKY					
.....	86.8			10,000	7,665
BOONE.....	86.8		106.3	10,630	8,792
BOYD.....	86.8	112.0	104.8	11,200	9,264
BULLITT.....	86.8		99.7	10,000	8,246
CAMPBELL.....	86.8	90.3	106.3	10,630	8,792
CHRISTIAN.....	86.8	82.0	81.6	10,000	7,665
DAVIESS.....	86.8	91.0	91.0	10,000	7,665
GREENUP.....	86.8		104.8	10,480	8,668
HARDIN.....	86.8	85.4		10,000	7,665
HENDERSON.....	86.8		97.8	10,000	8,089
JESSAMINE.....	86.8		91.4	10,000	7,665
MCCRACKEN.....	86.8	91.5		10,000	7,665
OLDHAM.....	86.8		99.7	10,000	8,246
WARREN.....	86.8	82.4		10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
LOUISIANA					
BATON ROUGE CITY PARISH					
EAST BATON ROUGE	101.3	101.3	101.8	10,180	8,420
CALCASIEU/CAMERON/JEFFERSON DAVIS CONSORTIUM	103.6			10,360	8,569
CALCASIEU	103.6	106.4	106.4	10,640	8,800
JEFFERSON PARISH					
JEFFERSON	97.1	97.1	99.1	10,000	8,197
LAFAYETTE PARISH					
LAFAYETTE	104.9	104.9	104.9	10,490	8,676
NEW ORLEANS CITY					
ORLEANS	100.9	100.9	99.1	10,090	8,345
OUACHITA PARISH					
OUACHITA	93.0	93.0	93.0	10,000	7,692
RAPIDES PARISH					
RAPIDES	81.0	81.0	80.2	10,000	7,665
SHREVEPORT CITY					
CADDO	94.9	94.9	92.1	10,000	7,849
BALANCE OF LOUISIANA	94.9			10,000	7,849
ACADIA	94.9	72.6		10,000	7,849
ASCENSION	94.9		101.8	10,180	8,420
BOSSIER	94.9	81.1	92.1	10,000	7,849
CADDO	94.9	94.9	92.1	10,000	7,849
GRANT	94.9		80.2	10,000	7,849
IBERIA	94.9	96.2		10,000	7,957
LAFOURCHE	94.9	93.0		10,000	7,849
LIVINGSTON	94.9		101.8	10,180	8,420
ST. BERNARD	94.9	107.9	99.1	10,790	8,924
ST. LANDRY	94.9	78.2		10,000	7,849
ST.MARY	94.9	111.2		11,120	9,197
ST. TAMMANY	94.9	79.5	99.1	10,000	8,197
TANGIPAHOA	94.9	72.7		10,000	7,849
TERREBONNE	94.9	113.5		11,350	9,388
WEBSTER	94.9		92.1	10,000	7,849
WEST BATON ROUGE	94.9		101.8	10,180	8,420
MAINE					
CUMBERLAND COUNTY					
CUMBERLAND	84.2	84.2	85.3	10,000	7,665
PENOBSCOT CONSORTIUM	80.8			10,000	7,665
PENOBSCOT	80.8	83.2		10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MAINE					
YORK COUNTY					
YORK	82.4	82.4		10,000	7,665
BALANCE OF MAINE					
	78.6			10,000	7,665
ANDROSCOGGIN	78.6	73.1	73.1	10,000	7,665
AROOSTOOK	78.6	77.3		10,000	7,665
KENNEBEC	78.6	84.8		10,000	7,665
SAGADAHOC	78.6		85.3	10,000	7,665
MARYLAND					
BALTIMORE CONSORTIUM					
ANNE ARUNDEL	97.8	92.6	98.3	10,000	8,130
CARROLL	97.8	84.6	98.3	10,000	8,130
HARFORD	97.8	85.8	98.3	10,000	8,130
HOWARD	97.8	98.9	98.3	10,000	8,180
BALTIMORE - INDEPENDENT CITY	97.8	100.9	98.3	10,090	8,345
MONTGOMERY COUNTY					
MONTGOMERY	103.3	103.3	114.8	11,480	9,495
PRINCE GEORGES COUNTY					
PRINCE GEORGES	95.6	95.6	114.8	11,480	9,495
WESTERN MARYLAND CONSORTIUM					
	92.1			10,000	7,665
ALLEGANY	92.1	91.1		10,000	7,665
WASHINGTON	92.1	96.3		10,000	7,965
BALANCE OF MARYLAND					
	75.3			10,000	7,665
CECIL	75.3	81.1	112.6	11,260	9,313
CHARLES	75.3	81.3	114.8	11,480	9,495
ST. MARYS	75.3	82.8		10,000	7,665
WICOMICO	75.3	76.3		10,000	7,665
BALTIMORE COUNTY					
BALTIMORE	99.6	99.6	98.3	10,000	8,238
FREDERICK COUNTY					
FREDERICK	82.2	82.2		10,000	7,665
MASSACHUSETTS					
BOSTON CITY					
SUFFOLK	108.8	108.8	100.0	10,880	8,999
BROCKTON CONSORTIUM					
BRISTOL	84.5	80.7	80.7	10,000	7,665
NORFOLK	84.5	95.9	100.0	10,000	8,271
PLYMOUTH	84.5	82.4	100.0	10,000	8,271

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MASSACHUSETTS					
EMHRDA CONSORTIUM (CAMBRIDGE)					
MIDDLESEX	102.6	102.6	100.0	10,260	8,486
HAMPDEN COUNTY CONSORTIUM					
HAMPDEN	91.3	91.3	89.2	10,000	7,665
PITTSFIELD CONSORTIUM					
BERKSHIRE	90.7	90.7	90.7	10,000	7,665
LOWELL CONSORTIUM					
MIDDLESEX	102.6	102.6	100.0	10,260	8,486
NEW BEDFORD CONSORTIUM					
BRISTOL	80.9	80.7	80.7	10,000	7,665
PLYMOUTH	80.9	82.4	100.0	10,000	8,271
SALEM CONSORTIUM					
ESSEX	90.4	90.4	100.0	10,000	8,271
WORCESTER CONSORTIUM					
WORCESTER	89.7	89.7	89.7	10,000	7,665
FALL RIVER CONSORTIUM					
BRISTOL	80.7	80.7	80.7	10,000	7,665
BALANCE OF MASSACHUSETTS					
	94.4			10,000	7,808
BARNSTABLE	94.4	73.4		10,000	7,808
BRISTOL	94.4	80.7	80.7	10,000	7,808
ESSEX	94.4	90.4	100.0	10,000	8,271
FRANKLIN	94.4	81.8		10,000	7,808
HAMPSHIRE	94.4	80.4	89.2	10,000	7,808
MIDDLESEX	94.4	102.6	100.0	10,260	8,486
NORFOLK	94.4	95.9	100.0	10,000	8,271
PLYMOUTH	94.4	82.4	100.0	10,000	8,271
SUFFOLK	94.4	108.8	100.0	10,880	8,999
WORCESTER	94.4	89.7	89.7	10,000	7,808
MICHIGAN					
CITY OF ANN ARBOR					
WASHTENAW	120.9	120.9	120.9	12,000	10,000
WASHTENAW COUNTY					
WASHTENAW	120.9	120.9	120.9	12,000	10,000
BAY COUNTY					
BAY	109.2	109.2	109.2	10,920	9,032
DEARBORN CITY					
WAYNE	136.3	136.3	130.7	12,000	11,273
DETROIT CITY					
WAYNE	136.3	136.3	130.7	12,000	11,273

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MICHIGAN					
GENESSEE,FLINT,SHIAWASSEE-LAPEER EMPLOYMENT AND TRAINING CSRT					
GENESEE	132.9	139.4	135.8	12,000	11,530
LAPEER	132.9	91.9	130.7	12,000	10,992
SHIAWASSEE	132.9	93.4	135.8	12,000	11,232
REGION II MANPOWER CONSORTIUM	106.9			10,690	8,842
JACKSON	106.9	112.3	112.3	11,230	9,288
LENAWEE	106.9	101.1		10,690	8,842
KALAMAZOO COUNTY					
KALAMAZOO	110.1	110.1	107.2	11,010	9,106
GRAND RAPIDS AREA EMPLOYMENT AND TRAINING PLANNING COUNCIL	102.2			10,220	8,453
ALLEGAN	102.2	90.5		10,220	8,453
IONIA	102.2		113.6	11,360	9,396
KENT	102.2	105.1	103.4	10,510	8,693
LANSING TRI-COUNTY CONSORTIUM					
CLINTON	115.1	90.3	113.6	11,510	9,520
EATON	115.1	89.5	113.6	11,510	9,520
INGHAM	115.1	118.3	113.6	11,830	9,785
LIVINGSTON COUNTY					
LIVINGSTON	90.1	90.1	130.7	12,000	10,810
LIVONIA CITY					
WAYNE	136.3	136.3	130.7	12,000	11,273
MACOMB COUNTY					
MACOMB	128.7	128.7	130.7	12,000	10,810
MID-COUNTIES EMPLOYMENT AND TRAINING CONSORTIUM					
BARRY	112.8		112.8	11,280	9,330
CALHOUN	112.8	114.7	112.8	11,470	9,487
MONROE COUNTY					
MONROE	113.2	113.2	109.3	11,320	9,363
MUSKEGON/OCEANA CONSORTIUM					
MUSKEGON	105.3	107.6	105.3	10,760	8,900
OCEANA	105.3		105.3	10,530	8,709

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MICHIGAN					
NORTHEAST MICHIGAN EMPLOYMENT AND TRAINING CONSORTIUM					
.....	89.1			10,000	7,665
OAKLAND COUNTY					
OAKLAND.....	123.6	123.6	130.7	12,000	10,810
OTTAWA COUNTY					
OTTAWA.....	97.2	97.2	103.4	10,340	8,552
SAGINAW COUNTY					
SAGINAW.....	126.4	126.4	126.4	12,000	10,455
ST. CLAIR COUNTY					
ST. CLAIR.....	104.8	104.8	130.7	12,000	10,810
WARREN CITY					
MACOMB.....	128.7	128.7	130.7	12,000	10,810
WAYNE COUNTY					
WAYNE.....	136.3	136.3	130.7	12,000	11,273
BALANCE OF MICHIGAN					
.....	94.8			10,000	7,841
BERRIEN.....	94.8	100.0		10,000	8,271
ISABELLA.....	94.8	92.0		10,000	7,841
MARQUETTE.....	94.8	101.8		10,180	8,420
MIDLAND.....	94.8	143.5		12,000	11,869
ST. JOSEPH.....	94.8	95.5		10,000	7,899
TUSCOLA.....	94.8	91.7		10,000	7,841
VAN BUREN.....	94.8	88.8	107.2	10,720	8,867
MINNESOTA					
DAKOTA COUNTY					
DAKOTA.....	93.5	93.5	104.6	10,460	8,651
DULUTH					
ST. LOUIS.....	100.2	100.2	98.3	10,020	8,288
HENNEPIN COUNTY					
HENNEPIN.....	107.7	107.7	104.6	10,770	8,908
CITY OF MINNEAPOLIS					
HENNEPIN.....	107.7	107.7	104.6	10,770	8,908
RAMSEY COUNTY					
RAM	107.6	107.6	104.6	10,760	8,900
REGION III CONSORTIUM					
.....	99.6			10,000	8,238
ST. LOUIS.....	99.6	100.2	98.3	10,020	8,288
RURAL INNESOTA CEP					
.....	74.1			10,000	7,665
CLAY.....	74.1		89.8	10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MINNESOTA					
CITY OF ST. PAUL					
RAMSEY	107.6	107.6	104.6	10,760	8,900
QUAD COUNTIES CONSORTIUM					
ANOKA	95.4	97.5	104.6	10,460	8,651
CARVER	95.4		104.6	10,460	8,651
SCOTT	95.4		104.6	10,460	8,651
WASHINGTON	95.4	95.3	104.6	10,460	8,651
BALANCE OF MINNESOTA	80.8			10,000	7,665
BLUE EARTH	80.8	84.1		10,000	7,665
CHISAGO	80.8		104.6	10,460	8,651
OLMSTED	80.8	101.6	101.6	10,160	8,403
POLK	80.8		80.9	10,000	7,665
SHERBURNE	80.8		83.2	10,000	7,665
STEARNS	80.8	82.6	83.2	10,000	7,665
WRIGHT	80.8	70.7	104.6	10,460	8,651
MISSISSIPPI					
JACKSON CONSORTIUM					
HINDS	88.3	89.1	88.3	10,000	7,665
RANKIN	88.3	82.6	88.3	10,000	7,665
GULF COAST CONSORTIUM					
HANCOCK	79.5		79.5	10,000	7,665
HARRISON	79.5	76.1	79.5	10,000	7,665
STONE	79.5		79.5	10,000	7,665
BALANCE OF MISSISSIPPI	76.7			10,000	7,665
DE SOTO	76.7	77.4	93.5	10,000	7,733
FORREST	76.7	78.3		10,000	7,665
JACKSON	76.7	102.1	102.1	10,210	8,445
JONES	76.7	84.4		10,000	7,665
LAUDERDALE	76.7	81.0		10,000	7,665
LEE	76.7	78.0		10,000	7,665
LOWNDES	76.7	76.7		10,000	7,665
WASHINGTON	76.7	77.1		10,000	7,665
MISSOURI					
CITY OF INDEPENDENCE					
JACKSON	104.9	104.9	103.9	10,490	8,676
JACKSON COUNTY					
JACKSON	104.9	104.9	103.9	10,490	8,676
JEFFERSON/FRANKLIN CONSORTIUM					
FRANKLIN	81.3	81.4	104.9	10,490	8,676
JEFFERSON	81.3	81.1	104.9	10,490	8,676

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MISSOURI					
KANSAS CITY CONSORTIUM			103.9	10,430	8,627
CASS	104.3	101.0	103.9	10,430	8,627
CLAY	104.3	104.9	103.9	10,490	8,676
JACKSON	104.3		103.9	10,430	8,627
PLATTE	104.3		103.9	10,430	8,627
RAY	104.3				
CITY OF SPRINGFIELD					
GREENE	87.0	87.0	86.4	10,000	7,665
ST. CHARLES COUNTY					
ST. CHARLES	89.7	89.7	104.9	10,490	8,676
ST. LOUIS CITY					
ST. LOUIS IND. CITY	110.3	110.3	104.9	11,030	9,123
ST. LOUIS COUNTY					
ST. LOUIS	104.7	104.7	104.9	10,490	8,676
BALANCE OF MISSOURI				10,000	7,665
	75.8		86.3	10,000	7,665
ANDREW	75.8		85.2	10,000	7,665
BOONE	75.8	85.2	86.3	10,000	7,665
BUCHANAN	75.8	87.4		10,000	7,665
CAPE GIRARDEAU	75.8	86.6	86.4	10,000	7,665
CHRISTIAN	75.8			10,000	7,665
COLE	75.8	82.4	86.4	10,000	7,665
GREENE	75.8	87.0		10,000	7,665
JASPER	75.8	82.9			
MONTANA					
BUTTE RURAL CEP	94.0			10,000	7,775
BALANCE OF MONTANA				10,000	7,665
	86.3		90.9	10,000	7,665
CASCADE	86.3	90.9		10,000	7,665
MISSOULA	86.3	92.3	93.1	10,000	7,700
YELLOWSTONE	86.3	93.1			
NEBRASKA					
CITY OF LINCOLN					
LANCASTER	83.0	83.0	83.0	10,000	7,665
OMAHA CONSORTIUM			94.1	10,000	7,982
DOUGLAS	95.6	96.5	94.1	10,000	7,907
SARPY	95.6	78.7			
BALANCE OF NEBRASKA				10,000	7,665
	77.0		91.1	10,000	7,665
DAKOTA	77.0		83.0	10,000	7,665
LANCASTER	77.0	83.0			

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEVADA					
LAS VEGAS/CLARK COUNTY CONSORTIUM					
CLARK	98.9	98.9	98.9	10,000	8,180
WASHOE COUNTY					
WASHOE	97.6	97.6	97.6	10,000	8,072
BALANCE OF NEVADA	94.2			10,000	7,791
NEW HAMPSHIRE					
HILLSBOROUGH COUNTY					
HILLSBOROUGH	89.0	89.0	89.0	10,000	7,665
BALANCE OF NEW HAMPSHIRE	80.8			10,000	7,665
CHESHIRE	80.8	83.4		10,000	7,665
GRAFTON	80.8	81.1		10,000	7,665
MERRIMACK	80.8	82.6		10,000	7,665
ROCKINGHAM	80.8	83.2	100.0	10,000	8,271
STRAFFORD	80.8	78.2		10,000	7,665
NEW JERSEY					
ATLANTIC COUNTY					
ATLANTIC	91.9	91.9	91.9	10,000	7,665
BERGEN COUNTY					
BERGEN	108.3	108.3	118.0	11,800	9,760
BURLINGTON COUNTY					
BURLINGTON	96.3	96.3	104.7	10,470	8,660
CAMDEN CITY					
CAMDEN	99.0	99.0	104.7	10,470	8,660
CAMDEN COUNTY					
CAMDEN	99.0	99.0	104.7	10,470	8,660
CUMBERLAND COUNTY					
CUMBERLAND	92.0	92.0	92.0	10,000	7,665
ELIZABETH CITY					
UNION	119.1	119.1	114.3	11,910	9,851
ESSEX COUNTY					
ESSEX	111.9	111.9	114.3	11,430	9,454
GLOUCESTER COUNTY					
GLOUCESTER	95.3	95.3	104.7	10,470	8,660
HUDSON COUNTY					
HUDSON	106.7	106.7	106.7	10,670	8,825
JERSEY CITY					
HUDSON	106.7	106.7	106.7	10,670	8,825

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEW JERSEY					
MERCER COUNTY					
MERCER	105.2	105.2	105.2	10,520	8,701
MIDDLESEX COUNTY					
MIDDLESEX	113.2	113.2	113.2	11,320	9,363
MONMOUTH COUNTY					
MONMOUTH	96.0	96.0	96.0	10,000	7,940
MORRIS COUNTY					
MORRIS	111.5	111.5	114.3	11,430	9,454
NEWARK CITY					
ESSEX	111.9	111.9	114.3	11,430	9,454
OCEAN COUNTY					
OCEAN	85.5	85.5		10,000	7,665
PASSAIC COUNTY					
PASSAIC	102.7	102.7	102.7	10,270	8,494
PATERSON CITY					
PASSAIC	102.7	102.7	102.7	10,270	8,494
SOMERSET COUNTY					
SOMERSET	116.0	116.0	114.3	11,600	9,594
TRENTON CITY					
MERCER	105.2	105.2	105.2	10,520	8,701
UNION COUNTY					
UNION	119.1	119.1	114.3	11,910	9,851
BALANCE OF NEW JERSEY					
	95.8			10,000	7,924
CAPE MAY	95.8	74.8		10,000	7,924
HUNTERDON	95.8	96.2		10,000	7,957
SALEM	95.8	127.4	112.6	12,000	10,537
SUSSEX	95.8	79.2		10,000	7,924
WARREN	95.8	100.6	100.5	10,060	8,321
NEW MEXICO					
ALBUQUERQUE CONSORTIUM					
BERNALILLO	93.3	93.3	92.8	10,000	7,717
BALANCE OF NEW MEXICO					
	90.9			10,000	7,665
DONA ANA	90.9	85.5	85.5	10,000	7,665
LEA	90.9	102.4		10,240	8,470
MCKINLEY	90.9	108.2		10,820	8,949
SANDOVAL	90.9		92.8	10,000	7,675
SAN JUAN	90.9	106.7		10,670	8,825
SANTA FE	90.9	81.1		10,000	7,665
VALENCIA	90.9	94.6		10,000	7,824

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEW YORK					
ALBANY CITY					
ALBANY	98.7	98.7	97.5	10,000	8,163
ALBANY COUNTY					
ALBANY	98.7	98.7	97.5	10,000	8,163
BUFFALO CITY					
ERIE	101.0	101.0	101.9	10,190	8,428
CHAUTAUQUA CONSORTIUM					
ALLEGANY	85.1	84.8		10,000	7,665
CATTARAUGUS	85.1	83.3		10,000	7,665
CHAUTAUQUA	85.1	86.2		10,000	7,665
CHEMUNG COUNTY					
CHEMUNG	89.9	89.9	89.9	10,000	7,665
DUTCHESS COUNTY					
DUTCHESS	106.6	106.6	106.6	10,660	8,817
ERIE CONSORTIUM					
ERIE	101.0	101.0	101.9	10,190	8,428
ROCHESTER CITY					
MONROE	115.9	115.9	109.9	11,590	9,586
MONROE COUNTY					
MONROE	115.9	115.9	109.9	11,590	9,586
NASSAU COUNTY CONSORTIUM					
NASSAU	101.1	101.1	98.6	10,110	8,362
HEMPSTEAD CONSORTIUM					
NASSAU	101.1	101.1	98.6	10,110	8,362
NEW YORK CITY					
	120.7			12,000	9,983
NIAGARA COUNTY					
NIAGARA	106.5	106.5	101.9	10,650	8,809
ONEIDA COUNTY					
ONEIDA	89.0	89.0	87.8	10,000	7,665
ONONDAGA COUNTY					
ONONDAGA	101.8	101.8	101.0	10,180	8,420
ORANGE COUNTY					
ORANGE	85.6	85.6		10,000	7,665
OSWEGO COUNTY					
OSWEGO	107.3	107.3	101.0	10,730	8,875
RENSSELAER COUNTY					
RENSSELAER	86.5	86.5	97.5	10,000	8,064
ROCKLAND COUNTY					
ROCKLAND	92.9	92.9	118.0	11,800	9,760

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEW YORK					
SARATOGA COUNTY					
SARATOGA	86.3	86.3	97.5	10,000	8,064
SCHENECTADY COUNTY					
SCHENECTADY	111.9	111.9	97.5	11,190	9,255
STEUBEN COUNTY					
STEUBEN	104.5	104.5		10,450	8,643
ST. LAWRENCE COUNTY					
ST. LAWRENCE	94.9	94.9		10,000	7,849
SUFFOLK CONSORTIUM					
SUFFOLK	95.1	95.1	98.6	10,000	8,155
SYRACUSE CITY					
ONONDAGA	101.8	101.8	101.0	10,180	8,420
ULSTER COUNTY					
ULSTER	90.9	90.9		10,000	7,665
WESTCHESTER COUNTY					
WESTCHESTER	110.2	110.2	118.0	11,800	9,760
YONKERS CITY					
WESTCHESTER	110.2	110.2	118.0	11,800	9,760
BALANCE OF NEW YORK					
	81.7			10,000	7,665
CAYUGA	81.7	87.7		10,000	7,665
CLINTON	81.7	87.7		10,000	7,665
COLUMBIA	81.7	77.2		10,000	7,665
FULTON	81.7	74.2		10,000	7,665
GENESEE	81.7	89.9		10,000	7,665
HERKIMER	81.7	82.2	87.8	10,000	7,665
LIVINGSTON	81.7	86.5	109.9	10,990	9,090
MADISON	81.7	76.2	101.0	10,100	8,354
MONTGOMERY	81.7	74.7	97.5	10,000	8,064
ONTARIO	81.7	80.7	109.9	10,990	9,090
ORLEANS	81.7		109.9	10,990	9,090
OTSEGO	81.7	73.5		10,000	7,665
PUTNAM	81.7	84.6	118.0	11,800	9,760
SULLIVAN	81.7	69.1		10,000	7,665
TOMPKINS	81.7	83.6		10,000	7,665
WARREN	81.7	82.4		10,000	7,665
WASHINGTON	81.7	94.3		10,000	7,800
WAYNE	81.7	86.7	109.9	10,990	9,090
BROOME/TIOGA COUNTY CONSORTIUM					
BROOME	98.0	95.1	96.4	10,000	8,106
TIOGA	98.0		96.4	10,000	8,106

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEW YORK					
JEFFERSON COUNTY					
JEFFERSON	85.8	85.8		10,000	7,665
NORTH CAROLINA					
ALAMANCE COUNTY					
ALAMANCE	73.6	73.6	73.6	10,000	7,665
BUNCOMBE COUNTY					
BUNCOMBE	82.9	82.9	82.0	10,000	7,665
CHARLOTTE CITY					
MECKLENBURG	97.7	97.7	93.1	10,000	8,081
CUMBERLAND COUNTY					
CUMBERLAND	79.3	79.3	79.3	10,000	7,665
DAVIDSON COUNTY					
DAVIDSON	78.2	78.2	91.8	10,000	7,665
DURHAM CITY/COUNTY CONSORTIUM					
DURHAM	97.3	97.3	92.2	10,000	8,048
GASTON COUNTY					
GASTON	82.3	82.3	93.1	10,000	7,700
GREENSBORO CONSORTIUM					
GUILFORD	92.4	92.4	91.8	10,000	7,665
RALEIGH-WAKE COUNTY CONSORTIUM					
WAKE	90.1	90.1	92.2	10,000	7,665
WINSTON SALEM CONSORTIUM					
FORSYTH	101.7	101.7	91.8	10,170	8,412
ROBESON COUNTY					
ROBESON	68.8	68.8		10,000	7,665
BALANCE OF NORTH CAROLINA					
	77.5			10,000	7,665
BRUNSWICK	77.5		85.8	10,000	7,665
BURKE	77.5	79.0		10,000	7,665
CABARRUS	77.5	73.9		10,000	7,665
CALDWELL	77.5	76.0		10,000	7,665
CATAWBA	77.5	79.8		10,000	7,665
CLEVELAND	77.5	80.1		10,000	7,665
COLUMBUS	77.5	77.8		10,000	7,665
CRAVEN	77.5	87.1		10,000	7,665
CURRITUCK	77.5		87.1	10,000	7,665
EDGECOMBE	77.5	80.7		10,000	7,665
HALIFAX	77.5	71.9		10,000	7,665
HARNETT	77.5	69.3		10,000	7,665
HENDERSON	77.5	79.8		10,000	7,665
IREDELL	77.5	76.0		10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NORTH CAROLINA					
BALANCE OF NORTH CAROLINA					
JOHNSTON	77.5	69.8		10,000	7,665
LENOIR	77.5	80.6		10,000	7,665
MADISON	77.5		82.0	10,000	7,665
MECKLENBURG	77.5	97.7	93.1	10,000	8,081
NASH	77.5	75.2		10,000	7,665
NEW HANOVER	77.5	84.1	85.8	10,000	7,665
ONSLOW	77.5	71.2		10,000	7,665
ORANGE	77.5	88.9	92.2	10,000	7,665
PITT	77.5	76.1		10,000	7,665
RANDOLPH	77.5	75.4	91.8	10,000	7,665
ROCKINGHAM	77.5	84.3		10,000	7,665
ROWAN	77.5	81.2		10,000	7,665
RUTHERFORD	77.5	75.9		10,000	7,665
STOKES	77.5		91.8	10,000	7,665
SURRY	77.5	71.1		10,000	7,665
UNION	77.5	76.6	93.1	10,000	7,700
WAYNE	77.5	74.1		10,000	7,665
WILKES	77.5	75.6		10,000	7,665
WILSON	77.5	83.0		10,000	7,665
YADKIN	77.5		91.8	10,000	7,665
NORTH DAKOTA					
NORTH DAKOTA STATEWIDE CONSORTIUM	84.9			10,000	7,665
BURLEIGH	84.9	91.8	89.5	10,000	7,665
CASS	84.9	93.1	89.8	10,000	7,700
GRAND FORKS	84.9	84.1	80.9	10,000	7,665
MORTON	84.9		89.5	10,000	7,665
WARD	84.9	83.5		10,000	7,665
OHIO					
AKRON, SUMMIT, MEDINA CONSORTIUM					
MEDINA	108.2	87.4	113.4	11,340	9,379
SUMMIT	108.2	111.0	108.5	11,100	9,181
ALLEN COUNTY					
ALLEN	107.7	107.7	101.1	10,770	8,908
ASHTABULA COUNTY					
ASHTABULA	96.7	96.7		10,000	7,998
BUTLER COUNTY					
BUTLER	114.2	114.2	114.2	11,420	9,445

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OHIO					
CANTON, STARKE, WAYNE CONSORTIUM					
STARK	105.0	106.7	106.0	10,670	8,825
WAYNE	105.0	97.6		10,500	8,685
CINCINNATI CITY					
HAMILTON	111.1	111.1	106.3	11,110	9,189
CLARK COUNTY					
CLARK	97.2	97.2	94.7	10,000	8,039
CLERMONT/WARREN CONSORTIUM					
CLERMONT	86.5	94.1	106.3	10,630	8,792
WARREN	86.5	78.5	106.3	10,630	8,792
CLEVELAND CITY					
CUYAHOGA	115.7	115.7	113.4	11,570	9,570
COLUMBIANA COUNTY					
COLUMBIANA	88.5	88.5		10,000	7,665
COLUMBUS/FRANKLIN CONSORTIUM					
FRANKLIN	102.0	102.0	100.4	10,200	8,436
CUYAHOGA CONSORTIUM					
CUYAHOGA	114.8	115.7	113.4	11,570	9,570
GEAUGA	114.8	91.0	113.4	11,480	9,495
CITY OF DAYTON					
MONTGOMERY	113.1	113.1	108.7	11,310	9,355
GREENE COUNTY					
GREENE	90.8	90.8	108.7	10,870	8,991
HAMILTON COUNTY					
HAMILTON	111.1	111.1	106.3	11,110	9,189
LAKE COUNTY					
LAKE	104.8	104.8	113.4	11,340	9,379
CENTRAL OHIO RURAL CONSORTIUM					
	94.9			10,000	7,849
DELAWARE	94.9	89.7	100.4	10,040	8,304
LICKING	94.9	100.6		10,060	8,321
MUSKINGUM	94.9	89.9		10,000	7,849
LORAIN COUNTY					
LORAIN	114.7	114.7	114.7	11,470	9,487
MONTGOMERY-PREBLE CONSORTIUM					
MONTGOMERY	111.8	113.1	108.7	11,310	9,355
PREBLE	111.8		108.7	11,180	9,247
PORTAGE COUNTY					
PORTAGE	92.6	92.6	108.5	10,850	8,974

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OHIO					
RICHLAND/MORROW CSRT					
.....	102.2			10,220	8,453
RICHLAND.....	102.2	104.0	104.0	10,400	8,602
SCIOTO COUNTY					
SCIOTO.....	89.3	89.3		10,000	7,665
TOLEDO AREA EMPLOYMENT AND TRAINING CONSORTIUM					
LUCAS.....	110.6	112.1	109.3	11,210	9,272
WOOD.....	110.6	101.0	109.3	11,060	9,148
TRUMBULL COUNTY					
TRUMBULL.....	124.8	124.8	113.2	12,000	10,322
MAHONING COUNTY					
MAHONING.....	102.4	102.4	113.2	11,320	9,363
YOUNGSTOWN CITY					
MAHONING.....	102.4	102.4	113.2	11,320	9,363
BALANCE OF OHIO					
.....	95.7			10,000	7,915
ATHENS.....	95.7	82.9		10,000	7,915
AUGLAIZE.....	95.7		101.1	10,110	8,362
BELMONT.....	95.7	96.6	98.9	10,000	8,180
CARROLL.....	95.7		106.0	10,600	8,767
CHAMPAIGN.....	95.7		94.7	10,000	7,915
DARKE.....	95.7	83.0		10,000	7,915
ERIE.....	95.7	105.1		10,510	8,693
FAIRFIELD.....	95.7	89.0	100.4	10,040	8,304
FULTON.....	95.7		109.3	10,930	9,040
HANCOCK.....	95.7	103.3		10,330	8,544
HURON.....	95.7	93.7		10,000	7,915
JEFFERSON.....	95.7	111.5	124.6	12,000	10,306
LAWRENCE.....	95.7	92.8	104.8	10,480	8,668
MADISON.....	95.7		100.4	10,040	8,304
MARION.....	95.7	101.4		10,140	8,387
MIAMI.....	95.7	92.0	108.7	10,870	8,991
OTTAWA.....	95.7		109.3	10,930	9,040
PICKAWAY.....	95.7		100.4	10,040	8,304
PUTNAM.....	95.7		101.1	10,110	8,362
ROSS.....	95.7	101.3		10,130	8,379
SANDUSKY.....	95.7	97.3		10,000	8,048
SENECA.....	95.7	105.5		10,550	8,726
TUSCARAWAS.....	95.7	94.0		10,000	7,915
VAN WERT.....	95.7		101.1	10,110	8,362
WASHINGTON.....	95.7	96.5	98.9	10,000	8,180

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OKLAHOMA					
BALANCE OF CLEVELAND COUNTY					
CLEVELAND	75.6	75.6	96.5	10,000	7,982
COMANCHE COUNTY					
COMANCHE	81.8	81.8	81.8	10,000	7,665
OKLAHOMA CITY CONSORTIUM	98.3			10,000	8,130
CANADIAN	98.3		96.5	10,000	8,130
CLEVELAND	98.3	75.6	96.5	10,000	8,130
MC CLAIN	98.3		96.5	10,000	8,130
OKLAHOMA	98.3	100.0	96.5	10,000	8,271
OKLAHOMA COUNTY					
OKLAHOMA	100.0	100.0	96.5	10,000	8,271
TULSA CONSORTIUM					
CREEK	104.7	83.2	103.3	10,470	8,660
OSAGE	104.7		103.3	10,470	8,660
TULSA	104.7	106.1	103.3	10,610	8,776
BALANCE OF OKLAHOMA	83.0			10,000	7,665
GARFIELD	83.0	90.8	90.8	10,000	7,665
KAY	83.0	97.4		10,000	8,056
LE FLORE	83.0		83.8	10,000	7,665
MC CLAIN	83.0		96.5	10,000	7,982
MAYES	83.0		103.3	10,330	8,544
MUSKOGEE	83.0	88.2		10,000	7,665
PAYNE	83.0	70.4		10,000	7,665
POTTAWATOMIE	83.0	80.1	96.5	10,000	7,982
ROGERS	83.0		103.3	10,330	8,544
SEQUOYAH	83.0		83.8	10,000	7,665
WAGONER	83.0		103.3	10,330	8,544
OREGON					
CLACKAMAS COUNTY					
CLACKAMAS	100.9	100.9	106.6	10,660	8,817
JACKSON-JOSEPHINE JOB COUNCIL	93.0			10,000	7,692
JACKSON	93.0	93.7		10,000	7,750
MID WILLAMETTE VALLEY MANPOWER CONSORTIUM	92.2			10,000	7,665
MARION	92.2	91.9	91.9	10,000	7,665
POLK	92.2		91.9	10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OREGON					
MULTNOMAH-WASHINGTON CETA CONSORTIUM					
MULTNOMAH	105.4	109.1	106.6	10,910	9,024
WASHINGTON	105.4	101.2	106.6	10,660	8,817
CITY OF PORTLAND					
CLACKAMAS	109.1	100.9	106.6	10,910	9,024
MULTNOMAH	109.1	109.1	106.6	10,910	9,024
BALANCE OF OREGON					
	95.5			10,000	7,899
BENTON	95.5	95.9		10,000	7,932
COOS	95.5	103.9		10,390	8,594
DOUGLAS	95.5	104.5		10,450	8,643
JOSEPHINE	95.5	87.1		10,000	7,899
KLAMATH	95.5	95.2		10,000	7,899
LINN	95.5	106.4		10,640	8,800
UMATILLA	95.5	83.4		10,000	7,899
CITY OF EUGENE					
LANE	98.6	98.6	98.6	10,000	8,155
LANE COUNTY					
LANE	98.6	98.6	98.6	10,000	8,155
PENNSYLVANIA					
ALLEGHENY COUNTY					
ALLEGHENY	111.5	111.5	111.0	11,150	9,222
BEAVER COUNTY					
BEAVER	126.0	126.0	111.0	12,000	10,421
BERKS COUNTY					
BERKS	94.7	94.7	94.7	10,000	7,833
BUCKS COUNTY					
BUCKS	98.8	98.8	104.7	10,470	8,660
CENTRE COUNTY					
CENTRE	86.2	86.2		10,000	7,665
CHESTER COUNTY					
CHESTER	102.2	102.2	104.7	10,470	8,660
DELAWARE COUNTY					
DELAWARE	101.2	101.2	104.7	10,470	8,660
ERIE CITY					
ERIE	96.8	96.8	96.8	10,000	8,006
ERIE COUNTY					
ERIE	96.8	96.8	96.8	10,000	8,006
FAYETTE COUNTY					
FAYETTE	87.3	87.3		10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
PENNSYLVANIA					
FRANKLIN COUNTY					
FRANKLIN	88.8	88.8		10,000	7,665
LACKAWANNA COUNTY					
LACKAWANNA	80.9	80.9	82.8	10,000	7,665
LAWRENCE COUNTY					
LAWRENCE	91.6	91.6		10,000	7,665
LEHIGH VALLEY CONSORTIUM					
LEHIGH	102.4	100.0	100.5	10,240	8,470
NORTHAMPTON	102.4	106.1	100.5	10,610	8,776
LUZERNE COUNTY					
LUZERNE	83.7	83.7	82.8	10,000	7,665
LYCOMING CONSORTIUM					
	89.8			10,000	7,665
LYCOMING	89.8	89.3	89.3	10,000	7,665
MERCER COUNTY CONSORTIUM					
	98.1			10,000	8,114
CRAWFORD	98.1	85.8		10,000	8,114
MERCER	98.1	105.0		10,500	8,685
VENANGO	98.1	103.5		10,350	8,560
MONTGOMERY COUNTY					
MONTGOMERY	105.9	105.9	104.7	10,590	8,759
NORTHUMBERLAND COUNTY					
NORTHUMBERLAND	84.8	84.8		10,000	7,665
PHILADELPHIA CITY					
PHILADELPHIA	109.7	109.7	104.7	10,970	9,073
PITTSBURGH CITY					
ALLEGHENY	111.5	111.5	111.0	11,150	9,222
SCHUYLKILL-CARBON AGENCY FOR EMPLOYMENT AND TRAINING					
CARBON	74.4	73.8	100.5	10,050	8,312
SCHUYLKILL	74.4	74.6		10,000	7,665
SCRANTON CITY					
LACKAWANNA	80.9	80.9	82.8	10,000	7,665
SOUTHERN ALLEGANY PLANNING AND DEVELOPMENT COMMISSION					
	92.8			10,000	7,675
BLAIR	92.8	84.6	84.6	10,000	7,675
CAMBRIA	92.8	105.7	101.2	10,570	8,742
SOMERSET	92.8	88.2	101.2	10,120	8,370

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
PENNSYLVANIA					
SUSQUEHANNA CONSORTIUM					
CUMBERLAND	97.2	93.6	97.2	10,000	8,039
DAUPHIN	97.2	100.5	97.2	10,050	8,312
PERRY	97.2		97.2	10,000	8,039
TRI-COUNTY CONSORTIUM					
ARMSTRONG	102.1	95.4		10,210	8,445
BUTLER	102.1	106.7		10,670	8,825
INDIANA	102.1	99.4		10,210	8,445
WASHINGTON COUNTY					
WASHINGTON	106.9	106.9	111.0	11,100	9,181
WESTMORELAND COUNTY					
WESTMORELAND	101.1	101.1	111.0	11,100	9,181
YORK COUNTY					
YORK	95.5	95.5	92.2	10,000	7,899
BALANCE OF PENNSYLVANIA					
	85.2			10,000	7,665
ADAMS	85.2	70.8	92.2	10,000	7,665
BRADFORD	85.2	87.7		10,000	7,665
CLEARFIELD	85.2	90.6		10,000	7,665
COLUMBIA	85.2	80.4		10,000	7,665
MCKEAN	85.2	87.3		10,000	7,665
MONROE	85.2	84.7	82.8	10,000	7,665
SUSQUEHANNA	85.2		96.4	10,000	7,973
LANCASTER COUNTY					
LANCASTER	90.6	90.6	90.6	10,000	7,665
LEBANON COUNTY					
LEBANON	90.8	90.8		10,000	7,665
RHODE ISLAND					
PROVIDENCE					
PROVIDENCE	87.7	87.7	86.7	10,000	7,665
BALANCE OF RHODE ISLAND					
	86.9			10,000	7,665
BRISTOL	86.9		86.7	10,000	7,665
KENT	86.9	84.2	86.7	10,000	7,665
NEWPORT	86.9	92.5		10,000	7,665
PROVIDENCE	86.9	87.7	86.7	10,000	7,665
WASHINGTON	86.9	85.9	86.7	10,000	7,665
SOUTH CAROLINA					
SOUTH CAROLINA STATEWIDE CONSORTIUM					
	83.2			10,000	7,665
AIKEN	83.2	95.9	88.7	10,000	7,932
ANDERSON	83.2	81.6		10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
SOUTH CAROLINA					
SOUTH CAROLINA STATEWIDE CONSORTIUM					
BEAUFORT	83.2	71.9		10,000	7,665
BERKELEY	83.2	90.3	86.4	10,000	7,665
CHARLESTON	83.2	86.8	86.4	10,000	7,665
DARLINGTON	83.2	88.9		10,000	7,665
DORCHESTER	83.2		86.4	10,000	7,665
FLORENCE	83.2	82.2		10,000	7,665
GREENVILLE	83.2	90.1	88.2	10,000	7,665
GREENWOOD	83.2	81.2		10,000	7,665
HORRY	83.2	63.3		10,000	7,665
LAURENS	83.2	80.0		10,000	7,665
LEXINGTON	83.2	82.7	86.0	10,000	7,665
ORANGEBURG	83.2	74.7		10,000	7,665
PICKENS	83.2	79.3	88.2	10,000	7,665
RICHLAND	83.2	86.9	86.0	10,000	7,665
SPARTANBURG	83.2	87.9	88.2	10,000	7,665
SUMTER	83.2	72.4		10,000	7,665
YORK	83.2	85.8		10,000	7,665
SOUTH DAKOTA					
MINNEHAHA COUNTY					
MINNEHAHA	92.4	92.4	92.4	10,000	7,665
BALANCE OF SOUTH DAKOTA					
	72.8			10,000	7,665
MEADE	72.8		80.7	10,000	7,665
PENNINGTON	72.8	81.2	80.7	10,000	7,665
TENNESSEE					
CHATTANOOGA CITY					
HAMILTON	96.6	96.6	93.2	10,000	7,990
HAMILTON, COUNTY					
HAMILTON	96.6	96.6	93.2	10,000	7,990
KNOXVILLE CONSORTIUM					
KNOX	86.7	86.7	94.5	10,000	7,816
MEMPHIS CONSORTIUM					
SHELBY	95.2	95.2	93.5	10,000	7,874
NASHVILLE/DAVIDSON COUNTY					
DAVIDSON	94.8	94.8	91.0	10,000	7,841
SULLIVAN COUNTY					
SULLIVAN	100.2	100.2	89.7	10,020	8,288
BALANCE OF TENNESSEE					
	80.4			10,000	7,665
ANDERSON	80.4	121.2	94.5	12,000	10,024
BLOUNT	80.4	101.6	94.5	10,160	8,403

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
TENNESSEE					
BALANCE OF TENNESSEE				10,000	7,665
BRADLEY	80.4	77.5		10,000	7,665
CARTER	80.4		89.7	10,000	7,665
CHEATHAM	80.4		91.0	10,000	7,665
DICKSON	80.4		91.0	10,000	7,665
GREENE	80.4	74.6		10,000	7,665
HAWKINS	80.4		89.7	10,000	7,665
MADISON	80.4	85.2		10,000	7,709
MARION	80.4		93.2	10,000	7,665
MONTGOMERY	80.4	81.2	81.6	10,000	7,665
ROBERTSON	80.4		91.0	10,000	7,665
RUTHERFORD	80.4	84.0	91.0	10,000	7,709
SEQUATCHIE	80.4		93.2	10,000	7,665
SUMNER	80.4	82.4	91.0	10,000	7,733
TIPTON	80.4		93.5	10,000	7,665
UNICOI	80.4		89.7	10,000	7,816
UNION	80.4		94.5	10,000	7,665
WASHINGTON	80.4	79.4	89.7	10,000	7,665
WILLIAMSON	80.4		91.0	10,000	7,665
WILSON	80.4		91.0		
TEXAS					
ALAMO MANPOWER CONSORTIUM	86.4			10,000	7,665
BEXAR	86.4	88.5	87.7	10,000	7,665
COMAL	86.4		87.7	10,000	7,665
GUADALUPE	86.4		87.7	10,000	7,665
GULF COAST MANPOWER CONSORTIUM	104.7			10,470	8,660
BRAZORIA	104.7	124.5	118.8	12,000	10,297
FORT BEND	104.7	106.0	118.8	11,880	9,826
LIBERTY	104.7		118.8	11,880	9,826
MONTGOMERY	104.7	90.3	118.8	11,880	9,826
WALLER	104.7		118.8	11,880	9,826
CAMERON COUNTY					
CAMERON	74.0	74.0	74.0	10,000	7,665
CAPITAL AREA EMPLOYMENT AND TRAINING CONSORTIUM	85.5			10,000	7,665
HAYS	85.5		86.4	10,000	7,665
TRAVIS	85.5	88.4	86.4	10,000	7,665
WILLIAMSON	85.5	74.0	86.4	10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
TEXAS					
CENTRAL TEXAS EMPLOYMENT AND TRAINING CONSORTIUM					
.....	80.3			10,000	7,665
BELL.....	80.3	79.9	78.3	10,000	7,665
CORYELL.....	80.3		78.3	10,000	7,665
COASTAL BEND EMPLOYMENT AND TRAINING CSRT					
.....	93.9			10,000	7,766
NUECES.....	93.9	96.5	96.8	10,000	8,006
SAN PATRICIO.....	93.9	99.9	96.8	10,000	8,263
DALLAS CITY					
DALLAS.....	108.5	108.5	103.4	10,850	8,974
DALLAS COUNTY CONSORTIUM					
DALLAS.....	108.5	108.5	103.4	10,850	8,974
EL PASO CONSORTIUM					
EL PASO.....	81.5	81.5	81.5	10,000	7,665
FT. WORTH CONSORTIUM					
TARRANT.....	98.8	98.8	103.4	10,340	8,552
GALVESTON COUNTY					
GALVESTON.....	107.4	107.4	107.4	10,740	8,883
HARRIS COUNTY					
HARRIS.....	119.7	119.7	118.8	11,970	9,900
HIDALGO COUNTY CONSORTIUM					
.....	68.9			10,000	7,665
HIDALGO.....	68.9	69.1	69.1	10,000	7,665
HOUSTON					
HARRIS.....	119.7	119.7	118.8	11,970	9,900
GREATER PASADENA CONSORTIUM					
.....	119.7			11,970	9,900
HARRIS.....	119.7	119.7	118.8	11,970	9,900
NORTH TEXAS STATE PLANNING REGION CONSORTIUM					
.....	82.8			10,000	7,665
CLAY.....	82.8		85.7	10,000	7,665
WICHITA.....	82.8	86.1	85.7	10,000	7,665
PERMIAN BASIN CONSORTIUM					
.....	104.9			10,490	8,676
ECTOR.....	104.9	106.8	106.8	10,680	8,833
MIDLAND.....	104.9	114.2	114.2	11,420	9,445
REGION XI CONSORTIUM					
.....	81.9			10,000	7,665
MC LENNAN.....	81.9	84.7	84.7	10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
TEXAS					
S.E. TEXAS COMPREHENSIVE MANPOWER CONSORTIUM					
HARDIN	113.0		113.0	11,300	9,346
JEFFERSON	113.0	113.6	113.0	11,360	9,396
ORANGE	113.0	118.3	113.0	11,830	9,785
BALANCE OF TARRANT COUNTY					
TARRANT	98.8	98.8	103.4	10,340	8,552
SOUTH PLAINS ASSOCIATION OF GOVERNMENTS					
	79.3			10,000	7,665
TEXARKANA CONSORTIUM					
LITTLE RIVER	90.4		90.4	10,000	7,665
MILLER	90.4		90.4	10,000	7,665
BOWIE	90.4	88.4	90.4	10,000	7,665
TEXAS PANHANDLE EMPLOYMENT AND TRAINING CONSORTIUM					
	96.1			10,000	7,948
WEBB COUNTY					
WEBB	71.1	71.1	71.1	10,000	7,665
WEST CENTRAL TEXAS CONSORTIUM					
	81.5			10,000	7,665
CALLAHAN	81.5		85.3	10,000	7,665
JONES	81.5		85.3	10,000	7,665
TAYLOR	81.5	86.6	85.3	10,000	7,665
EAST TEXAS EMPLOYMENT AND TRAINING CONSORTIUM					
	89.6			10,000	7,665
GREGG	89.6	93.0	95.2	10,000	7,874
HARRISON	89.6		95.2	10,000	7,874
SMITH	89.6	92.7	92.7	10,000	7,667
BALANCE OF TEXAS					
	84.6			10,000	7,665
ANGELINA	84.6	91.0		10,000	7,665
BRAZOS	84.6	75.2	75.2	10,000	7,665
COLLIN	84.6	82.9	103.4	10,340	8,552
ELLIS	84.6	83.9	103.4	10,340	8,552
GRAYSON	84.6	90.5	90.5	10,000	7,665
HOOD	84.6		103.4	10,340	8,552
JOHNSON	84.6	74.8	103.4	10,340	8,552
KAUFMAN	84.6		103.4	10,340	8,552
LUBBOCK	84.6	85.7	85.7	10,000	7,665
PARKER	84.6		103.4	10,340	8,552

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
TEXAS					
BALANCE OF TEXAS					
POTTER	84.6	93.7	91.3	10,000	7,750
RANDALL	84.6	79.3	91.3	10,000	7,665
ROCKWALL	84.6		103.4	10,340	8,552
TOM GREEN	84.6	80.8	80.8	10,000	7,665
VICTORIA	84.6	94.3		10,000	7,800
GOLDEN TRIANGLE EMPLOYMENT AND TRAINING PROGRAM CONSORTIUM					
DENTON	80.0	78.1	103.4	10,340	8,552
WISE	80.0		103.4	10,340	8,552
UTAH					
UTAH STATEWIDE CONSORTIUM					
	93.4			10,000	7,725
DAVIS	93.4	103.0	95.3	10,300	8,519
SALT LAKE	93.4	95.9	95.3	10,000	7,932
TOOELE	93.4		95.3	10,000	7,882
UTAH	93.4	91.7	91.7	10,000	7,725
WEBER	93.4	83.1	95.3	10,000	7,882
VERMONT					
STATE OF VERMONT					
	82.9			10,000	7,665
CHITTENDEN	82.9	96.2		10,000	7,957
RUTLAND	82.9	81.2		10,000	7,665
VIRGINIA					
ALEXANDRIA CITY					
ALEXANDRIA	102.8	102.8	114.8	11,480	9,495
ARLINGTON COUNTY					
ARLINGTON	135.5	135.5	114.8	12,000	11,207
NORTHERN VIRGINIA EMPLOYMENT AND TRAINING CONSORTIUM					
FAIRFAX	102.8	105.4	114.8	11,480	9,495
LOUDOUN	102.8	90.9	114.8	11,480	9,495
FAIRFAX CITY	102.8		114.8	11,480	9,495
FALLS CHURCH	102.8		114.8	11,480	9,495
HENRICO/CHESTERFIELD/HANOVER COUNTY CONSORTIUM					
CHESTERFIELD	93.1	102.8	95.9	10,280	8,503
HANOVER	93.1	82.7	95.9	10,000	7,932
HENRICO	93.1	90.0	95.9	10,000	7,932

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
VIRGINIA					
PENINSULA OFFICE OF EMPLOYMENT AND TRAINING PROGRAMS					
.....	91.6			10,000	7,665
JAMES CITY.....	91.6		91.1	10,000	7,665
YORK.....	91.6		91.1	10,000	7,665
HAMPTON.....	91.6	92.4	91.1	10,000	7,665
NEWPORT NEWS.....	91.6	94.6	91.1	10,000	7,824
WILLIAMSBURG.....	91.6		91.1	10,000	7,665
PRINCE WILLIAM COUNTY CONSORTIUM					
PRINCE WILLIAM.....	90.7	84.8	114.8	11,480	9,495
MANASSAS CITY.....	90.7		114.8	11,480	9,495
MANASSAS PARK CITY.....	90.7		114.8	11,480	9,495
RAMPS CONSORTIUM					
CHARLES CITY.....	97.6		95.9	10,000	8,072
GOOCHLAND.....	97.6		95.9	10,000	8,072
NEW KENT.....	97.6		95.9	10,000	8,072
POWHATAN.....	97.6		95.9	10,000	8,072
RICHMOND.....	97.6	98.4	95.9	10,000	8,139
ROANOKE CONSORTIUM					
.....	86.0			10,000	7,665
BOTETOURT.....	86.0		87.8	10,000	7,665
CRAIG.....	86.0		87.8	10,000	7,665
ROANOKE.....	86.0	89.6	87.8	10,000	7,665
ROANOKE CITY.....	86.0	84.5	87.8	10,000	7,665
STAMA CONSORTIUM					
.....	86.0			10,000	7,665
CHESAPEAKE.....	86.0	85.6	87.1	10,000	7,665
NORFOLK.....	86.0	91.5	87.1	10,000	7,665
SUFFOLK.....	86.0		87.1	10,000	7,665
VIRGINIA BEACH.....	86.0	73.1	87.1	10,000	7,665
BALANCE OF VIRGINIA					
.....	83.3			10,000	7,665
ALBERMARLE.....	83.3	91.6		10,000	7,665
AMHERST.....	83.3		88.1	10,000	7,665
APPOMATTOX.....	83.3		88.1	10,000	7,665
AUGUSTA.....	83.3	92.8		10,000	7,675
CAMPBELL.....	83.3		88.1	10,000	7,665
DINWIDDIE.....	83.3		89.6	10,000	7,665
GLOUCESTER.....	83.3		91.1	10,000	7,665
HENRY.....	83.3	89.2		10,000	7,665
MONTGOMERY.....	83.3	82.3		10,000	7,665

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
VIRGINIA					
BALANCE OF VIRGINIA					
PITTSYLVANIA	83.3	90.6		10,000	7,665
PRINCE GEORGE	83.3	101.9	89.6	10,190	8,428
ROCKINGHAM	83.3	73.4		10,000	7,665
SCOTT	83.3		89.7	10,000	7,665
WASHINGTON	83.3		89.7	10,000	7,665
BRISTOL	83.3		89.7	10,000	7,665
COLONIAL HEIGHTS	83.3		89.6	10,000	7,665
HOPEWELL	83.3		89.6	10,000	7,665
LYNCHBURG	83.3	89.7	88.1	10,000	7,665
PETERSBURG	83.3		89.6	10,000	7,665
SALEM	83.3		87.8	10,000	7,665
PORTSMOUTH CITY					
PORTSMOUTH	96.0	96.0	87.1	10,000	7,940
WASHINGTON					
CLARK COUNTY					
CLARK	106.8	106.8	106.6	10,680	8,833
KITSAP COUNTY					
KITSAP	118.3	118.3		11,830	9,785
PIERCE COUNTY					
PIERCE	102.7	102.7	102.7	10,270	8,494
SPOKANE CITY-COUNTY CONSORTIUM					
SPOKANE	98.1	98.1	98.1	10,000	8,114
CITY OF TACOMA					
PIERCE	102.7	102.7	102.7	10,270	8,494
YAKIMA COUNTY					
YAKIMA	85.4	85.4	85.4	10,000	7,665
THURSTON COUNTY					
THURSTON	101.4	101.4		10,140	8,387
BALANCE OF WASHINGTON					
	103.3			10,330	8,544
BENTON	103.3	128.9	121.8	12,000	10,661
COWLITZ	103.3	120.0		12,000	9,925
FRANKLIN	103.3		121.8	12,000	10,074
GRAYS HARBOR	103.3	112.6		11,260	9,313
LEWIS	103.3	101.4		10,330	8,544
SKAGIT	103.3	93.5		10,330	8,544
WHATCOM	103.3	102.3		10,330	8,544
SEATTLE-KING COUNTY CONSORTIUM					
KING	118.0	118.0	117.4	11,800	9,760

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
WASHINGTON					
SNOHOMISH COUNTY					
SNOHOMISH	113.8	113.8	117.4	11,740	9,710
WEST VIRGINIA					
WEST VIRGINIA STATEWIDE CONSORTIUM					
	101.7			10,170	8,412
BROOKE	101.7		124.6	12,000	10,306
CABELL	101.7	100.4	104.8	10,480	8,668
FAYETTE	101.7	98.4		10,170	8,412
HANCOCK	101.7		124.6	12,000	10,306
HARRISON	101.7	99.7		10,170	8,412
KANAWHA	101.7	107.4	107.3	10,740	8,883
MC DOWELL	101.7	121.4		12,000	10,041
MARION	101.7	99.2		10,170	8,412
MARSHALL	101.7		98.9	10,170	8,412
MERCER	101.7	87.2		10,170	8,412
MONONGALIA	101.7	90.5		10,170	8,412
OHIO	101.7	89.8	98.9	10,170	8,412
PUTNAM	101.7		107.3	10,730	8,875
RALEIGH	101.7	104.7		10,470	8,660
WAYNE	101.7		104.8	10,480	8,668
WIRT	101.7		98.9	10,170	8,412
WOOD	101.7	100.6	98.9	10,170	8,412
WISCONSIN					
MADISON/DANE CONSORTIUM					
DANE	97.3	97.3	97.3	10,000	8,048
MARATHON COUNTY					
MARATHON	95.5	95.5		10,000	7,899
MILWAUKEE COUNTY					
MILWAUKEE	109.1	109.1	107.0	10,910	9,024
NORTHWEST WISCONSIN CEP					
	75.7			10,000	7,665
DOUGLAS	75.7		98.3	10,000	8,130
OUTAGAMIE COUNTY					
OUTAGAMIE	99.4	99.4	99.9	10,000	8,263
ROCK COUNTY					
ROCK	102.9	102.9	102.9	10,290	8,511
TRICO CETAC CONSORTIUM					
KENOSHA	104.4	113.2	113.2	11,320	9,363
RACINE	104.4	108.3	108.3	10,830	8,957
WALWORTH	104.4	76.9		10,440	8,635

1979 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF $13,125 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
WISCONSIN					
WINNE-FOND CONSORTIUM					
FOND DU LAC	97.0	89.0		10,000	8,023
WINNEBAGO	97.0	101.4	99.9	10,140	8,387
WOW CONSORTIUM					
OZAUKEE	100.3	97.5	107.0	10,700	8,850
WASHINGTON	100.3	87.4	107.0	10,700	8,850
WAUKESHA	100.3	104.3	107.0	10,700	8,850
BALANCE OF WISCONSIN					
	84.6			10,000	7,665
BROWN	84.6	98.5	98.5	10,000	8,147
CALUMET	84.6		99.9	10,000	8,263
CHIPPEWA	84.6		86.4	10,000	7,665
DODGE	84.6	92.6		10,000	7,665
EAU CLAIRE	84.6	88.9	86.4	10,000	7,665
GRANT	84.6	69.3		10,000	7,665
JEFFERSON	84.6	88.3		10,000	7,665
LA CROSSE	84.6	87.5	87.5	10,000	7,665
MANITOWOC	84.6	86.4		10,000	7,665
PORTAGE	84.6	87.4		10,000	7,665
ST. CROIX	84.6		104.6	10,460	8,651
SHEBOYGAN	84.6	95.8		10,000	7,924
WOOD	84.6	100.1		10,010	8,279
WYOMING					
WYOMING STATEWIDE CONSORTIUM					
	105.8			10,580	8,751
LARAMIE	105.8	94.7		10,580	8,751
NATRONA	105.8	119.5		11,950	9,884
PUERTO RICO					
BAYAMON MUNICIPIO	59.3			10,000	7,665
CAGUAS MUNICIPIO	59.3			10,000	7,665
CAROLINA MUNICIPIO	59.3			10,000	7,665
MAYAQUEZ MUNICIPIO	59.3			10,000	7,665
PONCE MUNICIPIO	59.3			10,000	7,665
SAN JUAN MUNICIPIO	59.3			10,000	7,665
BALANCE OF PUERTO RICO	59.3			10,000	7,665
VIRGIN ISLANDS	77.9			10,000	7,665
GUAM				10,000	7,665
SAMOA				10,000	7,665
TRUST TERRITORIES OF THE PACIFIC ISLANDS				10,000	7,665
NORTHERN MARIANNAS				10,000	7,665

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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/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

GENERAL SERVICES ADMINISTRATION

55723 8–21–80 / Procurement; recovered material requirements and separate accounting for change orders

FEDERAL COMMUNICATIONS COMMISSION

55731 8–21–80 / Radio services, special; private operational-fixed microwave service; facilitating operation of low power, limited coverage systems

JUSTICE DEPARTMENT

Office of the Attorney General—

57125 8–27–80 / Amendment to standard of conduct governing private professional practice and outside employment

List of Public Laws

Last Listing September 23, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 670 / Pub. L. 96–355 Rural Development Policy Act of 1980. (Sept. 24, 1980; 94 Stat. 1171) Price $1.

S. 1625 / Pub. L. 96–356 To amend the Act of December 20, 1944, as amended. (Sept. 24, 1980; 94 Stat. 1177) Price: $1.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

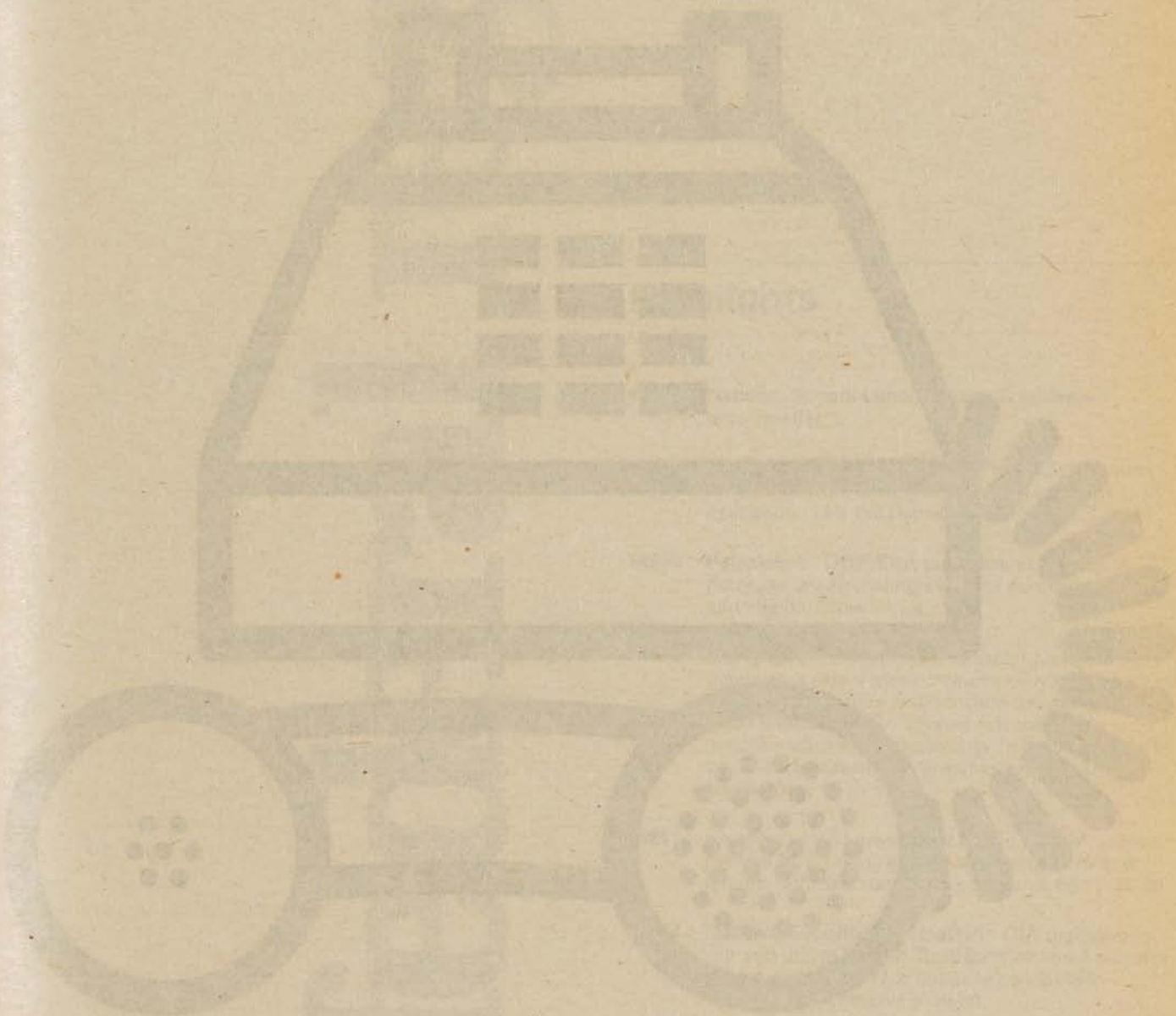
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: October 17 and 31; November 14 and 21; at 9 a.m. (identical sessions)

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

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