

10-6-80
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Federal Register

Monday
October 6, 1980

Highlights

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

- 65993 Cuban and Haitian Refugee Assistance** Presidential determination
- 66335 Improving Government Regulations** Agencies announce schedule of publication dates for semiannual agendas (Part II of this issue)
- 66188 Intergovernmental Relations** Commerce/MA releases regulations governing its research and development grants and cooperative agreements; effective 10-6-80; comments by 12-5-80
- 66009 Computer Technology** GSA adds provisions to the Federal Property Management Regulations regarding computer security requirements and the application of standards; effective 11-24-80
- 66349 Electronic Fund Transfers** FRS publishes proposed official staff commentary on Regulation E; comments by 11-14-80 (Part IV of this issue)
- 66348 Electronic Fund Transfers** FRS proposes an amendment to Regulation E to exempt overdraft checking plans from the compulsory use provision of the Act; comments by 11-5-80 (Part IV of this issue)

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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.

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- 66346 Electronic Fund Transfers** FRS takes action to ease financial institutions' compliance burden; effective 10-6-80 (Part IV of this issue)
 - 66996 Loan Programs—Agriculture** USDA/FmHA adopts final emergency loan regulations; effective 10-6-80
 - 66338 Grant Requirements** OMB lists Federal agencies responsible for administering audit provisions of OMB Circular A-102, "Uniform requirements for grants to State and local governments" (Part III of this issue)
 - 66995 Pensions** CWPS adopts five questions and answers that may collectively be used as an alternative to existing policy; effective 9-30-80; comments by 11-3-80
 - 66180 Supplemental Security Income** HHS/HDSO plans to develop regulations for a pilot program beginning 9-1-81, to provide medical and social services to certain handicapped persons
 - 66414 Civil Rights** IDCA/AID publishes final rule prohibiting nondiscrimination on the basis of handicap in programs and activities benefiting from Federal financial assistance; effective 11-1-80 (Part VII of this issue)
 - 66174 Business and Industry** SBA proposes new business loan policy; comments by 12-5-80
 - 66213 Continental Shelf** Interior/GS publishes notice of receipt of a proposed development and production plan
 - 66179 Petroleum and Natural Gas** Interior/HCRS makes available for review its procedures of implementation regarding E.O. 12185, Conservation of Petroleum and Natural Gas; comments by 12-5-80
 - 66180 Chemical Substances** EPA plans to develop generic small business standards
 - 66173 Improving Government Regulations** NASA and Justice/INS publish semiannual agendas
 - 66288 Privacy Act Document(s)** VA
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The President

Presidential Determination No. 80-27 of September 21, 1980

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended, and Amending Presidential Determination Number 80-24, dated August 7, 1980.

Memorandum for the United States Coordinator for Refugee Affairs

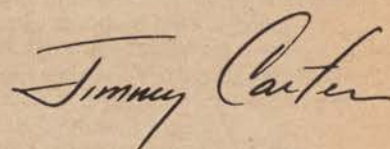
Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended (the "Act"), I hereby determine that Presidential Determination Number 80-24 of August 7, 1980 is amended by striking paragraphs two through five of the Determination.

I determine that unexpected, urgent refugee and migration needs continue to exist in Florida and in other localities and that it is in the national interest to continue to provide assistance to those Cubans and Haitians arriving in the United States.

I further determine that a total of up to \$31,644,173 shall be made available from the United States Emergency Refugee and Migration Assistance Fund for the purposes of processing, transportation, caring, and resettling, and associated administrative expenses, for these Cubans and Haitians. Assistance shall be provided to these persons in accordance with such terms and conditions as the United States Coordinator for Refugee Affairs shall establish on my behalf or for the purposes described in Presidential Determination Number 80-16, as amended.

The United States Coordinator for Refugee Affairs is requested to inform the appropriate committees of the Congress of this Determination and the obligation of funds under this authority.

This Determination shall be published in the **Federal Register**.



Presidential Documents

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Presidential Commission on the Assassination of President John F. Kennedy

Information presented to the President by the President's Commission on the Assassination of President John F. Kennedy, as amended and corrected, Presidential Commission Number 10-24 dated August 1, 1964.

Memorandum for the President, Commission on the Assassination of President John F. Kennedy

Presented to the President by the President's Commission on the Assassination of President John F. Kennedy, as amended and corrected, Presidential Commission Number 10-24 dated August 1, 1964, as amended and corrected, Presidential Commission Number 10-24 dated August 1, 1964.

I have been deeply moved and saddened by the assassination of President John F. Kennedy, and I am sure that the American people share these feelings. I am sure that the American people will want to know the truth about what happened.

I have been deeply moved and saddened by the assassination of President John F. Kennedy, and I am sure that the American people share these feelings. I am sure that the American people will want to know the truth about what happened.

The United States Government is committed to the principle of the rule of law, and I am sure that the American people will want to know the truth about what happened.

This Commission shall be published in a special report.

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Rules and Regulations

Federal Register

Vol. 45, No. 195

Monday, October 6, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 705

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

AGENCY: Council on Wage and Price Stability.

ACTION: Questions and answers on the pay standard.

SUMMARY: The Council is adopting five Questions and Answers on pensions that may collectively be used as an alternative to the Council's existing pension policy. These Questions and Answers (1) provide that some non-pay-related pension-plan improvement costs are excluded from pay-standard calculations, (2) emphasize that the tandem pay-rate changes exception applies to pensions, (3) permit the loading of pension benefit improvement costs into a single year of a multi-year pay plan or collective-bargaining agreement if this is a matter of past practice, (4) exclude from pay-standard calculations certain pension improvement costs resulting solely from the demographic make-up of an employee unit, and (5) indicate that significant pension-cost increases resulting from plant closings or other unanticipated events may warrant a gross-inequity or undue-hardship exception to the pay standard.

DATES: The effective date is September 30, 1980. Written comments should be submitted by November 3, 1980.

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

FOR FURTHER INFORMATION CONTACT:

Office of Pay Monitoring, Lucretia Tanner: 456-7180, Richard Mullins: 456-7180, Homer Jack: 456-7180; Office of General Counsel, Daniel Duff: 456-6210, Jane Campana: 456-6210.

SUPPLEMENTARY INFORMATION:

On September 28, 1979, The President announced the creation of a Pay Advisory Committee to advise the Council on policies that encourage anti-inflationary behavior by employers and labor, that decelerate the rate of inflation, and that provide for a fair and equitable distribution of the burden of restraint. The Committee's Charter provides that it will recommend new or revised interpretations of the pay standard.

On May 9, 1980, the Committee recommended general principles providing alternative treatment of pensions under the pay standard. Subsequently, on July 15, 1980, the Committee provided the Council with a set of Questions and Answers (Q & As) that further explained the previously adopted principles. After several conferences with the Committee staff to clarify the meaning of the Q & As, the Council has accepted the Committee's recommendation and is here publishing revised Q & As that incorporate these clarifications. These Questions and Answers (11 through 15) may be used as an alternative to the Council's current pension policies.

These Questions and Answers are effective September 30, 1980.

Compliance units or employee units may, of course, request an earlier effective date, if adherence to the present effective date creates a gross inequity. The Council will review such applications on a case-by-case basis.

(Council on Wage and Price Stability Act, as amended (12 U.S.C. 1904, note); E.O. 12092 (November 1, 1978); E.O. 12161 (September 28, 1979))

Issued in Washington, D.C., September 30, 1980.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Accordingly, the Council hereby publishes Q and A's 11-15 under "I. Pensions" as follows:

Questions and Answers

II. The Pay Standard

I. Pensions

Q11. Pay-related pension-plan benefits generally increase as wages or salaries increase. Non-pay-related pension-plan benefits may also have this general characteristic where the parties had previously established and maintained a relationship between pensions and wages or salaries. How are the costs associated with improving such plans to maintain this historical relative relationship treated under the pay standard?

A. In order to avoid fundamentally different treatment under the Council's rules for pay-related and non-pay-related pension plans, changes in non-pay-related benefit levels that are necessary to maintain the same relative relationship between pensions and wages need to be charged only up to the level of the amount implemented under § 705.10(a). The parties should be able to show that this same relative relationship has existed over a period of recent years. In cases involving multi-year pay plans or collective-bargaining agreements, this relationship should be based on pension benefit levels and wage levels at the inceptions of the past plans or agreements. Any costs in excess of the amount implemented under § 705.10(a) that result from such changes in benefit levels are excluded from pay standard calculations.

Q12. Does the tandem pay-rate changes exception apply to pensions?

A. Yes, provided that the criteria set forth in § 705.18 are met.

Q13. Costs associated with the improvement of pension plans in some cases occur in the first year of a multi-year pay plan or collective-bargaining agreement. Can a compliance unit be found out of compliance due to the "loading" of pension improvements in this way?

A. When the loading of pension benefit improvements into a single year of a collective-bargaining agreement or pay plan is a matter of past practice, this practice will not cause a compliance unit to be out of compliance if the employee unit's total pay-rate increase is in compliance over the life of the agreement or pay plan.

Q14. In some cases, pension-benefit improvements under a given industry or locality pattern of benefits may have

different costs. How are these costs to be treated under the pay standard?

A. Where an employee unit is part of, or in tandem with, a given industry or locality pattern and adopts substantially the same level of pension benefits improvements as under the industry or locality pattern of benefits, any greater pension costs for such improvements attributable to that employee unit solely because of its demographic make-up are charged only up to the level of the amount implemented under § 705.10(a), so long as the industry or locality pattern of wages and benefits is in compliance with the pay standard.

Q15. Pension costs may in some cases increase significantly because of generally unanticipated events—for example, plant closings, and shifts in the work force due to technological changes. Are such increased pension costs charged against the pay standard?

A. Yes. However, it is recognized that such unanticipated events can create conditions that warrant a gross-inequity or an undue-hardship exception to the pay standard on a case-by-case basis.

[FR Doc. 80-31058 Filed 10-3-80; 8:45 am]

BILLING CODE 3175-01-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1945 and 1980

Emergency Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: On February 13, 1980, (45 FR 9848) the Farmers Home Administration (FmHA) published a document amending its regulations pertaining to insured Emergency (EM) Loans and suspending authority to make guaranteed EM loans. Those regulations were published as emergency final rules, and interested persons were invited to comment. FmHA has reviewed the recommendations and has conducted its review of its emergency final rulemaking action as required under the provisions of Executive Order 12044 and the Secretary's Memorandum 1955. This document adopts those regulations as final without change.

EFFECTIVE DATE: October 6, 1980.

FOR FURTHER INFORMATION CONTACT: James E. Vollmer, Emergency Loan Officer, Farmers Home Administration, USDA, Room 5336-S, Washington, D.C.

20250, telephone 202-447-6257. The final regulations and the final impact analysis statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from Joseph H. Linsley, Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6346-S, Washington, D.C. 20250, telephone number 202-447-4057.

On pages 9848 through 9880 inclusive of the *Federal Register* of February 13, 1980, the Farmers Home Administration published a revision of Chapter XVIII, Title 7, Code of Federal Regulations, Part 1945, Subparts A and B in their entirety; an amendment to § 1945.117(d)(1) of Part 1945, Subpart C; and a notice of suspension of § 1980.170 of Part 1980, Subpart B. These changes were published as emergency final rules, and interested parties were given 60 days to submit comments.

One comment was received on the action. The comment recommended the agency adopt more precise guidelines to be used by State Directors when they declare disasters based on adverse weather conditions. The comment indicated that numerous disaster declarations were being made for weather conditions that were not of sufficient severity to warrant the action. The comment also recommended that the test for credit eligibility requirements imposed on loan requests for \$300,000 or more should be adopted for loan requests under \$300,000.

The Agency reviewed the recommendations received and determined that they should not be adopted. The Agency believes that its State Directors and not abusing their declaration authority. Furthermore, it believes sufficient safeguards are present in the methodology used to compute an eligible loss to screen out those applicants who have not suffered a severe economic hardship as a direct result of a natural disaster. The Agency also believes that more evidence is needed to document the unavailability of credit to applicants seeking loan assistance over \$300,000 than is needed to document the unavailability of credit to applicants seeking less than a \$300,000 loan. The Agency believes the existing requirements are sufficient to assure that the integrity of the eligibility determination is protected and that the determination is arrived at in a relatively efficient manner for smaller operators.

The Agency has conducted its review

of its emergency final rulemaking action as required under the provisions of Executive Order 12044 and the Secretary's Memorandum 1955. This review is evidenced in the Final Impact Statement prepared on the action.

Therefore, the regulations published at 45 FR 9848 are hereby adopted as final rules without change.

The Office of Management and Budget (OMB) has given temporary approval of all the recordkeeping and reporting requirements found in these regulations. The Agency has submitted its request to OMB seeking final approval of the recordkeeping and reporting requirements found in these regulations.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements". It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations" and has been classified as "significant" under those criteria.

The document has been reviewed to determine the applicability of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects as set forth under 7 CFR Part 1901, Subpart H, "A-95 Review, Evaluation, and Coordination of Projects". It is the determination of FmHA that a clearinghouse review under OMB Circular No. A-95 is not applicable to this action.

(7 U.S.C. 1989; 5 U.S.C. 301; Title II of the Emergency Agricultural Credit Adjustment Act of 1978, 92 Stat 429; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

(Catalog of Federal Domestic Assistance Numbers 10.404—Emergency Loan Program 10.428—Economic Emergency Loan Program)

Dated: September 25, 1980.

Thomas L. Burgum,
Acting Assistant Secretary for Rural Development.

[FR Doc. 80-31002 Filed 10-3-80; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF COMMERCE**Economic Development
Administration****13 CFR Part 305****Effective Date of the Energy
Conservation Requirements in the
Public Works and Development
Facilities Program**

AGENCY: Economic Development Administration, Department of Commerce (EDA).

ACTION: Final rule.

SUMMARY: EDA recently published new requirements regarding energy conservation in projects funded by the Agency. These requirements become effective October 1, 1980. This rule does not change these requirements except to add a paragraph to § 305.59 to note, in the text of the regulation, that applications authorized on or after October 1, 1980, are subject to the new requirements.

DATES: Effective date September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Charles W. Coss, Director, Office of Public Investments, (202) 377-5265.

SUPPLEMENTARY INFORMATION: EDA published proposed regulations to encourage the conservation of energy in connection with the receipt of financial assistance on May 7, 1980 (45 FR 30320-30323). On August 29, 1980, EDA published these rules in final (45 FR 57980-57984). As noted in the publication of August 29, 1980, the effective date of the new requirements is October 1, 1980.

This rule amends 13 CFR § 305.59(a) by adding a paragraph (5). § 305.59(a) sets forth the energy conservation requirements regarding public works projects. The substantive requirements remain unchanged. New paragraph (5) simply notes, in the text of the regulation, that the new requirements become effective for applications authorized on or after October 1, 1980.

Since this rule is editorial in nature and makes no substantive change, EDA has determined that it is not a significant regulation under the criteria of Executive Order 12044. As a result, this rule is not subject to the procedural requirements placed on significant regulations by that order.

Accordingly, EDA amends 13 CFR 305.59 as follows:

**PART 305—PUBLIC WORKS AND
DEVELOPMENT FACILITIES
PROGRAM**

13 CFR 305.59 is amended by adding a new paragraph (a)(5) to read as follows:

§ 305.59 Energy conservation and other requirements.

(a) * * *

(5) The requirements of this subsection apply to applications authorized on or after October 1, 1980.

* * * * *

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211), Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended))

Dated: September 30, 1980.

Robert T. Hall,

Assistant Secretary for Economic Development.

[FR Doc. 80-31037 Filed 10-3-80; 8:45 am]

BILLING CODE 3510-24-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 80-WE-38-AD, Amdt. 39-3935]

**Hiller UH-12 Helicopters;
Airworthiness Directives**

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Hiller UH-12 helicopters by authorizing a rework potential on certain delaminated rotor blades. This AD is needed to prevent scrapping of blades which may be returned to an airworthy condition.

DATES: Effective October 13, 1980. Compliance schedule—As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California, 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3897 (45 FR 56331), AD 80-18-01, which currently requires removal from service of delaminated main rotor blades on Hiller UH-12 helicopters. After issuing Amendment 39-3897, the FAA has determined that certain debonded doublers and skin voids can be repaired using procedures specified in P/N 53200 Main Rotor Blade Repair and Overhaul Manual. Therefore, the FAA is amending Amendment 39-3897 by referring delamination discrepancies to the FAA for review and disposition on Hiller UH-12 helicopter main rotor blades.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Amendment 39-3897 (45 FR 56331), AD 80-18-01, by revising paragraphs (g) and (h) to read as follows:

(g) If the visual check or inspection of the main rotor blade root doublers indicates delamination, before further flight, replace blade with like serviceable part or notify the Chief, Aircraft Engineering Division, FAA Western Region for instructions and disposition of the blade. Descriptive data regarding extent of delamination must be made available to the FAA.

(h) If the inspection of the main rotor blade reveals skin delamination, before further flight, replace blade with like serviceable part or notify the Chief, Aircraft Engineering Division, FAA Western Region for instructions disposition of the blade. Descriptive data regarding extent of delamination must be made available to the FAA.

Amendment 39-3897 became effective September 2, 1980.

This amendment becomes effective October 13, 1980.

(Secs. 313(a), 601 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under Executive Order 12033 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Los Angeles, Calif., on September 25, 1980.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 80-30987 Filed 10-3-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-WE-47-AD, Amdt. 39-3933]

**McDonnell Douglas DC-10 Series
Airplanes; Airworthiness Directives**

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires replacement of cable

guard pins on McDonnell Douglas DC-10 series airplanes fuselage numbers 1 thru 243. The AD is prompted by a report that during ground system tests a wing engine emergency fire shutoff handle was restricted in movement and could not be moved completely to the agent discharge position, preventing the use of fire extinguishing agent which could result in an uncontrollable engine fire and possible loss of the airplane.

DATES: Effective October 13, 1980.

Compliance schedule—Within 300 hours time in service from the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attn: Director, Publication and Training C1-750-[54-60].

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: There has been a report of the wing engine fuel valve transition drum cable guard pin P/N AA 2603-9 working loose and restricting movement of the fuel shutoff valve-to-transition drum push rod assembly. This limits engine emergency fire shutoff handle travel, restricting shutoff of fluids to the engine and preventing the discharge of fire extinguishing agent. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires replacement of P/N AA 2603 type cable guard pins with NAS427T7 guard pins on McDonnell Douglas DC-10 series airplanes, fuselage numbers 1 thru 243 in all engine systems.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

McDonnell Douglas; Applies to DC-10 Series Airplanes fuselage numbers 1 through 243.

Compliance required as indicated, unless already accomplished. To prevent restriction of travel of the wing and tail engine fuel shutoff valve, thereby adversely affecting operation of the engine emergency fire shutoff handles and loss of associated fire fighting safeguards, accomplish the following:

(a) Within 300 hours additional time in service after the effective date of this AD replace P/N AA 2603 type cable guard pins in accordance with McDonnell Douglas Alert Service Bulletin A76-28 as dated September 8, 1980.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modifications required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective October 13, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Los Angeles, Calif., on September 24, 1980.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 80-30988 Filed 10-3-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-CE-33-AD; Amdt. 39-3937]

Cessna Model 421C Airplanes Having King KFC-200 Flight Control System Installed Under Supplemental Type Certificate SA1246CE; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to certain Cessna Model 421C airplanes on which a King KFC-200 autopilot has been installed under

Supplemental Type Certificate SA1246CE. It requires the autopilot roll axis servo slip clutch to be reset to 38 ± 4 inch-pounds torque. This action is necessary because it has been determined that the present used torque setting of 60 ± 6 inch-pounds will result in excessive roll angles in the event of a roll axis hard-over malfunction with ensuing potentially serious safety hazards to the airplane and its occupants.

DATE: Effective date: October 14, 1980.

Compliance: As prescribed in the body of the AD.

ADDRESSES: King Radio Service Sales Installation Bulletin No. 167, dated August 4, 1980, applicable to this AD, may be obtained from King Radio Corporation, 400 North Rogers Road, Olathe, Kansas 66061; Telephone (913) 782-0400. A copy of the Service Installation Bulletin is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106; and Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Larry Malir, FAA, ACE-213, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4281.

SUPPLEMENTARY INFORMATION: In 1976, King Radio Corporation obtained approval of their KFC-200 Flight Control System for Cessna Model 421C airplanes under Supplemental Type Certificate SA1246CE. King recently installed their KFC-250 Flight Control System, which has a roll axis servo and slip clutch identical to that of the KFC-200, in a 1980 model Cessna 421C airplane for certification under their Designated Alteration Station (DAS). The roll servo slip clutch was set to the maximum torque value (66 inch-pounds) as previously approved for the KFC-200. During the three (3) second hard-over malfunction tests for the climb regime, the airplane rolled to an angle of 95° and encountered stall buffet. King found that a torque of 42 inch-pounds was the maximum that could be used and not exceed the 60° roll limit during roll axis malfunction testing.

Investigation revealed that Cessna had changed to a servoed aileron trim tab on the 1978 model Cessna 421C airplanes which accounted for the reduced roll torque requirement.

A hard-over malfunction in the KFC-200 autopilot roll axis in airplanes having the servoed aileron trim tab and 60 ± 6 inch-pounds torque could cause the airplane to roll to an angle which may result in injury to the occupants or

loss of the airplane. Since the condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued, applicable to certain Cessna Model 421C airplanes having the KFC-200 Flight Control System installed, requiring the roll axis servo slip clutch to be reset to 38 ± 4 inch-pounds in accordance with the instructions contained in King Radio Service Sales Installation Bulletin No. 167, dated August 4, 1980.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the Federal Register.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Cessna: Applies to Model 421C airplanes (Serial Number 421C0401 and on) having King KFC-200 Flight Control System installed under Supplemental Type Certificate SA1246CE.

Compliance: As indicated unless already accomplished.

To prevent the airplane from exceeding 60° bank angle in the event of a roll axis hard-over malfunction, accomplish the following:

(A) Within the next 25 hours time-in-service after the effective date of this AD, reset the KFC-200 roll axis slip clutch from 60 ± 6 inch-pounds to 38 ± 4 inch-pounds in accordance with the instructions contained in King Radio Service Sales Installation Bulletin No. 167 dated August 4, 1980.

(B) Airplanes may be flown in accordance with FAR 21.197 to a location where the maintenance required by this AD may be performed provided the autopilot is inoperative.

(C) Any equivalent method of compliance must be approved by the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective October 14, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.89, Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, Central Region, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on September 26, 1980.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 80-30689 Filed 10-3-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-CE-32-AD; Amendment 39-3932]

Gates Learjet Models 23, 24, 24A, 24B, 24B-A, 24C, 24D, 24D-A, 24E, 24F, 24F-A, 25, 25A, 25B, 25C, 25D, 25F, 28, 29, 35, 35A, 36, and 36A Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Gates Learjet Models 23, 24, 24A, 24B, 24B-A, 24C, 24D, 24D-A, 24E, 24F, 24F-A, 25, 25A, 25B, 25C, 25D, 25F, 28, 29, 35, 35A, 36 and 36A airplanes and codifies the corresponding emergency AD letter dated September 4, 1980, and identified as AD 80-19-11 into the Federal Register. This AD adds Airplane Flight Manual (AFM) procedures which set forth certain airplane limitations and revised crew operating information to assure that the airplane will be operated within its flight envelope and, in case of emergencies, that the crew is provided instructions for proper operation under such conditions. In addition, the AD requires a check/inspection of certain components of the airplane's automatic flight control and stall warning systems to verify that they conform to the manufacturer's specifications. Failure to follow the aforementioned airplane limitations and crew operating information, or to operate the airplane with improperly adjusted airplane automatic flight control and/or stall warning systems could adversely affect safety of flight.

EFFECTIVE DATE: October 9, 1980, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated September 4, 1980.

Compliance schedule: As prescribed in the body of the AD.

ADDRESSES: Gates Learjet Service Bulletins SB23, 24, 25-301A, SB28, 29-27-3A, SB35 and 36-27-12A, identified in

this AD may be obtained from Gates Learjet Corporation, Mid-Continent Airport, P.O. Box 7707, Wichita, Kansas 67277; Telephone (316) 946-2000. Copies of these service bulletins are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and/or Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Larry Malir, Aircraft Certification Program, Systems and Equipment Section, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4281.

SUPPLEMENTARY INFORMATION: In conjunction with the Gates Learjet Corporation, the Federal Aviation Administration is currently in the process of a review of the adequacy of the certification basis of Lear aircraft, including the adequacy of the certification rules applicable to these type aircraft. While this review is still in its initial stages, preliminary information developed as a result of joint FAA and Gates Learjet Corporation flight evaluations has evidenced characteristics of these airplanes at the limits of their operating envelope which in combination with presently approved operating procedures could adversely affect safety of flight. In addition, the FAA is concerned as to whether components of the automatic flight control and stall warning systems of these airplanes have exceeded their tolerance through in-service use. To correct these conditions, temporary operating limitations and procedures have been added to the Airplane Flight Manual (AFM) to assure that the airplane will be operated within its flight envelope and in case of emergencies, that the crew is provided instructions for proper operation under such conditions. Also checks/inspections of the aforementioned flight control components of the control system for proper adjustment are being required. The FAA determined that these are unsafe conditions that may exist in other airplanes of the same type design requiring AD action. It was also determined that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by airmail letter dated August 4, 1980. The AD became effective as to these individuals upon receipt of that letter and was

identified as AD 80-16-06.

Subsequently, that emergency AD letter was superseded by another emergency letter on the same subject dated September 4, 1980, and identified as AD 80-19-11. The issuance of this superseding emergency AD was necessary in order to correct the identification of certain manufacturers' service bulletins, to identify the charts in the Howard/Raisbeck Flight Manual to which certain limitations are applicable and to clarify other errors which have now been identified in the initial emergency letter. Since the unsafe condition described herein may still exist on other Gates Learjet Models 23, 24, 24A, 24B, 24B-A, 24C, 24D, 24D-A, 24E, 24F, 24F-A, 25, 25A, 25B, 25C, 25D, 25F, 28, 29, 35, 35A, 36 and 36A airplanes, AD 80-19-11 is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended by adding the following new Airworthiness Directive.

Gates Learjet: Applies to the following models and serial number airplanes, unless noted:

Models	Serial No.
23	23-003 through 23-009.
24, 24A	24-100 through 24-180.
24B, 24B-A	24-181 through 24-217.
	24-219 through 24-229.
24C, 24D, 24D-A	24-218, 24-230 through 24-328.
24E, 24F, 24F-A	24-329 and subsequent.
25, 25A	25-003 through 25-060.
25B, 25C	25-061, 25-067 through 25-201.
	25-204, 25-205.
25D, 25F	25-206 and subsequent.
28, 29	28-001 and subsequent, 29-001 and subsequent.
35, 36, 35A, 36A	35-001 and subsequent, 36-001 and subsequent.

Compliance: Required as indicated, unless previously accomplished. To assure that the crew is provided additional instructions for the safe operation of the airplane and that the airplane's automatic flight control and stall warning systems are properly adjusted, accomplish the following:

(A) Before further flight, insert the following information in the FAA Approved Airplane Flight Manual and operate the airplane in accordance with these insertions:

1. In Section 1, LIMITATIONS, adjacent to AIRSPEED LIMITS, MAXIMUM OPERATING SPEED V_{MO}/M_{MO} :

a. Delete any procedures relative to exceeding V_{MO} or M_{MO} .

b. Add the following limitation:

Warning

Do not extend the spoilers, or operate with the spoilers deployed, at speeds above V_{MO}/M_{MO} due to the significant nose down pitching moment associated with spoiler deployment.

2. In Section 1, LIMITATIONS, add a new limitation: TRIM SYSTEMS

a. To assure proper trim systems operation, the BEFORE STARTING ENGINES trim system checks must be successfully completed before each flight.

Warning

Failure to conduct a complete pitch trim preflight check prior to each flight increases the probability of an undetected system failure. An additional single failure in the trim system could result in a runaway. In certain critical flight conditions an unrestrained runaway could result in high speeds, severe buffet, wing roll off, loads, in excess of structural limit and extremely high forces necessary for recovery.

b. Pitch trim system runaway training that actually involves running the trim in flight to simulate malfunctions is prohibited.

3. In Section 1, LIMITATIONS, adjacent to STALL WARNING SYSTEM, add the following:

On Models 23, 24, 24A, 24B, 24B-A, 24D, 24D-A, 25, 25A, 25B, and 25C with unmodified wings, and the same models with Howard Raisbeck Mark II wings:

Warning

Do not intentionally fly the airplane slower than initial stall warning (shaker) onset.

4. In Section 1, LIMITATIONS, adjacent to YAW DAMPER:

a. Delete any references to disengaging the yaw damper before landing, or landing with the yaw damper engaged.

b. Add the following yaw damper requirements:

On landing, the following yaw damper disengage procedures shall apply:

(1) The airplane shall be configured for landing at least 500 ft. AGL for normal landing.

(2) The yaw damper shall be disengaged during the landing flare.

Caution

If landings are attempted in turbulent air conditions with the yaw damper OFF, the airplane may exhibit undesirable lateral-directional (Dutch-Roll) characteristics. These characteristics are improved as the wing/tip fuel is consumed. The pilot shall observe the NOTE relative to turbulence contained in the BEFORE LANDING section of Section II of the Airplane Flight Manual and increase airspeed as required.

5. In Section II, NORMAL OPERATING PROCEDURES, adjacent to BEFORE STARTING ENGINES Procedures:

a. Delete current preflight procedures on all trim systems.

b. Add the following new trim system preflight checks:

Note.—Some early Model 23, 24 airplanes incorporate a cutoff button that interrupts pitch, roll and yaw axes.

(1) Pitch Trim Selector Switch—EMER (or SEC).

(2) Operate EMERGENCY (or SEC) pitch trim switch NOSE UP and NOSE DOWN and check for stabilizer movement. Stabilizer movement will be approximately one-half of the rate of primary trim.

(3) Either Control Wheel Trim Switch—Operate NOSE UP and NOSE DOWN. Trim motion shall not occur.

(4) Pitch Trim Selector Switch—OFF.

(5) Actuate pilot's and copilot's Control Wheel Trim and Trim Arming Switches (if applicable) and pedestal EMERGENCY (or SEC) Pitch Trim Switch. Trim motion shall not occur.

(6) Pitch Trim Selector Switch—NORM (or PRI).

(7) EMERGENCY (or SEC) Pitch Trim Switch—Operate NOSE UP and NOSE DOWN. Trim motion shall not occur.

Note.—On all Model 23 airplanes and Model 24 (Serial Number 24-100 through 24-169) airplanes, except for those incorporating Accessory Kit AAK70-3, trim motion will occur.

(8) Pilot's Control Wheel Trim Switch—Without depressing arming button (if applicable), move switch to LWD, RWD, NOSE UP, and NOSE DOWN; trim motion shall not occur. Depress arming button (if applicable); trim motion shall not occur. Then depress arming button (if applicable) and move switch to LWD, RWD, NOSE UP and NOSE DOWN; trim motion shall occur.

(9) Repeat Step (8) for Copilot's Control Wheel Trim Switch.

(10) Trim by positioning Copilot's Control Wheel Trim Switch in one direction; then trim in opposite direction using the Pilot's Control Wheel Trim Switch. Pilot's trim shall override the Copilot's trim. Repeat for all lateral and pitch trim positions.

(11) Pilot's Control Wheel Trim Switch—NOSE UP. While trimming, depress Control Wheel Master Switch (if applicable) or Cutoff Button (if applicable); trim motion shall stop when the Control Wheel Master Switch is held. Repeat procedure for NOSE DN condition; trim motion shall stop. Repeat procedure for LWD & RWD lateral trim on airplanes equipped with Cutoff Button. (The procedures in this paragraph are not applicable to Model 25, S.N. 25-003 through 25-205 and Model 24, S.N. 24-170 through 24-328, except those airplanes modified by AAK76-4A).

(12) Repeat Step (11) using Copilot's Control Wheel Trim Switch, and Control Wheel Master Switch (if applicable), or Cutoff Button (if applicable).

(13) YAW TRIM Switch—Operate each half separately (if installed); trim motion shall not occur.

(14) YAW TRIM Switch—Operate both halves simultaneously; trim motion shall occur. On aircraft with Cutoff Button, check that the Cutoff Button stops the trim.

(15) Trim—Set all axes for takeoff.

6. In Section III, EMERGENCY PROCEDURES, add a new PITCH UPSET (NOSE-UP or NOSE-DOWN) Emergency Procedure:

A nose-up pitch axis malfunction or nose-up pitch trim system runaway can result in extremely high pitch attitudes, heavy airframe buffet, and require control forces in excess of 75 pounds for recovery.

A nose-down pitch axis malfunction, nose-down pitch trim system runaway, or nose-down overspeed can result in extremely high airspeeds and require control forces in excess of 75 pounds for recovery.

Warning

Do not extend spoilers on any nose-down pitch upset at any speed due to significant nose-down pitching moment associated with spoiler deployment.

Note.—Control pressures may be heavy. Copilot assistance is recommended with this procedure.

Immediately: a. Attitude Control—As required to maintain aircraft control.

• If in nose-up attitude, roll into bank or maintain existing bank until the aircraft nose passes through the horizon.

• If in nose-down attitude, level the wings before pulling the nose up.

b. Thrust levers—As required. (If in nose-down attitude, immediately reduce thrust levers to IDLE position).

c. Control Wheel Master Switch or Cutoff Button—Depress and hold until step g is accomplished.

d. PITCH TRIM Selector Switch—OFF.

e. STALL WARNING Switches—OFF.

Warning

On any speed excursions beyond M_{MO} , the elevator control must be smoothly and steadily applied to prevent encountering excessive aileron activity and airframe buffet. Beyond .85 M_{II} , a 1.5 g pull-up may be sufficient to excite aileron activity and the g level must be limited to that required to maintain lateral control.

After Aircraft Control is Regained:

f. Spoilers—Check retracted.

g. Autopilot's Pitch Circuit Breaker—Pull.

h. If control force continues, select other trim system and retrim the aircraft.

i. Isolate malfunctioning system by switching systems ON one at a time. Pause between activating each system to determine the defective system.

7. In Section IV, PERFORMANCE DATA, adjacent to the appropriate takeoff charts, add the following:

Increase all Chart V_1 , V_R and V_2 speeds by:
a. Model 23, 24, 24A, 24B, 24B-A, 24D, 24D-A, 25, 25A, 25B, 25C, with unmodified wings, plus 5 KNOTS Indicated Airspeed.

b. Model 23, 24, 24A, 24B, 24B-A, 24D, 24D-A, 25, 25A, 25B, 25C, with Howard/Raisbeck Mark II wings, plus 5 KNOTS Indicated Airspeed. (Increase applies to FLAP 10 and FLAP 20 charts, and is not applicable to FLAP 10 OVERSPEED chart.)

8. In Section IV, PERFORMANCE DATA, adjacent to each TAKEOFF DISTANCE CHART, add the following:

Increase all chart takeoff distances by:

a. Model 23, 24, 24A, 24B, 24B-A, 24D, 24D-A, 25, 25A, 25B, 25C, with unmodified wings, plus 10 percent.

b. Model 23, 24, 24A, 24B, 24B-A, 24D, 24D-A, 25, 25A, 25B, 25C, with Howard/Raisbeck Mark II wings, plus 10 percent. (Increase applies to FLAP 10 and FLAP 20 charts, and is not applicable to FLAP 10 OVERSPEED chart.)

9. In Section IV, PERFORMANCE DATA, adjacent to each TAKEOFF WEIGHT LIMITS chart, add the following:

a. Reduce the Limiting Weight-Brake Energy takeoff weights for Model 23, 24, 24A, 24B, 24B-A, 24D, 24D-A, 25, 25A, 25B, 25C, with unmodified wings, 500 lbs.

b. Reduce the FLAP 10 and FLAP 20 takeoff weight limits for Model 23, 24, 24A, 24B, 24B-A, 24D, 24D-A, 25, 25A, 25B, 25C, with Howard/Raisbeck Mark II wings, 500 lbs, if the airplane is at climb limited gross weight and if takeoff weight is above 14,500 lbs. For takeoff weights above 14,000 lbs. and below 14,500 lbs., reduce the weight to 14,000 lbs. Takeoff weight reduction not applicable to FLAP 10 OVERSPEED.

10. In Section IV, PERFORMANCE DATA, adjacent to LANDING APPROACH SPEEDS chart, add the following:

Increase all chart Landing Approach Speeds by:

a. Model 23, 24, 24A, with unmodified wings, plus 8 KNOTS Indicated Airspeed.

b. Model 23, 24, 24A with ECR 736 (CJ610-6 engines and increased gross weight), and Model 24B, 24B-A, 24D, 24D-A, with unmodified wings, plus 4 KNOTS Indicated Airspeed.

c. Model 25, 25A, with unmodified wings, plus 3 KNOTS Indicated Airspeed.

d. Model 25, 25A, with unmodified wings with ECR 936 (AAK 70-5), plus 5 KNOTS Indicated Airspeed.

e. Model 25B, 25C, with unmodified wings, plus 5 KNOTS Indicated Airspeed.

f. Model 23, 24, 24A, 24B, 24B-A, 24D, 24D-A, 25, 25A, 25B, 25C, with Howard/Raisbeck Mark II wings, plus 5 KNOTS Indicated Airspeed.

11. In Section IV, PERFORMANCE DATA, adjacent to each LANDING DISTANCE CHART, add the following:

Increase all chart landing distances by:

a. Model 23, 24, and 24A, with unmodified wings, plus 10 percent.

b. Model 23, 24, 24A with ECR 736, (CJ610-6 engines and increased gross weight) and Model 24B, 24B-A, 24D, 24D-A, with unmodified wings, plus 5 percent.

c. Model 25, 25A, with unmodified wings, plus 4%.

d. Model 25, 25A, with unmodified wings with ECR 936, (AAK70-5) plus 7%.

e. Model 25B, 25C, with unmodified wings, plus 7%.

f. Model 23, 24, 24A, 24B, 24B-A, 24D, 24D-A, 25, 25A, 25B, 25C, with Howard/Raisbeck Mark II wings, plus 7%.

12. In Section IV, PERFORMANCE DATA, adjacent to the LANDING WEIGHT LIMITS CHART, add the following:

Reduce the Limiting Weight-Brake Energy landing weights as follows:

a. Model 23, 24, 24A, with unmodified wings, 800 lbs.

b. Model 23, 24, 24A with ECR 736 (CJ610-6 engines and increased gross weight), and Model 24B, 24B-A, 24D, 24D-A with unmodified wings, 400 lbs.

c. Model 25, 25A, with unmodified wings, 300 lbs.

d. Model 25, 25A, with unmodified wings with ECR 936 (AAK70-5), 500 lbs.

e. Model 25B, 25C, with unmodified wings, 500 lbs.

f. Model 23, 24, 24A, 24B, 24B-A, 24D, 24D-A, 25, 25A, 25B, 25C, with Howard/Raisbeck Mark II wings, 500 lbs.

Note.—In order to comply with the requirements of paragraph A of this Airworthiness Directive, this AD, or a duplicate thereof, may be used as a temporary amendment to the Airplane Flight Manual and carried in the aircraft as part of the Airplane Flight Manual until replaced by the identical revisions to the Airplane Flight Manual provided by the manufacturer and approved by the FAA. The temporary Airplane Flight Manual Changes required by paragraph A) of this AD may be accomplished by the holder of at least a private pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person who must make the prescribed entry in the Airplane Maintenance Records indicating compliance with paragraph A) of this AD.

(B) Except for the roll axis of the FC-200 autopilot installed on Model 35, 35A, 36 and 36A airplanes, within the next 75 flight hours, conduct the following inspections to assure capability of manually overriding the Automatic Flight Control Systems:

1. Energize the airplane electrical system by applying 28 VDC electrical power.

2. Roll Axis—a. On airplanes equipped with FC-110 autopilot, remove the electrical power from the FC-110 Autopilot Computer. Open the computer and identify the Roll Calibration Board. On the Roll Calibration Board, temporarily install, in parallel with R18 (82 ohm) resistor, a 39 ohm, one watt resistor. Restore the electrical power and engage the Autopilot with the control wheel centered and verify that the roll slip clutch breakaway occurs by rotating the control wheel briskly (45° per second) in both directions. If slippage is not verified, remove the capstan and adjust to proper torque per the appropriate Gates Learjet Service Manual. Return Autopilot computer to original configuration and accomplish a functional check of the autopilot.

3. Yaw Axis—a. Effective on all models:

(1) Check and adjust the yaw capstan slip clutch torque (primary and secondary where applicable) in accordance with the appropriate Gates Learjet Service Manual.

4. Pitch Axis—a. Effective on Models 24D, 24D-A, 24E, 24F, 24F-A, 25B, 25C, 25D, 25F, 28, 29, 35, 35A, 36 and 36A airplanes and airplanes incorporating Gates Learjet Kits AAK71-12 or AMK80-3 (torquers):

(1) With the Autopilot disengaged, turn on both stall warning switches and move the control wheel forward and aft at a rapid rate (one second—stop to stop). Note the drag associated with control movement. Turn off the stall warning switches and repeat the rapid fore and aft movement. Note the decrease in drag, which is an indication that the electric disconnect clutch functions properly by disconnecting the drag of the pitch servo (torquer) from the control system.

b. Effective on Models 23, 24, 24B, 24B-A, 24C, 25 and 25A airplanes except airplanes incorporating Gates Learjet Kits AAK71-12 or AMK80-3:

(1) Check and adjust the pitch capstan slip clutch for proper torque in accordance with the appropriate Gates Learjet Service Manual.

(C) On airplane Models 35, 35A, 36 and 36A, within the next 150 flight hours conduct

the following inspection of the FC-200 autopilot roll axis to assure capability of manually overriding that axis of Automatic Flight Control Systems:

1. Energize the airplane electrical system by applying 28 VDC electrical power.

2. Check and adjust the roll capstan slip clutch for proper torque in accordance with the appropriate Gates Learjet Service Manual.

(D) Submit a written report of any out of tolerance roll, yaw, or pitch axis capstan slip torque to the Federal Aviation Administration (FAA), Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209. (Reporting approved by the Office of Management and Budget Order OMB No. 04-R0174).

(E) To assure proper operation of the Stall Warning Accelerometer Unit, perform, within the next 25 flight hours, inspection of the Stall Warning Accelerometer in accordance with appropriate Gates Learjet Service Bulletin SB 23, 24, 25-301A, SB 28, 29-27-3A, or SB 35, 36-27-12A. Submit a written report on any discrepancy discovered during this inspection to FAA, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209. (Reporting approved by Office of Management and Budget Order OMB No. 04-R0174).

Note.—The owner/operator is responsible for submitting reports required by this AD.

(F) Airplanes may be flown in accordance with FAR 21.197 to a location where alterations and inspections required by this AD can be accomplished.

(G) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, FAA, Room 238, Terminal Building NO. 2299, Mid-Continent Airport, Wichita, Kansas 67209. Telephone: (316) 942-4285.

This AD supersedes the airmail letter AD on the same subject issued August 4, 1980, and identified as AD 80-16-06.

This amendment becomes effective on October 9, 1980, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated September 4, 1980, and is identified as AD 80-19-11.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on September 23, 1980.

Paul J. Baker,
Director, Central Region.

[FR Doc. 80-30790 Filed 10-3-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-GL-25]

Alteration of Transition Area; Designation of Federal Airways Area Low Routes, Controlled Airspace, and Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Cambridge, Ohio, to accommodate a new instrument approach procedure into the Cambridge Municipal Airport, Cambridge, Ohio, established on the basis of a request from the local airport officials to provide that airport with an additional instrument approach procedure.

EFFECTIVE DATE: December 25, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual weather conditions. The floor of the controlled airspace will be lowered from 1200' above surface to 700' for a distance of approximately 8 miles beyond that now depicted. The development of the proposed procedure necessitates that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 49948 of the Federal Register dated July 28, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal

Aviation Regulations so as to alter the transition area at Cambridge, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the notice of proposed rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 25, 1980, as follows:

In § 71.181 (45 FR 445) the following transition area is amended to read:

Cambridge, Ohio

That airspace extending upward from 700' above the surface within a 7.5 mile radius of the Cambridge Municipal Airport, Cambridge, Ohio (latitude 39°58'33"N, longitude 81°34'37"W), and within 5 miles each side of the 030° bearing from the Cambridge, Ohio, NDB extending from the 7.5 mile radius to 13.8 miles northeast of the NDB.

This amendment is made under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-25, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 18, 1980.

Wm. S. Dalton,
Director, Great Lakes Region.

[FR Doc. 80-30792 Filed 10-3-80; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1201

Safety Standard for Architectural Glazing Materials: Partial Revocation of Standard Concerning Accelerated Environmental Durability Testing of Plastic Glazing Materials

AGENCY: Consumer Product Safety Commission (CPSC).

ACTION: Partial revocation of rule.

SUMMARY: The Commission partially revokes the safety standard requirement that plastic glazing materials comply with an accelerated environmental durability test. The Commission has determined that this requirement is not reasonably necessary to eliminate or reduce any unreasonable risk of injury associated with the use of plastic glazing materials. The partial revocation does not affect any other type of glazing material subject to the standard.

DATES: The partial revocation will be officially promulgated at 1:00 pm Eastern Daylight Time on October 20, 1980. See Supplementary Information, paragraph D.4. It will become effective on April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Harry I. Cohen, Office of Program Management, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6453.

SUPPLEMENTARY INFORMATION:**A. Background**

On January 6, 1977 the Commission issued a safety standard for architectural glazing materials to eliminate or reduce unreasonable risks of injury associated with these materials and with certain products incorporating the materials (42 FR 1428; 16 CFR 1201). Types of glazing materials include tempered glass, laminated glass, annealed glass, and plastics, but this proceeding concerns only plastics.

Most of the architectural glazing standard became effective on July 6, 1977. Portions of it were challenged in court, but the U.S. Court of Appeals upheld the standard, with the exception of two provisions that are unrelated to plastics. *ASG Industries, Inc. v. CPSC*, 593 F.2d 1323 (1979).

The standard includes impact requirements to ensure that glazing materials used in certain architectural products either do not break under specified test conditions, or break in a way that is less likely to present an unreasonable risk of injury than other glazing materials. As an alternative to meeting the impact requirements, plastic glazing material may comply with the standard by meeting specified stiffness and hardness requirements (section 1201.4(e)(1)(iii)).

The standard also prescribes accelerated environmental durability requirements for laminated glass, organic coated glass, and plastic glazing materials. This proceeding concerns only the durability requirement that applies to plastics. This requirement is intended to ensure that plastic glazing

materials, after exposure to simulated outdoor conditions, continue to retain a portion of their original impact strength.

Specifically, plastic glazing materials (other than those intended only for indoor use) must undergo a simulated, accelerated weathering test in which test specimens are exposed in a xenon arc (water-cooled) Weather-Ometer for a period of 1,200 hours. The Weather-Ometer is used to simulate the effects of outdoor exposure. Then, the impact strength of the specimens is tested with a "Charpy impact testing machine" (an apparatus that is cited in the CPSC standard). The results are compared with the Charpy test results of unexposed specimens. Plastic glazing materials pass the test if the impact strength of the exposed specimens is at least 75 percent of the impact strength of the unexposed specimens.

A weathering requirement for plastic glazing materials was present throughout the proceedings that led to the architectural glazing standard. The Commission's staff, the Consumer Safety Glazing Committee (the organization that served as the "offeror" under section 7 of the Consumer Product Safety Act), and a substantial portion of the glazing industry agreed that one was necessary to provide a test to ensure that plastic glazing materials not lose impact strength over time as a result of environmental exposure. The information on which the Commission based the test requirements for plastics reflected the "state of the art" and represented a consensus of the interested parties. In addition, information available to the Commission at the time the standard was issued indicated that no plastic material suitable for architectural glazing applications, with the exception of polystyrene, would fail to comply with the test, and thus be eliminated from the outdoor safety glazing market. There was general agreement at that time, among members of the industry, that polystyrene should be excluded in "hazardous locations" where it would be exposed to unfiltered sunlight.

The particular weathering requirement calls for exposure in the xenon arc Weather-Ometer for a period of 1,200 hours, based on estimates that this period was equivalent (1) to 2,000 hours of exposure period in the twin carbon arc Weather-Ometer, a device then used by many testers to simulate the effects of outdoor exposure, and (2) to 375,000 langley of solar irradiation, which is estimated to be in the range of two to three years of outdoor exposure in Florida (42 FR 1437).

When it mandated exposure in the xenon arc Weather-Ometer as part of

the weathering test, the Commission explicitly recognized that the technical knowledge in this area was evolving. For example, the Commission was aware that an interlaboratory testing program, sponsored by the American National Standards Institute (ANSI), was studying accelerated environmental durability testing. The Commission believed that the results of this testing program could alter or refine the equivalent exposures on which the standard's test requirements were based. The preamble to the final standard therefore stated that "the Commission may consider amending the exposure requirements for the xenon arc Weather-Ometer" (42 FR 1437).

B. Petitions, Related Requests, and Proposed Partial Revocation

Since issuing the standard, the Commission has received a number of petitions and requests concerning the accelerated environmental durability test for plastic glazing materials. These are fully discussed in the preamble to the proposed partial revocation (44 FR 55387-89, September 26, 1979) and include a March 1977 petition from the Plastic Safety Glazing Committee (CP77-11), a September 1977 petition from the APC Corporation (CP78-2), an April 1978 request for a stay of enforcement from the Richardson Company, and a November 1978 petition from the Plastic Safety Glazing Committee (CP79-5).

Based on the information contained in these documents and otherwise obtained by the Commission staff, the Commission proposed on September 26, 1979 to revoke the accelerated environmental durability test for plastic glazing materials (44 FR 55386-92). At the same time, the Commission denied Petitions CP 78-2 and 79-5, denied the Richardson Company stay request, and withdrew an October 3, 1977 proposed amendment (the Commission had granted Petition CP77-11 when it proposed the amendment). This amendment would have increased the xenon arc Weather-Ometer period of exposure, but would not have addressed the five points (discussed below) that support a revocation.

The proposed partial revocation was based on the Commission's preliminary finding that the test is not "reasonably necessary," under section 9(e) of the Consumer Product Safety Act (15 U.S.C. 2058(e)), to eliminate or reduce an unreasonable risk of injury associated with plastic glazing material. The basis for this preliminary conclusion was fully discussed in the preamble to the proposed revocation (44 FR 55389-90) and included the following points

(where appropriate, the discussion has been updated):

1. The Commission did not believe that the ANSI interlaboratory testing program would establish a correlation between simulated weathering devices, including the xenon arc Weather-Ometer, and actual outdoor weathering. Rather, the Commission believed that the ANSI program would likely show that subjecting all plastic specimens to identical accelerated exposures in a Weather-Ometer unfairly burdens certain types of plastic. If so, this test program would not provide a meaningful measure of the performance characteristics of the full range of plastic materials that are currently candidates for use as architectural glazing materials.

Early results from the testing program demonstrated that plastic glazing materials are affected differently by different machines. Since the Commission proposed the revocation in September 1979, the ANSI interlaboratory testing committee has gathered all of its data on accelerated weathering and has completed three years of actual outdoor exposure. Although the testing program will continue until five years of data on outdoor exposure are gathered, the Commission now believes that it will fail to establish the sought-after correlation.

2. The Commission's reevaluation of the standard indicated that the Charpy method of measuring impact strength in combination with the use of the xenon arc Weather-Ometer does not adequately measure safety characteristics of plastic glazing material. While the standard prohibits more than a specified decrease in impact strength, it does not require a minimum absolute impact strength or minimum acceptable breakage characteristics. The inclusion of the present requirement in the standard was chiefly based on the assumption that any change in impact strength of a material after accelerated environmental exposure could indicate a significant change in mechanical characteristics which, in turn, could affect breakage characteristics. In the absence of a link between safety and breakage, the Commission saw no reason to rely on such an assumption.

3. The Commission considered the alternative of actual outdoor weathering as the means for testing the environmental durability of plastic glazing materials. However, this alternative lacked support because the Commission was not even aware of any test data or other information showing that actual outdoor exposure affects the

safety characteristics of plastic glazing material. The Commission still lacks such information. In any case, an outdoor weathering requirement would pose enforcement problems because the length of time required for the weathering would virtually eliminate recall as a practical possibility.

4. On the basis of a review of injury information, the Commission stated its belief that plastic glazing materials are not a significant source of consumer injuries. Between February 15 and August 31, 1978, a special sample of architectural glazing injuries was investigated. From the collected information, details became available to identify the sequence of events surrounding the incident and the specific product involved. Based on this information, the staff estimated that fewer than 50 injuries resulting from broken plastic glazing within the scope of the standard were treated in hospital emergency rooms during 1978.

5. The Commission found that the weathering requirement prohibits the marketing of certain plastic glazing products, including methylacrylate styrene. If these products could be marketed, the result might be lower prices for consumers of plastic glazing materials.

The proposed partial revocation also addressed the following issues (the full discussions are at 44 FR 55390-91):

1. *Plastics for indoor use.* In addition to the weathering test requirement, plastic glazing materials must currently comply with an indoor aging test requirement. Plastics that comply only with the indoor aging test must be labeled "INDOOR USE ONLY." If the weathering test were revoked, however, it would no longer be necessary to single out these plastics. Accordingly, the Commission proposed to revoke the labeling requirement for plastic glazing materials intended for indoor use (16 CFR 1201.5(b)). At the same time, the Commission solicited comments and information on the possibility of revoking the indoor aging test itself.

2. *Environmental considerations.* The Commission foresaw no environmental effects from the issuance of the partial revocation that would necessitate an environmental review, and found preparation of a draft environmental impact statement to be unnecessary.

3. *Effective date.* The Commission gave notice that the effective date of the final revocation could range from the date of publication to 180 days following publication.

C. Public Comments

The Commission received 15 public comments, nearly all from the industry.

Nine came from individual companies, five from industry trade associations, and one from the Council of American Building Officials. The issues raised in the comments and the Commission's responses are discussed below:

1. *Relationship to safety.* Two commenters took the position that the weathering tests for plastics are needed to prevent injuries. One manufacturer stated that, based on its experience, "plastic products not meeting these weathering requirements are less impact resistant, tend to lose their safety characteristics in time and are likely to cause or be involved in the lacerative type of injuries associated with annealed glass." Another manufacturer submitted a chart showing that styrene has a vastly greater loss of impact strength and increase in yellowing than acrylic. Based on the chart, this commenter claimed that "the use of styrene as a glazing material presents an unreasonable danger of cuts and sharp shards which are produced on impact," and "exposure testing is required to maintain the low risk of injury. * * *" Two different commenters took the position that broken plastic glazing material does not present a risk to consumers.

Generally, the Commission believes that it should revoke the weathering requirement unless it is needed to eliminate or reduce an unreasonable risk of injury. In proposing the partial revocation, the Commission preliminarily determined that the environmental durability requirement for plastics is not reasonably necessary to reduce an unreasonable risk of injury associated with plastic glazing material. Following its evaluation of the comments, the Commission still does not believe that the existing requirement or any of the suggested alternative requirements address an unreasonable risk.

The architectural glazing standard, when issued, did not provide a minimum impact requirement for plastic glazing material. This was based, in part, on the Commission's belief that plastic does not break with the "sharp shard" characteristics of annealed glass. Rather, the edge formed by broken plastic are less hazardous than those formed by broken annealed glass.

This position is supported by tests that the Dow Chemical Company performed and submitted in support of the proposed revocation of the weathering requirement. Dow's representative at the hearing on the proposal also referred to these test data and concluded that "breakable plastics, such as acrylic, polystyrene or styrene acrylonitrile are inherently 'break safe'

materials and they demonstrate remarkably similar break characteristics regardless of their original impact strength or whether impact strength has been degraded due to some type of weathering process" (Transcript, p. 10). He further testified that " * * * if a material becomes more brittle, it will still not break with unsafe characteristics. A broken piece of weathered polystyrene, as an example, while having a lower impact strength will break the same as unweathered polystyrene. You don't get the sharp points in the edges" (Transcript, p. 21).

At the hearing on the proposed revocation the representative of the Richardson Company testified similarly about testing performed on its product, GL200: "[W]hen broken, GL200 does not form sharp edges which can cut. The GL200 sheet is exposed to certain ranges [of] ultraviolet light, the bonds between its molecules tend to be broken, making it less strong, and to some extent more susceptible to breakage. Yet, the broken pieces do not form sharp edges that can cut. This safety characteristic is not changed by aging, that is, it is not changed by environmental exposure. And finally, environmentally aged GL200 tends to break into small non-dangerous pieces. Exposure to ultraviolet rays causes tiny [creases] to form in the plastic, which, we believe, explains the tendency for it to break into such small pieces. I remember the engineer from the Richardson Company taking all of these various samples and pounding them into the palm of his hand; he just couldn't cut himself. He couldn't do anything" (Transcript, pp. 30-31).

In contrast, the two commenters who alleged that a risk of injury exists submitted no data to support their position. In addition, the Commission knows of no such data. As mentioned above, the Commission estimates that fewer than 50 injuries treated in emergency rooms in 1978 were associated with plastic glazing material that broke. This statistic is for the year following the effective date of the standard, when noncomplying plastic material would not yet have disappeared significantly from the marketplace (the standard applies only to plastics manufactured after its effective date).

While breakage of plastic glazing material might cause some cuts, the Commission has no basis for believing that it presents the serious risk presented by shards of annealed glass. The Commission's standard is designed primarily to reduce the risk that consumers would impact annealed glass

and suffer serious injury. Particularly since it contains no minimum impact requirement for plastic, there is no support for a requirement that impact strength of plastic after weathering be maintained at a level of 75 percent of its pre-weathering strength. This could result in the situation where a complying piece of plastic has an impact strength after weathering that is lower than that of a noncomplying piece of plastic.

2. Effects of weathering. Many of the commenters discussed the quality of the plastic architectural glazing products that would be affected by a revocation of the weathering requirement. For the most part, they stressed that certain plastics quickly deteriorate when used in outdoor applications. This claimed deterioration involves yellowing, decreased impact strength, and increased brittleness. The commenters making these claims urged the Commission not to revoke the weathering requirement.

Some test data were submitted on the optical and physical properties of weathered plastics. These include data from the E. I. du Pont de Nemours and Co. on a four-year weathering test of acrylic, styrene, and styrene-acrylic polymer exposed to natural environment in Florida for periods of 3, 6, 12, 24, and 48 months. The DuPont test results indicate that styrene and acrylic-styrene mixtures have greater reductions in light transmissions and greater change in the "yellowness index" than acrylic plastics. The results are summarized in Table 1, which is a portion of a table submitted by DuPont:

Table 1

	Acrylic		Styrene		Acrylic styrene	
	LT per-cent ¹	ΔYI^2	LT per-cent	ΔYI	LT per-cent	ΔYI
Control	90.4	0	89.0	0	90.4	0
4 years	89.2	1.3	75.1	10.0	84.3	4.3

¹ Light Transmission.

² Change in Yellowness Index.

DuPont submitted results from other tests, conducted by Desert Sunshine Tests, Inc. using ultra-violet lamp exposure and Emmaqua exposure, which also indicate a greater increase in yellowness index for styrene than for acrylic plastics. Finally, DuPont presented data on Charpy impact performance of plastic glazing after environmental exposure in Florida, in the xenon arc and in the Emmaqua system. All of these tests indicate a much greater loss of strength for styrene plastics than for acrylic plastics.

The Plastic Safety Glazing Committee provided information indicating that

styrene plastics exposed to natural and artificial weathering for less than two years lost over 50 percent of their impact strength, while acrylic plastics lost less than 20 percent.

The commenters who stressed the yellowing, decreased impact strength, and increased brittleness of certain plastics opposed revocation of the weathering requirement. Revocation would permit the sale of such plastics to consumers.

The Commission recognizes the scientific value of the well-documented comments on the optical and physical properties of weathered plastics. The test data from DuPont, in particular, indicate that certain types of plastic glazing materials become more yellow and more opaque as they are exposed to the elements. However, as discussed above, there is no available evidence to show that these characteristics affect the safety of the plastics. The same is true for the characteristic of loss of strength following weathering.

3. Economic considerations.

Comments on the possible economic consequences of the Commission's proposal were varied. One manufacturer expressed its opinion that a revocation would "provide a more equitable technical and commercial situation in which small companies, who require the use of plastic glazing in their products, will be relieved of the unnecessary expense and confusion which may arise from the existing standard."

On the other hand, several producers of acrylic resin and sheet expressed concern that a revocation would result in serious economic consequences based on the following anticipated events: Consumers would purchase polystyrene because of its lower price, and would be disappointed when it quickly discolored and became brittle in outdoor application. This would adversely affect the immediate market for acrylic replacement storm door panels, as well as the future market, because consumers would ascribe the poor performance of polystyrene to all types of plastics and likely switch to noncomplying annealed glass. Extruders of acrylic would be forced by economic pressure to switch to a less suitable but cheaper plastic even though this would jeopardize their reputations and future market.

The Commission's response to these comments, like its response to the comments on effects of weathering, must be based on the already-discussed safety issues. The Commission's primary concern in issuing a safety standard is to ensure that each provision is needed to eliminate or reduce an unreasonable risk of injury. No provision can prohibit

the marketing of a product solely because it may be inferior to other products that consumers purchase for the same purpose. The Commission knows of no safety-related basis for the plastic weathering requirement, and the commenters on the economic situation do not provide any information on this issue. Nevertheless, the Commission notes that manufacturers of products they believe are superior to other plastics can take steps to protect their competitive positions. For example, an acrylic manufacturer could label its glazing products to emphasize that they will not yellow appreciably when exposed to sunlight, as long as this is an accurate claim.

4. *Appropriate test criteria.* Various commenters suggested that the accelerated environmental durability test criteria for plastics be amended instead of revoked. One commenter suggested that the test be based on the twin arc method instead of the xenon arc method. Another recommended that three-year outdoor weathering criteria be used, as the automotive industry does under Department of Transportation regulations. Other commenters had other suggestions, including changes in the number of hours of weathering currently required. In addition, a trade association of building officials stated that three model code groups will include weathering requirements in their model building codes if the Commission removes the weathering requirement from its standard.

Again, the Commission's response is that no amendment would address the safety issue. As long as a weathering requirement is unnecessary to address an unreasonable risk of injury, there is no basis for refining, improving, or otherwise amending it.

D. Other Issues

1. *Plastics for indoor use.* The Commission received no information or comments on its proposal to revoke the requirement for labeling of plastic glazing material intended for indoor use (16 CFR 1201.5(b)). The Commission continues to believe that this requirement would be unnecessary if the weathering requirement is revoked.

The Commission has similarly received no information or comments as to the effect on the industry of retaining the existing indoor aging test. Since the Commission did not propose to revoke it, no final revocation is possible at this time. Further, since no industry member suggested that it should be revoked, the Commission has no current plans for a regulatory proceeding along those lines.

2. *Environmental considerations.* As stated in the preamble to the proposed partial revocation, the Commission does not foresee any environmental effects from the revocation which would necessitate an environmental review, and has not prepared an environmental impact statement.

3. *Effective date.* The commission proposed making the partial revocation effective anywhere from immediately to 180 days following its publication. Various public commenters supported both the earliest and latest effective dates within this range.

The Commission does not want to impose non-safety-related restrictions on the marketplace any longer than is necessary. However, it believes that a delayed effective date would lessen market disruption by providing time for production methods, inventories, market strategies, labeling, advertising and other activities to be adjusted to meet new conditions. For example, an acrylic manufacturer might want to initiate a labeling and advertising program to educate retailers and consumers about functional attributes of acrylic.

After considering all of the factors, the Commission has decided that an effective date of 180 days following publication would be the most appropriate one.

4. *Date of promulgation.* Section 9 of the CPSA (15 U.S.C. 2058) sets forth the administrative procedures applicable to issuance, amendment, and revocation of consumer product safety rules and provides guidance concerning the time period for a rule to take effect after the date it has been promulgated by the Commission. However, the CPSA does not define the date of promulgation. In the absence of statutory direction or Commission guidance, therefore, there is an element of uncertainty as to when a rule is considered to be promulgated. Promulgation could take place when the Commission, at a public meeting, votes to issue a rule or when the **Federal Register** notice announcing the rule is signed by the Commission's Secretary, or at another time.

The uncertainty of date of promulgation may be important to those who believe they are adversely affected by a rule issued by the Commission. Section 11 of the CPSA (15 U.S.C. 2060) provides that such persons or groups may petition a U.S. Court of Appeals in the circuit of their residence or principal place of business for judicial review of the rule. In such a case, the Commission is required to respond by filing the record of the rule in the court chosen by the first person or group to file for judicial review.

Thus, persons or groups that are represented at a public meeting where the Commission votes to issue a rule and believe they are adversely affected by the rule, may properly try to be first to file for judicial review in a circuit of their own choosing. Persons or groups unable to be represented at such public meetings, whether for reasons of geographical or financial inconvenience, or otherwise, may also believe they are adversely affected by a Commission decision to issue a rule and yet not have an opportunity to file for judicial review in a forum of their own choosing.

The Commission believes it is important to remove the elements of uncertainty and possible unfairness that may occur concerning opportunity for judicial review of this revocation. The Commission observes that courts have traditionally approved a great deal of discretion to agencies in determining the manner in which their actions are promulgated; courts have deferred to the agency's choice as long as the choice is reasonable.

Accordingly, in order to provide the maximum amount of guidance possible to the courts and interested persons, the Commission promulgates this revocation at 1:00 pm Eastern Time, ten days after it is published in final form in the **Federal Register** (October 20, 1980). The Commission believes this promulgation date is reasonable in that it provides sufficient time for interested persons to learn about the revocation before a court can be petitioned for judicial review.

E. Conclusion

Under the Consumer Product Safety Act (CPSA), consumer product safety rules must be "reasonably necessary to eliminate or reduce an unreasonable risk of injury" associated with a consumer product and must be "in the public interest" (15 U.S.C. 2058(c)(2)). The CPSA further provides that "(a)ny requirement of such a standard shall be reasonably necessary" (15 U.S.C. 2056(a)). In order to revoke a consumer product safety rule, the Commission must affirmatively determine that the rule is not reasonably necessary (15 U.S.C. 2058(e)).

After considering the public comments and all other available information that is relevant, the Commission has concluded that the requirement for accelerated environmental durability testing of plastic glazing materials is not "reasonably necessary" to reduce or eliminate an unreasonable risk of injury and is not in the public interest. Any risk that might be presented by broken plastic does not justify a requirement

that sets impact strength reduction requirements following simulated weathering. This is particularly true since there is no minimum impact strength requirement for plastic before weathering and there is not necessarily a correlation between the simulated weathering requirement and actual exposure to the elements.

Therefore, in accordance with section

9(e) of the Consumer Product Safety Act (section (e), Pub. L. 92-573, 15 U.S.C. 2058(e)) and the Administrative Procedure Act (5 U.S.C. 553), the Commission eliminates the requirement for accelerated environmental durability testing of plastic glazing materials by making the following changes in Part 1201 of Title 16, Code of Federal Regulations:

§ 1201.4 [Amended]

1. In 16 CFR 1201.4(a)(2), the second sentence is revised to read as follows: "However, plastics (other than those intended for indoor use), tempered glass, wired glass, and annealed glass are not required to be subjected to the accelerated environmental durability tests.

2. In 16 CFR 1201.4(a), Table 1, "Accelerated Tests", is revised to read as follows:

Table 1.—Accelerated Tests (Applicable Paragraphs)

Glazing material	Specimen	Test equipment	Exposure	Criteria for passing
Laminated glass.....	§ 1201.4 (c)(1) and (c)(3)(i).....	§ 1201.4(b)(3)(i).....	§ 1201.4(d)(2)(i).....	§ 1201.4(e)(2)(i).....
Organic coated glass.....	§ 1201.4 (c)(1) and (c)(3)(ii)(B) ..	§ 1201.4(b)(3)(ii).....	§ 1201.4(d)(2)(ii)(B) ..	§ 1201.4(e)(2)(ii)(B).....
Plastics (indoor).....	§ 1201.4 (c)(1) and (c)(3)(iii).....	§ 1201.4(b)(3)(iii).....	§ 1201.4(d)(2)(iii).....	§ 1201.4(e)(2)(iii)(C).....
Other plastics.....	Exempt.....	.....	.....	.....
Tempered glass.....	Exempt.....	.....	.....	.....
Wired glass.....	Exempt.....	.....	.....	.....
Annealed glass.....	Exempt.....	.....	.....	.....

3. In 16 CFR 1201.4(c)(3), paragraph (ii)(A) is revoked and reserved.

4. In 16 CFR 1201.4(d)(2), paragraph (ii)(A) is revoked and reserved.

5. In 16 CFR 1201.4(e)(2), paragraph (ii)(A) is revoked and reserved.

6. In 16 CFR 1201.5(b), paragraph (b) is revoked and reserved.

(Sec. 9(e), Pub. L. 92-573 as amended (15 U.S.C. 2058(e)) and 5 U.S.C. 553)

Dated: September 25, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-30942 Filed 10-3-80; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Part 6

[T.D. ATF-74; Re: Notice No. 327]

Unlawful Trade Practices Under the Federal Alcohol Administration Act

Correction

In FR Doc. 80-29427 appearing on page 63242 in the issue of Tuesday, September 23, 1980, make the following change.

On page 63256, column one, the word "not" should be inserted in the first line of paragraph (a)(1) of § 6.101 so that the paragraph reads as follows, "(2) the merchandise is not sold in combination with distilled spirits, wines, or malt beverages, and".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USNS NAVAJO (T-ATF 169) is a vessel of the Navy which, due

to its special construction and purpose, cannot comply fully with Annex I, section 2(f) of the 72 COLREGS without interfering with its special function as a naval fleet tug, and (2) has found that USNS NAVAJO (T-ATF 169) is a member of the T-ATF 166 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rules 38(a), 38(b), and 38(d)(i). The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: August 28, 1980.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Charles Stanley Prentice, JAGC, USN Admiralty Division, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia 22332, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USNS NAVAJO (T-ATF 169) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS Annex I, section 2(f) in that, during those situations when the USNS NAVAJO must simultaneously display masthead lights used for towing as required by Rule 24 and the task lights of a vessel restricted in its ability to maneuver as required by Rule 27, the masthead lights used for towing will not be located above and clear of the task lights. Full compliance with this provision would interfere with the special function of the ship. The Secretary of the Navy has also certified that the lights previously mentioned are located in closest possible compliance with the applicable 72 COLREGS requirement.

Notice is also provided to the effect that the Secretary of the Navy has previously authorized the use by T-ATF 166 Class vessels of certain exemptions permitted by 72 COLREGS Rule 38. Specifically, the use of the exemptions has been authorized as allowed in Rule 38(a), pertaining to lights with ranges and intensities prescribed in Rule 22; Rule 38(b), pertaining to lights with color specifications prescribed in Annex I, section 7, and Rule 38(d)(i), pertaining to the repositioning of masthead lights on vessels less than 150 meters in length required by Annex I, section 3(a).

The Secretary of the Navy has determined that USNS NAVAJO is a member of the T-ATF 166 Class, is in compliance with the 1960 Rules of the Road, and the keel of the T-ATF 166 Class lead ship was laid prior to July 15, 1977.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to the public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Four of § 706.2 is amended by adding the following note 13 which reflects the certification issued by the Secretary of the Navy:

13. On USNS NAVAJO (T-ATF 169), the masthead lights used for towing required by Rule 24 will be displayed approximately 4.1 meters below the lowest of the lights required to be displayed by Rule 27 when a vessel is not under command or is restricted in its ability to maneuver.

Dated: August 28, 1980.

Edward Hidalgo,
Secretary of the Navy.

[FR Doc. 80-31013 Filed 10-3-80; 8:45 am]
BILLING CODE 3810-71-M

1. New table 5 is inserted.

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy has determined that USS BELKNAP (CG 26) is a vessel of the Navy which, due to its special construction and purpose cannot comply fully with 72 COLREGS, Annex I, Section 2(f) pertaining to the placement of masthead lights over all other lights and obstructions; 72 COLREGS, Annex I, Section 3(a) pertaining to the placement of the forward masthead lights in forward quarter of the ship; and, 72 COLREGS, Annex I, Section 3(a) pertaining to the placement of the after masthead light, without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 3, 1980.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Charles Stanley Prentace, JAGC, USN, Admiralty Division, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia 22332, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS BELKNAP (CG 26) is a ship of the Navy which, due to its special construction and purpose cannot comply fully with 72 COLREGS, Annex I, Section 2(f) pertaining to the placement of masthead lights over all other lights and obstructions; 72 COLREGS, Annex I, Section 3(a) pertaining to the placement of the forward masthead lights in forward quarter of the ship; and, 72 COLREGS, Annex I, Section 3(a) pertaining to the placement of the after masthead light. Full compliance with these provisions would interfere with the special function of the ship. The Secretary of the Navy has also certified that the lights previously mentioned are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to the public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

Table 5

Vessel	Number	Forward masthead light not required; height above hull. Annex I, sec. 2(a)(ii) (c), (d)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light not less than 1/4 ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
U.S.S. Belknap	CG26			X			X	X	21

Dated: September 3, 1980.

Edward Hidalgo,
Secretary of the Navy.

[FR Doc. 80-31012 Filed 10-3-80; 8:45 am]
BILLING CODE 3810-71-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[CCGD13-80-08]

Safety Zone—Columbia River Mile 63 to 75, Longview, Wash.**AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations makes the following changes to the Safety Zone established in the Columbia River on May 22, 1980 (CCGD13-80-04), amended on June 19, 1980 (CCGD13-80-05), and amended on July 29, 1980 (CCGD13-80-07):

a. Provides that upbound vessels may proceed through the Safety Zone at any time of day or night consistent with other regulations.

b. Requires that positive communications be established with each and every dredging vessel prior to passage.

c. Reminds vessel operators of the requirement to exchange appropriate sound signals.

These changes are a result of: (a) Progress accomplished in dredging operations being conducted to remove deposits left after the eruption of Mount Saint Helens; (b) anticipated weather conditions will reduce morning hour transits due to fog; (c) pilot experience through the restricted channel over the past three months; and (d) dredge operators request for more positive communications.

EFFECTIVE DATE: This amendment is effective at 1600 PDT on September 12, 1980 and remains in effect until canceled by the Captain of the Port, Portland, Oregon.

ADDRESSES: Comments should be mailed to: USCG Marine Safety Office, 6767 N. Basin Avenue, Portland, OR 97217.

FOR FURTHER INFORMATION CONTACT:

LCDR Harry H. Dudley, Chief, Port Operations Department, Telephone Number (503) 221-6328, FTS 423-6328, Marine Safety Office, 6767 N. Basin Avenue, Portland, OR 97217, or LT David V. Edling, Chief, Vessel Management Branch, Telephone number (503) 221-6329, FTS 423-6329, Marine Safety Office, 6767 N. Basin Avenue, Portland, OR 97217.

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rule making and is effective less than 30 days from the date of publication. This procedure is followed because public procedures on this amendment are impractical due to the nature of the situation and there is not sufficient time to allow for public comment. Although this amendment is published as a final rule, public comment is nevertheless

desirable to ensure that the requirements concerning this amendment are workable and reasonable. Accordingly, persons wishing to comment may do so by submitting written comments to the address stated above. Commenters should include their names and addresses, identify the docket number for this amendment (CCGD13-80-08), and give their reasons for the comments.

Based upon comments received, this regulation may be revised.

Drafting Information

The principal persons involved in the drafting of this document are LCDR Harry H. Dudley, Chief, Port Operations Department, Marine Safety Office, Portland, Oregon, and LT David V. Edling, Chief, Vessel Management Branch, Marine Safety Office, Portland, Oregon. In consideration of the above, Part 165 of Title 33, Code of Federal Regulations, is amended by revising the following subparagraphs of § 165.1303(b) to read as follows:

§ 165.1303 Columbia River, Mile 63 through Mile 75, Longview, Washington.

* * * * *

(b) * * *

(1) Transit within the above safety zone is limited to the period from one hour before sunrise to one hour after sunset for all vessels downbound (i.e. vessels proceeding to the westward). Upbound vessels (i.e. vessels proceeding to the eastward) may transit at any time consistent with the other requirements of these regulations except when reversal of river current occurs during the hours of darkness and the vessel is, therefore, traveling in the direction of the current (i.e. downcurrent).

* * * * *

(3) Vessels approaching the zone shall communicate directly with each and every dredging vessel on scene via channel 13 as far in advance as possible in order that arrangements may be made for a safe passage. Dredges shall not be passed until positive communication is established. Sound signals required by current Navigational Rules shall be adhered to in all cases. The exchange of sound signals is an acceptable communication in the event voice communications cannot be established.

* * * * *

(92 Stat. 1475 (33 U.S.C. 1225); 49 CFR 1.46(n)(4))

Dated: September 12, 1980.

J. L. Patterson,

Commander, U.S. Coast Guard, Acting Captain of the Port, USCG Marine Safety Office, Portland, Ore.

[FR Doc. 80-31020 Filed 10-3-80; 8:45 am]

BILLING CODE: 4910-14-M

GENERAL SERVICES ADMINISTRATION**41 CFR Part 1-4**

[FPR Amdt. 210]

Special Types and Methods of Procurement; Automatic Data Processing Contracting

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment adds provisions regarding computer security requirements and the application of standards. It also revises provisions regarding centralized bidders mailing lists, fixed price options, and agency procurement request (APR) data submissions. The actions are needed to provide uniform coverage on important aspects of automatic data processing (ADP) contracting. The intended effect is to enhance economy and efficiency.

EFFECTIVE DATE: This regulation is effective November 24, 1980, but may be observed earlier.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Federal Procurement Regulations Directorate, Office of Acquisition Policy, 703-557-8947.

SUPPLEMENTARY INFORMATION: This amendment provides additional or revised provisions in five areas of the ADP contracting process.

a. Soliciting and contracting provisions are added for ADP acquisitions that involve Government sensitive computer applications so that potential offerors will be provided a complete understanding of the specific agency established security requirement.

Note.—Subpart 101-35.3 has recently been added to the Federal Property Management Regulations to provide agency computer security provisions.

b. A requirement is added for an agency to determine whether a substantial change in the Government's requirements has occurred that would necessitate a resolicitation in order to ensure maximum practicable competition when the requirements for compliance with a standard are changed after release of a solicitation.

Note.—Subpart 101-36.13 of the Federal Property Management Regulations has recently been amended to provide standard solicitation terminology when the input/output interface standards are applicable to an ADP requirement.

c. A change from mandatory to discretionary use of the GSA centralized Bidders Mailing List for competitive ADP equipment and software

procurements is made to eliminate unnecessarily lengthy and costly procedures that do not result in a commensurate enhancement of competition.

d. The standard ADP fixed price options provisions are revised. Prior provisions have been, in effect, suspended because of concerns expressed by the Comptroller General in decisions B-186313 and B-186940. These new provisions are responsive to those concerns. In addition, a discontinuance repricing provision is added for optional agency use. It provides an opportunity for lower price offers by covering the risk of discontinuance with specified repricing provisions.

e. Agency procurement request (APR) data submission provisions are added.

Subpart 1-4.11—Procurement and Contracting for Government-wide Automated Data Processing Equipment, Software, Maintenance Services, and Supplies

1. Section 1-4.1104 is amended by revising paragraphs (b) and (c) and adding new paragraphs (m), (n), and (o) as follows:

§ 1-4.1104 Request for procurement action.

(b) A statement providing the estimated budgeted value of the procurement in the agency's request to OMB, whether these funds were implicitly or explicitly described, and the fiscal year of the budget request.

(c) Estimated system or item life (see § 1-4.1102-11) and estimated system life cost.

(m) One of the following statements regarding compliance with the Privacy Act of 1974:

(1) Equipment or services identified by this request will not be used to operate a system of records on individuals to accomplish an agency function.

(2) Equipment or services identified by this request will be used to operate a system of records on individuals to accomplish an agency function. All applicable provisions of the Privacy Act have been complied with, including submitting a report of new systems to Congress and OMB on (date).

(n) A brief description of the primary agency program(s) that the equipment or services will support.

(o) Computer security requirements, where applicable, as certified by the responsible agency official (see FPMR Subpart 101-35.3).

2. Section 1-4.1107-3 is amended to revise the introductory paragraph of paragraph (b) as follows:

§ 1-4.1107-3 Publicizing procurement actions.

(b) Bids and proposals shall be solicited in accordance with applicable provisions (see §§ 1-1.302-1 and 1-2.205). However, the GSA centralized Bidders Mailing List (BML) for Federal Supply Classification (FSC) Group 70 may be used for competitive ADPE and software procurements as established in agency procedures. Agencies may obtain the GSA BML by writing the General Services Administration (8BRC), Building 4, Denver Federal Center, Denver, Colorado 80255. The request shall include the applicable class and BML code number(s).

3. Section 1-4.1107-21 is added as follows:

§ 1-4.1107-21 Computer security requirements.

(a) Specifications for the acquisition of ADPE, software, maintenance services, and supplies are required to be certified by the requiring agency as meeting the agency security needs. (See Office of Management and Budget (OMB) Circular No. A-71, Transmittal Memorandum No. 1, dated July 27, 1978, and implementing policies, procedures, standards, and guidelines issued by GSA (see FPMR Subparts 101-35.3 and 101-36.7), Department of Commerce, and the Office of Personnel Management.) These requirements are in addition to provisions concerning protection of the privacy of individuals (see § 1-1.327 and FPMR Subpart 101-35.17).

(b) Solicitation specifications shall include, where applicable:

(1) Agency rules of conduct that a contractor and the contractor's employees shall be required to follow;

(2) A list of the anticipated threats and hazards that have been determined by risk analysis that the contractor must guard against;

(3) A description of the safeguards that the user agency specifically requires the contractor to provide;

(4) The standards applicable to the contractual requirement;

(5) The test methods, procedures, criteria, and inspection system (or the requirement to submit proposals therefor) necessary to verify and monitor the operation of the safeguards during contract performance and to discover and counter any new threats or hazards;

(6) The requirement for periodically assessing the security risks involved and

advising potential users of the level of security provided;

(7) Proposed contractual clauses or provisions, as necessary, to provide for the foregoing; and

(8) A description of the personnel security requirements.

(c) Evaluation for award will consider, where applicable:

(1) A determination of the adequacy of the proposed safeguard program;

(2) Verification that safeguards, including personnel security requirements, are in place before authorizing the commencement of contract performance; and

(3) Contract provisions or clauses that appropriately provide for (i) title to safeguards designed or developed under the contract, (ii) control of publication or disclosure of safeguards whether Government-furnished or contractor generated, and (iii) statement of work adjustments, as necessary, to reflect the contractor's proposal, its evaluation, and the contract negotiation.

(d) Contract administration should include, where applicable, monitoring of the verification and inspection program for continuing effectiveness of the safeguard program including compliance with applicable standards, procedures, and guidelines incorporated into the contract.

4. Section 1-4.1108-4 is revised as follows:

§ 1-4.1108-4 Fixed price options.

(a) A fixed price contract with option(s) to extend the contract period of performance and/or to acquire additional quantities may be in the best interest of the Government when:

(1) The Government has firm requirements for the use of ADPE, commercially available software, or maintenance services that extend beyond the initial fiscal year;

(2) Funds, including funds under statutes that limit the obligation of funds to the fiscal year of their appropriation, are unavailable beyond the initial fiscal year;

(3) A reasonable certainty exists that funds will be available thereafter to permit the satisfaction of the requirements; and

(4) Realistic competition for the additional periods or quantities may be impracticable once the initial contract is awarded.

(b) In such circumstances it is in the best interest of the Government to evaluate options at the time of initial award in order to eliminate the possibility of a buy-in and to motivate price competition on a systems/items life basis. "Buy-in" refers to the practice of attempting to obtain a contract award

by knowingly offering a price less than anticipated costs with the expectation of receiving "follow-on" awards (where effective competition can be anticipated to be less) at prices at least high enough to recover any losses on the original "buy-in" contract. The long term effects of this practice may diminish competition and result in poor contract performance and higher long term prices to the Government.

(c) One-time charges (startup and other nonrecurring costs), such as documentation, manuals, initial training requirements, etc., may be significant for a particular solicitation. An offeror may intend to absorb some portion of these costs or he may plan to recover them (amortize over) in connection with possible "follow-on" awards. Incumbent offerors could enjoy a competitive advantage since it may not be necessary to include portions of these costs. In addition, offerors with relatively broader markets and/or stronger financial resources tend to have greater flexibility with respect to any one individual procurement action. The evaluation of systems/items life prices promotes greater competition by evening out these advantages and encourages lower systems/items life pricing.

(d)(1) When considering options, care should be exercised in making the distinction between (i) discontinuance charges; i.e., termination settlement compensation (the term includes prenegotiated contractual payment provisions) for discontinuance of performance during the initial contract period of performance or during an exercised option period of performance, (ii) separate charges for the Government's failure to exercise an option to extend the period of performance or to acquire additional quantities, and (iii) contracting for desirable features (see § 1-4.1102-13) that is outside the scope of this § 1-4.1108-4.

(2) A provision in a contract that calls for a payment that reflects the addition of a separate charge to a contract price is illegal if such charge when added to the contract price exceeds the amount that reasonably represents the value of *bona fide* fiscal year requirements (see 31 U.S.C. 665a, 31 U.S.C. 712a, and 41 U.S.C. 11). To preclude the offering of such illegal charges (on account of the nonexercise of options) when options are to be incorporated into a contract, separate charges in any form shall not be solicited. Solicitations shall provide that offers containing any charges for the Government's failure to exercise any option will be rejected. The solicitation/

contract provision entitled "Fixed-Price Options" authorized by this § 1-4.1108-4 so provides.

(e)(1) When the fixed price options provision is utilized, the Government and the contractor may find it mutually advantageous to incorporate a special contractual provision containing specific notice and settlement terms to cover discontinuance of services during the contract period of performance. The solicitation/contract provision entitled "Discontinuance Repricing" (see § 1-4.1108-4(h)) shall be used for this purpose. This provision is in addition to and takes precedence over the required standard termination for convenience clause, when the contracting parties mutually agree to incorporation of the provision in the contract. In the event the provision is not incorporated, discontinuance shall be governed solely by the required standard termination for convenience clause.

(2) The special "Discontinuance Repricing" provision provides notice of discontinuance and settlement payment terms. A means is provided to determine finitely discontinuance charges within a ceiling price that assures that the value of the discontinued requirement and the contract value of the requirement for the applicable contract period is reasonable. It provides the opportunity for a lower price offer by covering the risk of discontinuance with specified repricing provisions.

(3) Neither the incorporation of the provision in the contract nor the calculation and comparison of potential discontinuance charges shall be considered as a factor in the evaluation and selection for award.

(f)(1) The exercise of an option by the Government shall be made only if it is determined that (i) funds are available, (ii) the requirement covered by the option fulfills an existing need of the Government, and (iii) the exercise of the option is the most advantageous method of fulfilling the Government's need, price and other factors considered.

(2) The determination shall be set forth in writing and made a part of the contract file.

(g) When the circumstances discussed in paragraph (a) of this § 1-4.1108-4 are applicable, the following solicitation/contract provision entitled "Fixed-Price Options" shall be inserted in the solicitation. The data required for the "fill-ins" should be suitably highlighted, and inapplicable bracketed portions should be deleted. When the "Fixed Price Options" provision is used, the solicitation shall also specify:

- (1) The system/item life;
- (2) The present value discount methodology including payment

schedule that will be used for purposes of award evaluation; and

(3) The option periods of performance and option quantities, as appropriate.

Fixed Price Options Provision

(a) This solicitation is being conducted on the basis that the known requirements extend beyond the initial contract period [and exceed the basic quantity] ¹ to be awarded, but due to the unavailability of funds including statutory limitations on obligation of funds, the option(s) cannot be exercised at the time of award of the initial contract. There is a reasonable certainty that funds will be available thereafter to permit exercise of the options. Because realistic competition for the option periods [and quantity] ¹ is impracticable once the initial contract is awarded, it is in the best interest of the Government to evaluate options in order to eliminate the possibility of a "buy-in."

(b) In order to safeguard the integrity of the Government's evaluation and because the Government is required to procure ADPE and related items on the basis of fulfilling the systems life requirement at the lowest overall cost, price and other factors considered, requirements for optional periods [and additional quantities] ¹ as well as initial requirements will be evaluated for award on a fixed price basis. Since the systems or items to be procured under the solicitation have an expected life of ² ——— months (hereafter referred to as "systems life" or "items life," as appropriate), and since lowest systems (items) life costs are synonymous with lowest overall costs, the contract resulting from this solicitation will contain options at fixed prices for renewals for subsequent periods based on fiscal years throughout the projected systems (items) life [and options at fixed prices for all stated optional quantities of supplies or services not included in the initial requirements] ¹. Despite the foregoing, offerors are reminded that although the evaluation that will lead to contract award will be based on systems (items) life costs, the award of the initial contract as well as the exercise of the option(s) is dependent not only on the continued existence of the requirement and the availability of funds but also on an affirmative determination that each exercise of an option is in the best interest of the Government.

(c) Options included in offers submitted in response to this solicitation will be evaluated as follows:

(1) *Fixed Prices.* To be considered acceptable under the solicitation, offerors must offer (i) fixed prices for the initial contract period for the initial system or items being procured, (ii) fixed prices or prices that can be finitely determined for each separate option renewal period, which prices must remain in effect throughout that period, [and (iii) fixed prices or prices that can be finitely determined for all required option quantities] ¹.

(2) *Evaluation of Prices.* Offers will be evaluated for purposes of award by adding

¹ Delete when inapplicable.

² Insert the specific number of months applicable to the solicitation.

the total price of all optional periods [and all stated optional quantities] ¹ to the total price for the initial contract period covering the initial system or items. These prices will be adjusted by the appropriate discount factors shown in ² of the solicitation document. Evaluation of option prices will not obligate the Government to exercise the options. Offers that do not include fixed or determinable systems (items) life prices cannot be evaluated for the total systems life requirement and will be rejected. Offers that meet the mandatory requirements will be evaluated on the basis of lowest overall cost to the Government, price and other factors considered.

Note.—Desirable features, if any, shall also be evaluated.

(3) *Separate Charges.* Separate charge, in any form, are not solicited. Offers containing any charges for failure to exercise any option will be rejected.

(d) Selection of an offer shall be made on the basis of lowest overall cost, price and other factors considered, to the Government provided that the contract price reasonably represents the value of *bona fide* fiscal year requirements, rather than representing, to any extent, a portion of any other fiscal year's requirements. This determination with respect to the contract price shall be made after consideration of such factors as commercial or catalog prices for short term leases, offeror system startup expenses, multiyear price protection, assured system life availability of equipment, software, and vendor support. If a determination is made that an offer does not meet this criteria, that offer cannot be accepted for award.

(e) Award of an initial contract will not obligate the Government to exercise any contractual option. Prior to exercising any option, the Government will make a determination that (i) funds are available, (ii) the requirement covered by the option fulfills an existing need of the Government, and (ii) the exercise of the option is the most advantageous method of fulfilling the Government's need, price and other factors considered.

(f) Failure to exercise an option(s) shall not obligate the Government to pay any charges other than the contract price including exercised options.

(g) The following provision(s) shall be included in any contract resulting from this solicitation.

Option To Extend the Term of the Contract

This contract is renewable at the prices stated elsewhere in the contract, at the option of the Government, by the Contracting Officer giving written notice of renewal to the Contractor by the first day of each fiscal year of the Government or within 30 days after funds for that fiscal year become available, whichever date is the later; provided that the Contracting Officer shall have given preliminary notice of the Government's intention to renew at least ⁴ days before

this contract is to expire. Such a preliminary notice of intent to renew shall not be deemed to commit the Government to renewals. If the Government exercises this option for renewal, the contract as renewed shall be deemed to include this option provision. However, the total duration of this contract, including the exercise of any options under this clause, shall not exceed ² months.

[Option for Increased Quantity]

The Government may increase the items called for herein by the quantities stated and at the unit prices specified elsewhere in this contract. The Contracting Officer may exercise this option at any time within the period specified in the contract by giving written notice to the Contractor. Delivery of items added by exercise of this option shall be in accordance with the delivery schedule set forth elsewhere in this contract.] ¹

(End of solicitation/contract provision)

(h) The "Discontinuance Repricing" solicitation/contract provision may be inserted in the solicitation when the Government considers it appropriate to do so (see paragraph (e) of this § 1-4.1108-4). The contract may contain this contractual provision when the contracting parties mutually agree to its insertion. The offeror is provided an opportunity to indicate his/her position by checking the appropriate box in the solicitation/contract provision.

Discontinuance Repricing Provision

(a) By the incorporation of this solicitation/contract provision in this solicitation, the Government indicates its willingness to incorporate the contract provision entitled "Discontinuance of Rental and Repricing" into the contract resulting from this solicitation. The provision provides an alternative to standard termination for convenience procedures in appropriate circumstances.

(b) The following example illustrates the operation of the provision.

Monthly rental price effective for the period in which the discontinuance date falls for the discontinued item as stated in the contract.—\$90

Monthly rental price for the item effective at the time of initial award of the system contract as stated in the vendor's ADP schedule contract (or the established commercial catalog price at the same time, if lower or if no ADP schedule contract effective).—\$120

Months of rental prior to the discontinuance date during the initial or option contract period of performance in which the discontinuance date occurs.—10

Rental charges earned during the applicable period of performance (10 × \$90).—\$900
Discontinuance charges to be added at discontinuance date (\$120 — \$90 × 10).—\$300

Total rental charges plus discontinuance charges (\$900 + \$300).—\$1,200

Ceiling on total of rental charges and discontinuance repricing charges (12 × \$90).—\$1,080

Total price during period for the discontinued item (\$1,080 ceiling lower than total rental

earned plus discontinuance charges).—\$1,080

(c) *Offeror election.* The undersigned offeror ☐ agrees, ☐ declines, the incorporation of the following contract provision in any contract which may result from this solicitation.

Discontinuance of Rental and Repricing

(a) The Government may, in lieu of a termination under the clause in this contract entitled "Termination for the Convenience of the Government", during the initial or any option period of performance of this contract, discontinue rental of any equipment or software on a date specified in a written notice provided to the Contractor not less than 30 days prior to the specified discontinuance date. The Government may discontinue the rental on shorter notice when agreed to by the Contractor.

(b) In the event of discontinuance of rental under (a), above, the Government shall pay termination repricing charges to the Contractor as computed in accordance with this paragraph (b). The charges shall be the remainder obtained by subtracting the contract monthly rental price effective at the discontinuance date for the discontinued equipment or software item from the monthly rental price for the item under the GSA/ADP schedule contract or the established commercial catalog price, whichever is the lesser, effective at the time of award of the contract's initial period of performance, multiplied by the number of months the item was rented during the particular contract period of performance (initial or option) in which the discontinuance was effective, provided, in no event shall the total of termination repricing charges and the contract rental price for the number of months the item was rented during the period in which discontinuance was effective exceed the contract price for the item for the entire period.

(c) The provisions of this clause shall prevail when notice pursuant to this clause is made.

(End of solicitation/contract provision)

5. Section 1-4.1108-5 is amended by adding paragraph (c) as follows:

§ 1-4.1108-5 Standard clauses for implementation of FIPS PUBS.

(c) *Changed applicability.* If the requirements for compliance with a FIPS PUB are changed subsequent to the release of a solicitation; e.g. approval of a delayed request for a waiver, the agency responsible for the procurement action shall determine whether a substantial change in the Government's requirement has occurred. Action in accordance with § 1-3.805-1(d) shall be taken, including resolicitation if appropriate, based on the determination. (Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

¹ Insert location in the solicitation where appropriate discount factors and the contemplated payment schedule are specified.

⁴ Insert 30 days unless the Government determines that a longer period is appropriate.

Dated: September 29, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-31041 Filed 10-3-80; 8:45 am]

BILLING CODE 6820-25-M

46 CFR Part 1-6

[FPR Amendment 209]

Buy American Act—Waiver of Civil Aircraft and Related Articles

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment requires all agencies of the United States Government to waive the requirements of the Buy American Act (45 FR 12349, February 25, 1980) regarding the procurement of civil aircraft and related articles. The waivers extend to the countries who are parties to the Agreement on Civil Aircraft and any others who are covered by the Trade Agreements Act of 1979. The basis for the amendment is the Trade Agreements Act of 1979 (19 U.S.C. 2513) which approved and implemented the trade agreements negotiated under the Trade Act of 1974 and Executive Order 12188, January 2, 1980. The intended effect is to liberalize and expand trade. Products, and suppliers of products, from another party to the agreement are required to be treated no less favorably than domestic suppliers. Discrimination with respect to such foreign products and suppliers is prohibited.

EFFECTIVE DATE: September 25, 1980.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979 (Act) established an international framework of rights and obligations with respect to laws, regulations, procedures, and practices regarding Government procurement.

Executive Order 12188, January 2, 1980, delegated the waiver authority, conferred on the President of the United States by section 303 of the Act, to the United States Trade Representative who exercises the authority with the advice of the Trade Policy Committee.

The Trade Representative waived (45 FR 12349, Feb. 25, 1980) the requirements of the Buy American Act regarding the procurement of civil aircraft and related articles. All agencies of the United States Government will apply the waiver in consultation with, and when

deemed necessary at the direction of, the Office of the Trade Representative.

PART 1-6—FOREIGN PURCHASES

The table of contents for Part 1-6 is amended to revise two entries and add four entries as follows:

Sec.

1-6.103 Exceptions and waivers.

1-6.103-6 Purchases of civil aircraft.

Subpart 1-6.6—Duty

1-6.600 Scope.

1-6.601 Solicitations involving civil aircraft and related articles.

1-6.601-1 Solicitation provision.

Subpart 1-6.1—Buy American Act—Supply and Service Contracts

1. Section 1-6.100 is revised to read as follows:

§ 1-6.100 Scope.

This subpart implements the Buy American Act (41 U.S.C. 10a-d) and the policies set forth in Executive Orders 10582, December 17, 1954; 11051, September 27, 1962; 12188, January 2, 1980; and section 303 of the Trade Agreements Act of 1979 (Public Law 96-39), with respect to supply and service contracts other than construction contracts (see Subpart 1-6.2 for construction contracts).

2. Section 1-6.101 is amended by adding paragraphs (h) through (j) to read as follows:

§ 1-6.101 Definitions.

(h) "Agreement" means the Agreement on Government Procurement referred to in section 2(c) of the Trade Agreements Act of 1979 as submitted to the Congress, but including rectifications, modifications, and amendments which are accepted by the United States.

(i) "Civil aircraft and related articles" means:

(1) All aircraft other than aircraft to be purchased for use by the Department of Defense or the United States Coast Guard;

(2) The engines (and parts and components for incorporation therein) of such aircraft;

(3) Any other parts, components, and subassemblies for incorporation in such aircraft; and

(4) Any ground flight simulators, and parts and components thereof, for use with respect to such aircraft; whether to be purchased for use as original or replacement equipment in the manufacture, repair, maintenance, rebuilding, modification, or conversion of such aircraft, and without regard to whether such aircraft or articles receive

duty-free treatment under section 601(a)(2) of the Trade Agreements Act of 1979.

(j) "Instrumentality" as the term is used in this section shall not be construed to include an agency or division of the government of a country, but may be construed to include such arrangements as the European Economic Community.

3. Section 1-6.103 is amended to change the caption and to add § 1-6.103-6 as follows:

§ 1-6.103 Exceptions and waivers.

* * * * *

§ 1-6.103-6 Purchases of civil aircraft.

(a) Section 303 of the Trade Agreements Act of 1979 (19 U.S.C. 2513) provides that the President of the United States may waive the application of the provisions of title III of the Buy American Act of March 3, 1933 (41 U.S.C. 10a et seq.) in any procurement of civil aircraft and related articles of a country or instrumentality which is a party to the Agreement on Trade in Civil Aircraft. The statute also provides that the President may modify or withdraw any waiver granted under this section.

(b) The President issued Executive Order 12188 on January 2, 1980. In section 1-103(b) of the Order, the President delegated the waiver authority which was conferred on him by section 303 of the act to the United States Trade Representative.

(c) The Trade Representative waived the requirements of the Buy American Act with respect to the procurement of civil aircraft and related articles on February 19, 1980 (45 FR 12349, Feb. 25, 1980) as follows:

"* * * the application of the provisions of title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.), popularly referred to as the Buy American Act, shall not apply in the case of any procurement of civil aircraft and related articles: (a) of a country or instrumentality which is determined by the United States Trade Representative to be a party to the Agreement on Civil Aircraft, referred to in section 2(c)(10) of the Trade Agreements Act of 1979, and (b) that are covered by such Agreement.

"This waiver shall be applied by all agencies of the United States Government in consultation with, and when deemed necessary at the direction of, the Office of the United States Trade Representative."

(d) Countries that are parties to the Agreement on Civil Aircraft are:

Canada
European Economic Community (consisting of Belgium, Denmark, The Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom)
Norway

Sweden
Switzerland
Japan.

(e) This waiver is subject to modification or withdrawal by the United States Trade Representative.

4. Section 1-6.104-4 is amended by revising paragraph (c) to read as follows:

§ 1-6.104-4 Evaluation of bids and proposals.

(c) Proposed awards shall be submitted, in accordance with agency procedures, to the agency head for decision when:

(1) Rejection of an acceptable low foreign bid is considered necessary to protect essential national security interests, such as maintenance of a mobilization base. Before rejecting bids or offered prices on the grounds that rejection is necessary to protect essential national security interests, advice shall be obtained from the President or Director, Federal Emergency Management Agency.

(2) Rejection of any bid or proposal for other reasons of the national interest is considered necessary. However, information concerning rejection of bids or offered prices for reasons of the national interest not described or referred to in Executive Order 10582 shall be furnished to the Executive Office of the President, Office of Management and Budget.

5. Section 1-6.104-5 is amended by revising the introductory material in paragraph (a) to read as follows:

§ 1-6.104-5 Contract clause.

(a) The following clause shall be inserted in all contracts for supplies and in contracts for services which involve the furnishing of supplies; except that it (1) need not be inserted in contracts exclusively for articles, materials, and supplies for use outside the United States or which are of Panamanian origin for use in the Canal Zone and (2) shall not be inserted in contracts involving civil aircraft and related articles for which the Buy American Act has been waived by the United States Trade Representative.

6. Subpart 1-6.6 is added as follows:

Subpart 1-6.6—Duty

§ 1-6.600 Scope.

This subpart concerns the duty-free status of purchases of civil aircraft and related articles.

§ 1-6.601 Solicitations involving civil aircraft and related articles.

(a) Title VI of the Trade Agreements Act of 1979 permits certain articles to be admitted duty-free if they are certified for use in accordance with section 601 of the act.

(b)(1) Whenever the term "certified for use in civil aircraft" is used in an item description, the importer shall file a written statement, accompanied by such supporting documentation as the Secretary of the Treasury may require, with the appropriate customs officer.

(2) The statement shall indicate that the imported article has been imported for use in civil aircraft, that it will be so used, and that the article has been approved for such use by the Administrator of the Federal Aviation Administration (FAA).

(3) In the alternative, the statement may indicate that the approval was by the airworthiness authority in the country of exportation, if such approval is recognized by FAA as an acceptable substitute for FAA certification, or that an application for approval for such use has been submitted to, and accepted by, the Administrator of the Federal Aviation Administration.

(c) Importers shall furnish evidence (identify appropriate tariff schedule) to contracting officers that an item has been certified for the purpose of duty-free status.

§ 1-6.601-1 Solicitation provision.

Solicitations involving civil aircraft and related articles shall include the following provision:

Waiver of Buy American Act and Duty-Free Status for Civil Aircraft and Related Articles

(a) Waiver of Buy American Act.

(1) The applicability of the Buy American Act was waived on February 19, 1980, by the United States Trade Representative (as authorized by section 303 of the Trade Agreements Act of 1979 and section 1-103(b) of Executive Order 12188 on January 2, 1980) with respect to the procurement of civil aircraft and related articles (i) of a country or instrumentality which is determined by the United States Trade Representative to be a party to the Agreement on Civil Aircraft referred to in section 2(c)(10) of the Trade Agreements Act of 1979, and (ii) that are covered by such Agreement.

(2) The waiver is to be applied by all agencies of the United States government in consultation with, and when deemed necessary at the direction of, the Office of the United States Trade Representative.

(3) Countries that have been parties to the Agreement since January 1, 1980 are:

Canada
European Economic Community (consisting of Belgium, Denmark, The Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom)

Norway
Sweden
Switzerland
Japan.

(4) The waiver is subject to modification or withdrawal by the United States Trade Representative.

(b) Duty-free status.

(1) Title VI of the Trade Agreements Act of 1979 permits certain articles to be admitted duty-free if they are certified for use in accordance with section 601 of the Act.

(2) Importers shall furnish contracting officers with evidence that items have been certified for purposes of duty-free status.

(End of Provision.)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: September 25, 1980.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 80-31040 Filed 10-3-80; 8:45 am]

BILLING CODE 6820-61-M

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

44 CFR Part 64

[Docket No. FEMA 5910]

**Suspension of Community Eligibility
Under the National Flood Insurance
Program**

AGENCY: Federal Insurance
Administration, FEMA.

ACTION: Final rule.

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

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

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have

adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the

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

the communities listed on the date shown in the last column.

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

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

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

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

§ 64.6 List of Suspended Communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Connecticut	Fairfield	Bridgeport, city of	090002B	Aug. 7, 1973, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Sept. 13, 1974 Feb. 11, 1977	Oct. 15, 1980.
Kansas	Shawnee	Silver Lake, city of	200335B	Dec. 26, 1974, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	May 31, 1974 Oct. 24, 1975	Do.
Do	do	Willard, city of	200337B	Aug. 25, 1975, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Aug. 18, 1974 June 18, 1976	Do.
Kentucky	Campbell	Silver Grove, city of	210040A	Oct. 15, 1974, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Feb. 1, 1974	Do.
Do	do	Wilder, city of	210041B	Oct. 24, 1974, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Feb. 15, 1974 May 7, 1976	Do.
Maine	Kennebec	Manchester, town of	230239B	May 30, 1975, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Dec. 6, 1974 July 9, 1976	Do.
Do	Aroostook	Washburn, town of	230037A	June 23, 1975, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Aug. 20, 1976	Do.
Maryland	Caroline	Unincorporated areas	240130B	June 18, 1974, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	April 4, 1975 Jan. 6, 1978	Do.
Massachusetts	Middlesex	Carlisle, town of	250187B	Jan. 13, 1976, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Aug. 16, 1974 Dec. 10, 1976	Do.
Michigan	Kent	Ada, township of	260248B	Sept. 4, 1973, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Nov. 22, 1974 Feb. 6, 1976	Do.
Minnesota	Le Sueur	Unincorporated areas	270246A	Mar. 23, 1973, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.		Do.
Missouri	St. Louis	Breckenridge Hills, village of	290337B	July 18, 1975, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Dec. 7, 1973 July 30, 1976	Do.
Do	do	Overland, city of	290375B	May 22, 1974, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Jan. 23, 1974 June 4, 1976	Do.
North Dakota	Cass	Harwood, township of	380259A	Mar. 23, 1978, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.		Do.
Do	do	Reed, township of	380257A	Dec. 27, 1977, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.		Do.
Ohio	Montgomery	Kettering, city of	390412B	Dec. 12, 1973, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	May 31, 1974 June 25, 1976	Do.
Pennsylvania	Westmoreland	Ligonier, borough of	422180B	Apr. 30, 1975, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Apr. 12, 1974 May 14, 1976	Do.
Do	Susquehanna	Oakland, township of	422581A	Nov. 13, 1975, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Dec. 27, 1974	Do.
Do	do	Susquehanna Depot, borough of	420816B	Apr. 1, 1975, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	June 21, 1974 June 4, 1976	Do.
Do	Lycoming	Watson, township of	420661B	May 4, 1973, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Aug. 9, 1974 Oct. 10, 1975	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Vermont	Franklin	Richtford, town of	500218B	Sept. 22, 1976, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Mar. 15, 1974 Oct. 22, 1976	Do.
Virgin Islands		Commonwealth of the Virgin Islands.	780000B	Oct. 6, 1975, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Feb. 25, 1977	Do.
West Virginia	Jefferson	Unincorporated areas	5400065B	Dec. 15, 1980, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended.	Dec. 20, 1974 Jan. 9, 1976	Do.

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

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

Issued: September 24, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-30820 Filed 10-3-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 5909]

Identification and Mapping of Special Hazard Areas

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to provide a cumulative list of communities through August 31, 1980 for which the Federal Insurance Administrator has recently issued a new or revised Flood Insurance Rate Map (FIRM) or a letter of notification of final flood hazard determination. The FIRM(s) usually provide water surface elevations for Special Flood Hazard Areas. The engineering date on the FIRM is used by local community officials as the basis for flood plain management measures to reduce future flood losses; it is also the basis for actuarial rates for flood insurance. The letter of notification is the basis for a community's participation in the regular phase of the National Flood Insurance Program.

EFFECTIVE DATES: The effective date of the most recent map or program action is listed in the last column.

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

SUPPLEMENTARY INFORMATION: This cumulative list supplements the one previously published at 44 FR 61005-61038 on October 23, 1979 under 44 CFR 65.4 (formerly 24 CFR 1915.4). This regulation also provides a cumulative list of communities with minimal flood hazard areas (44 CFR 65.7) and communities with no special flood

hazard areas (44 CFR 65.8). The effective date of the most recent program action or revision for the communities listed will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register. The entries read as follows:

§ 65.4 List of Communities with detailed engineering data (FIRM's).

§ 65.7 List of Communities with minimal hazard areas.

§ 65.8 List of Communities with no special flood hazard areas.

BILLING CODE 4210-23-M

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
HARTFORD	TOWN OF	000001	1677
HARTFORD	FALLS, TOWN OF	000002	1677
HARTFORD	BEARLIN, TOWN OF	000003	1677
HARTFORD	BLUMLFIELD, TOWN OF	000004	1677
HARTFORD	BRANFORD, TOWN OF	000005	1677
HARTFORD	BRIDGEWATER, TOWN OF	000006	1677
HARTFORD	BROOKFIELD, TOWN OF	000007	1677
HARTFORD	CANTON, TOWN OF	000008	1677
HARTFORD	CHESTER, TOWN OF	000009	1677
HARTFORD	COVENTRY, TOWN OF	000010	1677
HARTFORD	CROMWELL, TOWN OF	000011	1677
HARTFORD	DANBURY, TOWN OF	000012	1677
HARTFORD	DEERFIELD, TOWN OF	000013	1677
HARTFORD	EAST HARTFORD, TOWN OF	000014	1677
HARTFORD	EAST HAVEN, TOWN OF	000015	1677
HARTFORD	EAST WINDSOR, TOWN OF	000016	1677
HARTFORD	ELIZABETH, TOWN OF	000017	1677
HARTFORD	FAIRFIELD, TOWN OF	000018	1677
HARTFORD	FAIRMINGTON, TOWN OF	000019	1677
HARTFORD	GLANSTON, TOWN OF	000020	1677
HARTFORD	GREENWICH, TOWN OF	000021	1677
HARTFORD	GROTON, TOWN OF	000022	1677
HARTFORD	GROTON, CITY OF	000023	1677
HARTFORD	GUILFORD, TOWN OF	000024	1677
HARTFORD	HADDAM, TOWN OF	000025	1677
HARTFORD	HARTFORD, CITY OF	000026	1677
HARTFORD	KENT, TOWN OF	000027	1677
HARTFORD	LYME, TOWN OF	000028	1677
HARTFORD	MADISON, TOWN OF	000029	1677
HARTFORD	MIDDLETOWN, TOWN OF	000030	1677
HARTFORD	MILFORD, CITY OF	000031	1677
HARTFORD	MONTVILLE, TOWN OF	000032	1677
HARTFORD	NAUGATUCK, BOROUGH OF	000033	1677
HARTFORD	NEW HAVEN, CITY OF	000034	1677
HARTFORD	NEW HAVEN, CITY OF	000035	1677
HARTFORD	NEW MILFORD, CITY OF	000036	1677
HARTFORD	NEWINGTON, TOWN OF	000037	1677
HARTFORD	NEWTON, TOWN OF	000038	1677
HARTFORD	NORWALK, CITY OF	000039	1677
HARTFORD	OLD LYME, TOWN OF	000040	1677

REGION 1 CONNECTICUT

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
MIDDLESEX COUNTY	OLD SAYBROOK, TOWN OF	0900069	07/03/78
NEW HAVEN COUNTY	ORANGE, TOWN OF	0900087	07/18/80
NEW HAVEN COUNTY	OXFORD, TOWN OF	0901150	03/10/79
MIDDLESEX COUNTY	PORTLAND, TOWN OF	0901130	07/03/78
HARTFORD COUNTY	ROCKY HILL, TOWN OF	0901142	08/01/80
FAIRFIELD COUNTY	SEYMOUR, TOWN OF	0900088	07/03/78
HARTFORD COUNTY	SHELTON, CITY	0900014	09/29/77
HARTFORD COUNTY	SIMSBURY, TOWN OF	0900355	05/01/80
NEW HAVEN COUNTY	SOUTH WINDSOR, TOWN OF	0900369	07/11/80
TOLLAND COUNTY	SOUTHBURY, TOWN OF	0900393	07/25/80
NEW LONDON COUNTY	STAFFORD, TOWN OF	0901193	07/25/80
HARTFORD COUNTY	STONINGTON, BOROUGH OF	0900038	10/01/80
FAIRFIELD COUNTY	SUFRFIELD, TOWN OF	0900038	10/01/80
FAIRFIELD COUNTY	TORRINGTON, CITY OF	0900017	08/15/79
TOLLAND COUNTY	TRUMBULL, TOWN OF	0900130	08/15/79
NEW HAVEN COUNTY	VERNON, TOWN OF	0900091	10/12/79
NEW HAVEN COUNTY	WALLINGFORD, CITY OF	0900091	10/12/79
HARTFORD COUNTY	WATERBURY, CITY OF	0900082	10/12/79
NEW HAVEN COUNTY	WEST HARTFORD, TOWN OF	0900082	10/12/79
FAIRFIELD COUNTY	WEST HAVEN, CITY OF	0900139	10/12/79
FAIRFIELD COUNTY	WESTPORT, TOWN OF	0900139	10/12/79
FAIRFIELD COUNTY	WETHERSFIELD, TOWN OF	0900139	10/12/79
FAIRFIELD COUNTY	WINDSOR, TOWN OF	0900139	10/12/79
FAIRFIELD COUNTY	WINDSOR, TOWN OF	0900139	10/12/79
FAIRFIELD COUNTY	WOODBURY, TOWN OF	0900139	10/12/79

TOTAL COMMUNITIES REPORTED IN STATE = 78

REGION 1 MAINE

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LAST REVISION
PISCATAQUIS COUNTY	ABBOT, TOWN OF	30406	09/15/78
CUMBERLAND COUNTY	BALDWIN, TOWN OF	30200	07/02/80
PENOBSCOT COUNTY	BANGOR, CITY	30301	06/05/78
PENOBSCOT COUNTY	BRADLEY, TOWN OF	30103	05/01/78
PENOBSCOT COUNTY	HAREWOOD, CITY	30104	06/01/78
PENOBSCOT COUNTY	CHELSEA, TOWN OF	30023	06/01/80
KENNEBEC COUNTY	CORNMARK, TOWN OF	30447	06/01/80
YORK COUNTY	DOVER, TOWN OF	30301	07/02/80
OXFORD COUNTY	DOVER-FON, TOWN OF	30301	07/02/78
PISCATAQUIS COUNTY	EDDIE FAIR, TOWN OF	30001	06/01/80
PENOBSCOT COUNTY	FORT KENT, TOWN OF	30001	06/01/80
ARROSTOCK COUNTY	FRYEBURG, TOWN OF	30001	06/01/80
OXFORD COUNTY	GARDINER, TOWN OF	30001	05/15/79
KENNEBEC COUNTY	GUILDFORD, CITY	30001	07/11/79
KENNEBEC COUNTY	HALLOWELL, CITY	30001	07/11/79
OXFORD COUNTY	LEWISTON, CITY	30001	07/11/79
OXFORD COUNTY	MEXICO, TOWN OF	30001	07/11/79
PISCATAQUIS COUNTY	MILFORD, TOWN OF	30001	07/11/79
PENOBSCOT COUNTY	MILFORD, TOWN OF	30001	07/11/79
PENOBSCOT COUNTY	OLD TOWN, CITY	30001	07/11/79
PENOBSCOT COUNTY	ORONO, TOWN OF	30001	07/11/79
YORK COUNTY	PARSONFIELD, TOWN OF	30001	07/11/79
FRANKLIN COUNTY	PHILLIPS, TOWN OF	30001	07/11/79
OXFORD COUNTY	PORTER, TOWN OF	30001	07/11/79
KENNEBEC COUNTY	RANDOLPH, TOWN OF	30001	07/11/79
OXFORD COUNTY	RUMFORD, TOWN OF	30001	07/11/79
ANDROSCOGG COUNTY	SABATTUS, TOWN OF	30001	07/11/79
PISCATAQUIS COUNTY	SABATTUS, TOWN OF	30001	07/11/79
PISCATAQUIS COUNTY	SEABEC, TOWN OF	30001	07/11/79
PISCATAQUIS COUNTY	STRONG, TOWN OF	30001	07/11/79
PENOBSCOT COUNTY	VEAZIE, TOWN OF	30001	07/11/79
KENNEBEC COUNTY	WEST GARDINER, TOWN OF	30001	07/11/79
KENNEBEC COUNTY	WINTHROP, TOWN OF	30001	07/11/79
TOTAL COMMUNITIES REPORTED IN STATE =			36

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
HAMP	GRANBY, TOWN OF	1629	80
SHIRE	GREENFIELD, TOWN OF	1630	80
COUNTY	HADLEY, TOWN OF	1631	80
HAMP	HAMPDEN, TOWN OF	1632	80
SHIRE	HATFIELD, TOWN OF	1633	80
COUNTY	HOLBROOK, CITY OF	1634	80
HAMP	HOLYOKE, CITY OF	1635	80
SHIRE	HUDSON, TOWN OF	1636	80
COUNTY	LAKEVILLE, TOWN OF	1637	80
HAMP	LEVERETT, TOWN OF	1638	80
SHIRE	LEXINGTON, TOWN OF	1639	80
COUNTY	LINCOLN, TOWN OF	1640	80
HAMP	LOWELL, CITY OF	1641	80
SHIRE	LYNNFIELD, TOWN OF	1642	80
COUNTY	LYNNFIELD, TOWN OF	1643	80
HAMP	MANSFIELD, TOWN OF	1644	80
SHIRE	MARSHFIELD, TOWN OF	1645	80
COUNTY	MATTAPOISETT, TOWN OF	1646	80
HAMP	MAYNARD, TOWN OF	1647	80
SHIRE	MEDFIELD, TOWN OF	1648	80
COUNTY	METHUEN, TOWN OF	1649	80
HAMP	MILLBURY, TOWN OF	1650	80
SHIRE	MILLIS, TOWN OF	1651	80
COUNTY	MILTON, TOWN OF	1652	80
HAMP	MONTAGUE, TOWN OF	1653	80
SHIRE	MONTICU, TOWN OF	1654	80
COUNTY	MONTICU, TOWN OF	1655	80
HAMP	MONTICU, TOWN OF	1656	80
SHIRE	MONTICU, TOWN OF	1657	80
COUNTY	MONTICU, TOWN OF	1658	80
HAMP	MONTICU, TOWN OF	1659	80
SHIRE	MONTICU, TOWN OF	1660	80
COUNTY	MONTICU, TOWN OF	1661	80
HAMP	MONTICU, TOWN OF	1662	80
SHIRE	MONTICU, TOWN OF	1663	80
COUNTY	MONTICU, TOWN OF	1664	80
HAMP	MONTICU, TOWN OF	1665	80
SHIRE	MONTICU, TOWN OF	1666	80
COUNTY	MONTICU, TOWN OF	1667	80
HAMP	MONTICU, TOWN OF	1668	80
SHIRE	MONTICU, TOWN OF	1669	80
COUNTY	MONTICU, TOWN OF	1670	80
HAMP	MONTICU, TOWN OF	1671	80
SHIRE	MONTICU, TOWN OF	1672	80
COUNTY	MONTICU, TOWN OF	1673	80
HAMP	MONTICU, TOWN OF	1674	80
SHIRE	MONTICU, TOWN OF	1675	80
COUNTY	MONTICU, TOWN OF	1676	80
HAMP	MONTICU, TOWN OF	1677	80
SHIRE	MONTICU, TOWN OF	1678	80
COUNTY	MONTICU, TOWN OF	1679	80
HAMP	MONTICU, TOWN OF	1680	80
SHIRE	MONTICU, TOWN OF	1681	80
COUNTY	MONTICU, TOWN OF	1682	80
HAMP	MONTICU, TOWN OF	1683	80
SHIRE	MONTICU, TOWN OF	1684	80
COUNTY	MONTICU, TOWN OF	1685	80
HAMP	MONTICU, TOWN OF	1686	80
SHIRE	MONTICU, TOWN OF	1687	80
COUNTY	MONTICU, TOWN OF	1688	80
HAMP	MONTICU, TOWN OF	1689	80
SHIRE	MONTICU, TOWN OF	1690	80
COUNTY	MONTICU, TOWN OF	1691	80
HAMP	MONTICU, TOWN OF	1692	80
SHIRE	MONTICU, TOWN OF	1693	80
COUNTY	MONTICU, TOWN OF	1694	80
HAMP	MONTICU, TOWN OF	1695	80
SHIRE	MONTICU, TOWN OF	1696	80
COUNTY	MONTICU, TOWN OF	1697	80
HAMP	MONTICU, TOWN OF	1698	80
SHIRE	MONTICU, TOWN OF	1699	80
COUNTY	MONTICU, TOWN OF	1700	80
HAMP	MONTICU, TOWN OF	1701	80
SHIRE	MONTICU, TOWN OF	1702	80
COUNTY	MONTICU, TOWN OF	1703	80
HAMP	MONTICU, TOWN OF	1704	80
SHIRE	MONTICU, TOWN OF	1705	80
COUNTY	MONTICU, TOWN OF	1706	80
HAMP	MONTICU, TOWN OF	1707	80
SHIRE	MONTICU, TOWN OF	1708	80
COUNTY	MONTICU, TOWN OF	1709	80
HAMP	MONTICU, TOWN OF	1710	80
SHIRE	MONTICU, TOWN OF	1711	80
COUNTY	MONTICU, TOWN OF	1712	80
HAMP	MONTICU, TOWN OF	1713	80
SHIRE	MONTICU, TOWN OF	1714	80
COUNTY	MONTICU, TOWN OF	1715	80
HAMP	MONTICU, TOWN OF	1716	80
SHIRE	MONTICU, TOWN OF	1717	80
COUNTY	MONTICU, TOWN OF	1718	80
HAMP	MONTICU, TOWN OF	1719	80
SHIRE	MONTICU, TOWN OF	1720	80
COUNTY	MONTICU, TOWN OF	1721	80
HAMP	MONTICU, TOWN OF	1722	80
SHIRE	MONTICU, TOWN OF	1723	80
COUNTY	MONTICU, TOWN OF	1724	80
HAMP	MONTICU, TOWN OF	1725	80
SHIRE	MONTICU, TOWN OF	1726	80
COUNTY	MONTICU, TOWN OF	1727	80
HAMP	MONTICU, TOWN OF	1728	80
SHIRE	MONTICU, TOWN OF	1729	80
COUNTY	MONTICU, TOWN OF	1730	80

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

TOTAL COMMUNITIES REPORTED IN STATE = 143

REGION 1 NEW HAMPSHIRE

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
MERRIMACK COUNTY	ALLENSTOWN, TOWN OF	330103	04/02/79
HILLSBOROUGH COUNTY	AMHERST, TOWN OF	330104	07/01/79
HILLSBOROUGH COUNTY	BARTLET, TOWN OF	330105	05/01/79
HILLSBOROUGH COUNTY	BEDFORD, TOWN OF	330106	04/16/79
MERRIMACK COUNTY	BOSCOWEN, TOWN OF	330107	04/16/79
MERRIMACK COUNTY	BOW, TOWN OF	330108	04/16/79
MERRIMACK COUNTY	BRIANSTON, TOWN OF	330109	05/01/79
MERRIMACK COUNTY	CANTON, TOWN OF	330110	04/16/79
MERRIMACK COUNTY	CHICHESTER, CITY OF	330111	04/16/79
MERRIMACK COUNTY	CLAREMONT, CITY OF	330112	04/16/79
MERRIMACK COUNTY	CONCORD, TOWN OF	330113	04/16/79
MERRIMACK COUNTY	CONWAY, TOWN OF	330114	04/16/79
MERRIMACK COUNTY	DEERING, TOWN OF	330115	04/16/79
MERRIMACK COUNTY	DEPSOM, TOWN OF	330116	04/16/79
MERRIMACK COUNTY	FRANKLIN, CITY OF	330117	04/16/79
MERRIMACK COUNTY	GREENFIELD, TOWN OF	330118	04/16/79
MERRIMACK COUNTY	HANOVER, TOWN OF	330119	04/16/79
MERRIMACK COUNTY	HENNIKER, TOWN OF	330120	04/16/79
MERRIMACK COUNTY	HILLSBOROUGH, TOWN OF	330121	04/16/79
MERRIMACK COUNTY	HOLLIS, TOWN OF	330122	04/16/79
MERRIMACK COUNTY	HOOKSETT, TOWN OF	330123	04/16/79
MERRIMACK COUNTY	HUDSON, TOWN OF	330124	04/16/79
MERRIMACK COUNTY	JACKSON, TOWN OF	330125	04/16/79
MERRIMACK COUNTY	JACONIA, CITY OF	330126	04/16/79
MERRIMACK COUNTY	LANCASTER, CITY OF	330127	04/16/79
MERRIMACK COUNTY	LEBANON, CITY OF	330128	04/16/79
MERRIMACK COUNTY	LITCHFIELD, TOWN OF	330129	04/16/79
MERRIMACK COUNTY	MERRIMACK, TOWN OF	330130	04/16/79
MERRIMACK COUNTY	MILFORD, TOWN OF	330131	04/16/79
MERRIMACK COUNTY	NASHUA, CITY OF	330132	04/16/79
MERRIMACK COUNTY	NORTHFIELD, TOWN OF	330133	04/16/79
MERRIMACK COUNTY	PETERBOROUGH, TOWN OF	330134	04/16/79
MERRIMACK COUNTY	PITTSFIELD, TOWN OF	330135	04/16/79
MERRIMACK COUNTY	SALEM, TOWN OF	330136	04/16/79
MERRIMACK COUNTY	SANBORN, TOWN OF	330137	04/16/79
MERRIMACK COUNTY	TILTON, TOWN OF	330138	04/16/79
MERRIMACK COUNTY	WINDHAM, TOWN OF	330139	04/16/79
MERRIMACK COUNTY	Pelham, Town of	330140	04/16/79
Hillsborough County		330141	03/14/80

Total Communities Reported in State = 42

REGION 1 RHODE ISLAND

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
BRISTOL COUNTY	BARRINGTON, TOWN OF	445392	07/01/74
BRISTOL COUNTY	BURRILLVILLE, TOWN OF	445393	07/02/76
BRISTOL COUNTY	CENTRAL FALLS, CITY OF	445394	05/27/71
BRISTOL COUNTY	CHARLESTOWN, TOWN OF	445395	07/13/72
BRISTOL COUNTY	COVENTRY, CITY OF	445396	09/01/78
BRISTOL COUNTY	EAST GREENWICH, TOWN OF	445397	09/09/73
BRISTOL COUNTY	EAST PROVIDENCE, CITY OF	445398	08/05/70
BRISTOL COUNTY	GLOUCESTER, TOWN OF	445399	08/15/79
BRISTOL COUNTY	JAMESTOWN, TOWN OF	445400	09/01/78
BRISTOL COUNTY	LINCOLN, TOWN OF	445401	09/03/73
BRISTOL COUNTY	MIDDLETOWN, TOWN OF	445402	11/20/71
BRISTOL COUNTY	NARRAGANSETT, TOWN OF	445403	09/07/70
BRISTOL COUNTY	NEWPORT, KINGSTOWN, TOWN OF	445404	07/14/72
BRISTOL COUNTY	NORTH PROVIDENCE, TOWN OF	445405	11/15/77
BRISTOL COUNTY	NORTH SMITHFIELD, TOWN OF	445406	02/01/78
BRISTOL COUNTY	PARTS, TOWN OF	445407	09/16/73
BRISTOL COUNTY	PROVIDENCE, CITY OF	445408	02/24/70
BRISTOL COUNTY	PROVIDENCE, CITY OF	445409	03/01/77
BRISTOL COUNTY	SMITHFIELD, TOWN OF	445410	07/13/72
BRISTOL COUNTY	SOUTH KINGSTOWN, TOWN OF	445411	05/02/77
BRISTOL COUNTY	TIVERTON, TOWN OF	445412	07/28/73
BRISTOL COUNTY	WARWICK, CITY OF	445413	04/06/78
BRISTOL COUNTY	WESTERLY, TOWN OF	445414	02/01/72
BRISTOL COUNTY	WOONSOCKET, CITY OF	445415	10/01/71

TOTAL COMMUNITIES REPORTED IN STATE = 30

REGION 1 VERMONT

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
WASHINGTON COUNTY	BARRE, TOWN OF	000273	06/15/78
WASHINGTON COUNTY	BARTON, TOWN OF	000081	04/03/78
ORLEANS COUNTY	BELLOWS, FALLS, VILLAGE OF	000082	04/03/78
ORLEANS COUNTY	BELLOWS, TOWN OF	000125	07/16/78
ORLEANS COUNTY	BRANDON, TOWN OF	000129	05/15/80
ORLEANS COUNTY	BRIDGEPORT, TOWN OF	000144	08/10/79
ORLEANS COUNTY	BROOKFIELD, TOWN OF	000164	09/23/79
ORLEANS COUNTY	BURKE, TOWN OF	000232	06/04/80
ORLEANS COUNTY	BURLINGTON, CITY OF	000233	06/04/80
ORLEANS COUNTY	CHESTER, TOWN OF	000070	08/10/80
ORLEANS COUNTY	CHESLEY, TOWN OF	000146	08/10/80
ORLEANS COUNTY	DANBY, TOWN OF	000111	07/15/78
ORLEANS COUNTY	HARTFORD, TOWN OF	000224	07/15/78
ORLEANS COUNTY	HUNTINGTON, TOWN OF	000063	02/01/79
ORLEANS COUNTY	ISLE LA MOTTE, TOWN OF	000230	02/01/79
ORLEANS COUNTY	JOHNSON, TOWN OF	000235	02/01/79
ORLEANS COUNTY	JOHNSON, VILLAGE OF	000159	02/01/79
ORLEANS COUNTY	LUDLOW, TOWN OF	000232	02/01/79
ORLEANS COUNTY	LYNDON, TOWN OF	000001	06/10/78
ORLEANS COUNTY	MANCHESTER, TOWN OF	000002	06/10/78
ORLEANS COUNTY	MANCHESTER, CITY OF	000003	06/10/78
ORLEANS COUNTY	MORETOWN, TOWN OF	000511	06/10/78
ORLEANS COUNTY	MORETOWN, CITY OF	000512	06/10/78
ORLEANS COUNTY	MORRISTOWN, TOWN OF	000004	06/10/78
ORLEANS COUNTY	MORRISTOWN, VILLAGE OF	000005	06/10/78
ORLEANS COUNTY	MORRISTOWN, CITY OF	000006	06/10/78
ORLEANS COUNTY	NEWPORT, TOWN OF	000007	06/10/78
ORLEANS COUNTY	NORTH HERO, TOWN OF	000008	06/10/78
ORLEANS COUNTY	NORTH HERO, VILLAGE OF	000009	06/10/78
ORLEANS COUNTY	NORTH HERO, CITY OF	000010	06/10/78
ORLEANS COUNTY	NORTH HERO, VILLAGE OF	000011	06/10/78
ORLEANS COUNTY	NORTH HERO, CITY OF	000012	06/10/78
ORLEANS COUNTY	ORLEANS, TOWN OF	000013	06/10/78
ORLEANS COUNTY	ORLEANS, VILLAGE OF	000014	06/10/78
ORLEANS COUNTY	ORLEANS, CITY OF	000015	06/10/78
ORLEANS COUNTY	PAULINE, TOWN OF	000016	06/10/78
ORLEANS COUNTY	PAULINE, VILLAGE OF	000017	06/10/78
ORLEANS COUNTY	PAULINE, CITY OF	000018	06/10/78
ORLEANS COUNTY	POULNEY, TOWN OF	000019	06/10/78
ORLEANS COUNTY	POULNEY, VILLAGE OF	000020	06/10/78
ORLEANS COUNTY	POULNEY, CITY OF	000021	06/10/78
ORLEANS COUNTY	PROCTOR, TOWN OF	000022	06/10/78
ORLEANS COUNTY	PROCTOR, VILLAGE OF	000023	06/10/78
ORLEANS COUNTY	PROCTOR, CITY OF	000024	06/10/78
ORLEANS COUNTY	RICKFORD, TOWN OF	000025	06/10/78
ORLEANS COUNTY	RICKFORD, VILLAGE OF	000026	06/10/78
ORLEANS COUNTY	RICKFORD, CITY OF	000027	06/10/78
ORLEANS COUNTY	RUTLAND, TOWN OF	000028	06/10/78
ORLEANS COUNTY	RUTLAND, CITY OF	000029	06/10/78
ORLEANS COUNTY	RUTLAND, VILLAGE OF	000030	06/10/78
ORLEANS COUNTY	SHREVEBURY, TOWN OF	000031	06/10/78
ORLEANS COUNTY	SHREVEBURY, VILLAGE OF	000032	06/10/78
ORLEANS COUNTY	SHREVEBURY, CITY OF	000033	06/10/78
ORLEANS COUNTY	SPRINGFIELD, TOWN OF	000034	06/10/78
ORLEANS COUNTY	SPRINGFIELD, VILLAGE OF	000035	06/10/78
ORLEANS COUNTY	SPRINGFIELD, CITY OF	000036	06/10/78
ORLEANS COUNTY	ST. ALBANS, CITY OF	000037	06/10/78

REGION 1 VERMONT

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
WASHINGTON COUNTY	WATTSFIELD, TOWN OF	500130	06/01/78
WASHINGTON COUNTY	WARDSBORO, TOWN OF	500138	07/16/80
WASHINGTON COUNTY	WARREN, TOWN OF	500121	09/01/77
ORANGE COUNTY	WILLIAMSTON, TOWN OF	500080	07/17/78
WINDHAM COUNTY	WILMINGTON, TOWN OF	500142	05/01/78
WINDHAM COUNTY	WINDSOR, TOWN OF	500159	08/28/78
CHITTENDEN COUNTY	WINDSOOKI, CITY OF	500044	08/01/78
WINDSOR COUNTY	WOODSTOCK, TOWN OF	500160	12/15/79
WASHINGTON COUNTY	WOODSTOCK, VILLAGE OF	500161	02/15/78
WASHINGTON COUNTY	WORCESTER, TOWN OF	500278	04/03/78

TOTAL COMMUNITIES REPORTED IN STATE = 59

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
OCEAN COUNTY	LONG BEACH, TOWNSHIP OF	301	71
MONMOUTH COUNTY	LONG BRANCH, BOROUGH OF	302	78
ATLANTIC COUNTY	LONGPORT, CITY OF	303	70
BURGESS COUNTY	LYNDHURST, TOWNSHIP OF	304	79
MONMOUTH COUNTY	MADISON, TOWNSHIP OF	305	77
MONMOUTH COUNTY	MANALAPAN, TOWNSHIP OF	306	72
OCEAN COUNTY	MANASQUAN, BOROUGH OF	307	77
OCEAN COUNTY	MANOLOKING, BOROUGH OF	308	77
SOMERSET COUNTY	MANVILLE, BOROUGH OF	309	78
BURGESS COUNTY	MAPLEWOOD, TOWNSHIP OF	310	77
ATLANTIC COUNTY	MARGATE CITY, CITY OF	311	77
MONMOUTH COUNTY	MARLBORO, TOWNSHIP OF	312	78
MONMOUTH COUNTY	MAYWOOD, BOROUGH OF	313	77
BURGESS COUNTY	MAYWOOD, BOROUGH OF	314	78
MIDDLESEX COUNTY	METUCHEN, BOROUGH OF	315	77
MIDDLESEX COUNTY	MIDDLESEX, BOROUGH OF	316	77
MONMOUTH COUNTY	MILLAND, TOWNSHIP OF	317	77
MONMOUTH COUNTY	MILLBURN, TOWNSHIP OF	318	77
MONMOUTH COUNTY	MILLSTONE, BOROUGH OF	319	77
MONMOUTH COUNTY	MONMOUTH, BEACH, BOROUGH OF	320	77
MONMOUTH COUNTY	MONTCLAIRE, TOWNSHIP OF	321	78
MONMOUTH COUNTY	MOORESTOWN, TOWNSHIP OF	322	77
MONMOUTH COUNTY	MOUNTAIN, TOWNSHIP OF	323	77
MONMOUTH COUNTY	MOUNTAIN, BOROUGH OF	324	77
MONMOUTH COUNTY	NEPTUNE, TOWNSHIP OF	325	77
MONMOUTH COUNTY	BRUNSWICK, CITY OF	326	77
MONMOUTH COUNTY	NEW MILFORD, BOROUGH OF	327	77
MONMOUTH COUNTY	NEW PROVIDENCE, BOROUGH OF	328	77
MONMOUTH COUNTY	NEWARK, CITY OF	329	77
MONMOUTH COUNTY	NORTH ARLINGTON, BOROUGH OF	330	77
MONMOUTH COUNTY	NORTH PLAINFIELD, CITY OF	331	77
MONMOUTH COUNTY	NORTH WILMINGTON, CITY OF	332	77
MONMOUTH COUNTY	NUTLEY, TOWNSHIP OF	333	77
MONMOUTH COUNTY	OAKLAND, CITY OF	334	77
MONMOUTH COUNTY	OCEANPORT, BOROUGH OF	335	77
MONMOUTH COUNTY	OLD DELLE, BOROUGH OF	336	77
MONMOUTH COUNTY	ORAN, BOROUGH OF	337	77
MONMOUTH COUNTY	PASSAIC, CITY OF	338	77
MONMOUTH COUNTY	PATERSON, TOWNSHIP OF	339	77
MONMOUTH COUNTY	PEAPACK, CITY OF	340	77
MONMOUTH COUNTY	PEMBERTON, BOROUGH OF	341	77
MONMOUTH COUNTY	STONE, BOROUGH OF	342	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	343	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	344	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	345	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	346	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	347	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	348	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	349	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	350	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	351	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	352	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	353	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	354	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	355	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	356	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	357	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	358	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	359	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	360	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	361	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	362	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	363	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	364	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	365	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	366	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	367	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	368	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	369	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	370	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	371	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	372	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	373	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	374	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	375	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	376	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	377	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	378	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	379	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	380	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	381	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	382	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	383	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	384	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	385	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	386	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	387	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	388	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	389	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	390	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	391	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	392	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	393	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	394	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	395	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	396	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	397	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	398	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	399	77
MONMOUTH COUNTY	ADJUST, BOROUGH OF	400	77

REGION 2 NEW JERSEY

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
CAPE MAY COUNTY	UPPER MERION, TOWNSHIP OF	3453159	12/18/76
ATLANTIC COUNTY	VERMONT, CITY OF	3453159	06/01/77
ESSEX COUNTY	VERMONT, BOROUGH OF	3453159	06/01/77
CAMDEN COUNTY	VERMONT, TOWNSHIP OF	3453159	06/01/77
BERGEN COUNTY	VERMONT, BOROUGH OF	3453159	06/01/77
BERGEN COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
MONMOUTH COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
SOMERSET COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
SOMERSET COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
SOMERSET COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
ESSEX COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
ESSEX COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
CAPE MAY COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
BURLINGTON COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
UNION COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
GLOUCESTER COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
CAPE MAY COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
CAPE MAY COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
HURLINGTON COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
MIDDLESEX COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
BERGEN COUNTY	WALLINGTON, BOROUGH OF	3453159	06/01/77
TOTAL COMMUNITIES REPORTED IN STATE =			217

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 2 NEW YORK

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 2 PUERTO RICO

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
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	PUERTO RICO	720000	08/01/78

TOTAL COMMUNITIES REPORTED IN STATE = 1

REGION 3 DELAWARE

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

TOTAL COMMUNITIES REPORTED IN STATE = 26

REGION 3 MARYLAND

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
INDEPENDENT CITY	BALTIMORE, CITY OF	240087	03/15/78
ALLEGANY COUNTY	BALTIMORE, TOWN OF	240002	07/15/80
WASHINGTON COUNTY	BOONSBORO, TOWN OF	240007	07/15/80
CARROLL COUNTY	CUMBERLAND, CITY OF	240015	08/01/78
ALLEGANY COUNTY	CUMBERLAND, CITY OF	240003	09/01/79
CECIL COUNTY	DELKTON, TOWN OF	240010	12/11/80
DORCHESTER COUNTY	FEDERALSBURG, TOWN OF	240022	03/15/77
FREDERICK COUNTY	FREDERICK, COUNTY *	240037	08/11/80
FREDERICK COUNTY	FREDERICK, CITY OF	240030	08/11/80
GARRETT COUNTY	FRIENDSVILLE, CITY OF	240035	09/14/79
ALLEGANY COUNTY	FROSTBURG, CITY OF	240004	12/01/79
WASHINGTON COUNTY	FUNKSTOWN, TOWN OF	240073	12/01/79
CASHING COUNTY	GREENSBORO, TOWN OF	240014	01/11/78
WASHINGTON COUNTY	HAGERSTOWN, CITY OF	240043	03/11/77
HARFORD COUNTY	HARVEY DE GRACE, CITY OF	240043	03/11/77
HOWARD COUNTY	HOWARD, COUNTY *	240043	03/11/77
WASHINGTON COUNTY	KEEDYSVILLE, TOWN OF	240053	01/01/78
PRINCE GEORGES COUNTY	LAUREL, CITY OF	240053	01/01/78
GARRETT COUNTY	LOCH LYNN HEIGHTS, TOWN OF	240037	08/15/79
ALLEGANY COUNTY	LONA CONING, TOWN OF	240005	09/15/79
ALLEGANY COUNTY	LUKE, TOWN OF	240114	08/15/80
MONTGOMERY COUNTY	MIDDLELAND, TOWN OF	240066	08/15/80
MONTGOMERY COUNTY	MONTGOMERY, COUNTY *	240049	07/02/79
OAKLAND COUNTY	OAKLAND, TOWN OF	240039	07/16/79
WORCESTER COUNTY	OCEAN CITY, TOWN OF	245207	07/01/77
CECIL COUNTY	PERRYVILLE, TOWN OF	240024	03/01/77
CECIL COUNTY	PORT DEPOSIT, TOWN OF	240024	03/01/77
PRINCE GEORGES COUNTY	PRINCE GEORGE, S COUNTY	240028	02/16/77
MONTGOMERY COUNTY	ROCKVILLE, CITY OF	240051	08/11/78
WASHINGTON COUNTY	SHARPSBURG, TOWN OF	240076	01/02/80
WORCESTER COUNTY	SNOW HILL, TOWN OF	240086	05/15/80
CARROLL COUNTY	SYKESTOWN, TOWN OF	240016	09/30/77
FREDERICK COUNTY	THURMON, TOWN OF	240031	09/30/77
CARROLL COUNTY	UNION BRIDGE, TOWN OF	240017	08/01/77
WASHINGTON COUNTY	WASHINGTON, COUNTY *	240070	05/01/78
ALLEGANY COUNTY	WESTERNPORT, CITY OF	240007	07/16/79
CARROLL COUNTY	WESTMINSTER, CITY OF	240018	12/11/77
WORCESTER COUNTY	WORCESTER, COUNTY *	240083	02/15/79

TOTAL COMMUNITIES REPORTED IN STATE = 39

[illegible]

REGION 3 PENNSYLVANIA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 3 PENNSYLVANIA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
NORTHAMPTON COUNTY	HELLERTOWN, BOROUGH OF	420723	09/05/79
COLUMBIA COUNTY	HEMLOCK TOWNSHIP OF	420344	08/01/79
WESTMORELAND COUNTY	HEMPFIELD, TOWNSHIP OF	420878	09/29/78
NORTHUMBERLAND COUNTY	HERNDON, BOROUGH OF	420735	08/01/79
DAUPHIN COUNTY	HIGHSPIRE, BOROUGH OF	420381	04/15/77
INDIANA COUNTY	HOMER CITY, BOROUGH OF	420500	01/25/80
WAYNE COUNTY	HONESDALE, BOROUGH OF	420864	01/25/73
MONTGOMERY COUNTY	HORSHAM, TOWNSHIP OF	420700	01/18/77
WASHINGTON COUNTY	HOUSTON, BOROUGH OF	422594	01/18/79
WARRING COUNTY	HOWE, TOWNSHIP OF	422145	01/15/79
PUCKS COUNTY	HULMEVILLE, BOROUGH OF	420190	03/05/77
DAUPHIN COUNTY	HUMMELSTOWN, BOROUGH OF	420382	03/05/80
LUZERNE COUNTY	HUNLOCK, TOWNSHIP OF	420394	09/29/78
HUNTINGDON COUNTY	HUNTINGDON, BOROUGH OF	420486	09/05/79
BEAVER COUNTY	INDUSTRY, BOROUGH OF	420113	09/01/77
TIOGA COUNTY	JACKSON, TOWNSHIP OF	420820	09/01/78
NORTHUMBERLAND COUNTY	JACKSON, TOWNSHIP OF	19326	08/15/79
WESTMORELAND COUNTY	JEANETTE, CITY OF	420041	04/15/80
ALLEGHENY COUNTY	JEFFERSON, BOROUGH OF	420041	04/15/80
LUZERN COUNTY	JENKINS, TOWNSHIP OF	420053	01/18/80
LYCAMING COUNTY	JERMYN, BOROUGH OF	420053	01/18/80
LACKAWANNA COUNTY	JERSEY, SHORE, BOROUGH OF	420053	01/18/80
LACKAWANNA COUNTY	JESSUP, BOROUGH OF	420053	01/18/80
LACKAWANNA COUNTY	JIM THORPE, BOROUGH OF	420053	01/18/80
CARBON COUNTY	JOHNSTONBURG, BOROUGH OF	420053	01/18/80
CAMBERIA COUNTY	JOHNSTOWN, CITY OF	420053	01/18/80
LEBANON COUNTY	JONESTOWN, BOROUGH OF	420053	01/18/80
LEBANON COUNTY	JUNIATA, TOWNSHIP OF	420053	01/18/80
MCKEAN COUNTY	KEATING, TOWNSHIP OF	420053	01/18/80
HERKINS COUNTY	KELLY, TOWNSHIP OF	420053	01/18/80
ALLEGHENY COUNTY	KENNEDY, TOWNSHIP OF	420053	01/18/80
ALLEGHENY COUNTY	KILGUS, TOWNSHIP OF	420053	01/18/80
LUZERNE COUNTY	KINGSTON, BOROUGH OF	420053	01/18/80
LUZERNE COUNTY	KITTLERT, BOROUGH OF	420053	01/18/80
LUZERNE COUNTY	KULPMONT, BOROUGH OF	420053	01/18/80
LUZERNE COUNTY	KUTZTOWN, BOROUGH OF	420053	01/18/80
LUZERNE COUNTY	LACEYVILLE, BOROUGH OF	420053	01/18/80
LUZERNE COUNTY	LANCESTER, CITY OF	420053	01/18/80
LUZERNE COUNTY	LANCESTER, TOWNSHIP OF	420053	01/18/80
LUZERNE COUNTY	LANDINGVILLE, BOROUGH OF	420053	01/18/80
LUZERNE COUNTY	LANSHORNE, BOROUGH OF	420053	01/18/80
LUZERNE COUNTY	LANSDALE, BOROUGH OF	420053	01/18/80
LUZERNE COUNTY	LARKSVILLE, BOROUGH OF	420053	01/18/80
LUZERNE COUNTY	LATROBE, BOROUGH OF	420053	01/18/80
LUZERNE COUNTY	LAWRENCE PARK, TOWNSHIP OF	420053	01/18/80

REGION 3 PENNSYLVANIA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 3 PENNSYLVANIA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
DELAWARE COUNTY	UPPER MERION	4439	05/16/77
DELAWARE COUNTY	UPPER MERION	4440	07/10/77
DELAWARE COUNTY	UPPER MERION	4441	07/10/77
DELAWARE COUNTY	UPPER MERION	4442	07/10/77
DELAWARE COUNTY	UPPER MERION	4443	07/10/77
DELAWARE COUNTY	UPPER MERION	4444	07/10/77
DELAWARE COUNTY	UPPER MERION	4445	07/10/77
DELAWARE COUNTY	UPPER MERION	4446	07/10/77
DELAWARE COUNTY	UPPER MERION	4447	07/10/77
DELAWARE COUNTY	UPPER MERION	4448	07/10/77
DELAWARE COUNTY	UPPER MERION	4449	07/10/77
DELAWARE COUNTY	UPPER MERION	4450	07/10/77
DELAWARE COUNTY	UPPER MERION	4451	07/10/77
DELAWARE COUNTY	UPPER MERION	4452	07/10/77
DELAWARE COUNTY	UPPER MERION	4453	07/10/77
DELAWARE COUNTY	UPPER MERION	4454	07/10/77
DELAWARE COUNTY	UPPER MERION	4455	07/10/77
DELAWARE COUNTY	UPPER MERION	4456	07/10/77
DELAWARE COUNTY	UPPER MERION	4457	07/10/77
DELAWARE COUNTY	UPPER MERION	4458	07/10/77
DELAWARE COUNTY	UPPER MERION	4459	07/10/77
DELAWARE COUNTY	UPPER MERION	4460	07/10/77
DELAWARE COUNTY	UPPER MERION	4461	07/10/77
DELAWARE COUNTY	UPPER MERION	4462	07/10/77
DELAWARE COUNTY	UPPER MERION	4463	07/10/77
DELAWARE COUNTY	UPPER MERION	4464	07/10/77
DELAWARE COUNTY	UPPER MERION	4465	07/10/77
DELAWARE COUNTY	UPPER MERION	4466	07/10/77
DELAWARE COUNTY	UPPER MERION	4467	07/10/77
DELAWARE COUNTY	UPPER MERION	4468	07/10/77
DELAWARE COUNTY	UPPER MERION	4469	07/10/77
DELAWARE COUNTY	UPPER MERION	4470	07/10/77
DELAWARE COUNTY	UPPER MERION	4471	07/10/77
DELAWARE COUNTY	UPPER MERION	4472	07/10/77
DELAWARE COUNTY	UPPER MERION	4473	07/10/77
DELAWARE COUNTY	UPPER MERION	4474	07/10/77
DELAWARE COUNTY	UPPER MERION	4475	07/10/77
DELAWARE COUNTY	UPPER MERION	4476	07/10/77
DELAWARE COUNTY	UPPER MERION	4477	07/10/77
DELAWARE COUNTY	UPPER MERION	4478	07/10/77
DELAWARE COUNTY	UPPER MERION	4479	07/10/77
DELAWARE COUNTY	UPPER MERION	4480	07/10/77
DELAWARE COUNTY	UPPER MERION	4481	07/10/77
DELAWARE COUNTY	UPPER MERION	4482	07/10/77
DELAWARE COUNTY	UPPER MERION	4483	07/10/77
DELAWARE COUNTY	UPPER MERION	4484	07/10/77
DELAWARE COUNTY	UPPER MERION	4485	07/10/77
DELAWARE COUNTY	UPPER MERION	4486	07/10/77
DELAWARE COUNTY	UPPER MERION	4487	07/10/77
DELAWARE COUNTY	UPPER MERION	4488	07/10/77
DELAWARE COUNTY	UPPER MERION	4489	07/10/77
DELAWARE COUNTY	UPPER MERION	4490	07/10/77
DELAWARE COUNTY	UPPER MERION	4491	07/10/77
DELAWARE COUNTY	UPPER MERION	4492	07/10/77
DELAWARE COUNTY	UPPER MERION	4493	07/10/77
DELAWARE COUNTY	UPPER MERION	4494	07/10/77
DELAWARE COUNTY	UPPER MERION	4495	07/10/77
DELAWARE COUNTY	UPPER MERION	4496	07/10/77
DELAWARE COUNTY	UPPER MERION	4497	07/10/77
DELAWARE COUNTY	UPPER MERION	4498	07/10/77
DELAWARE COUNTY	UPPER MERION	4499	07/10/77
DELAWARE COUNTY	UPPER MERION	4500	07/10/77

REGION 3 PENNSYLVANIA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

TOTAL COMMUNITIES REPORTED IN STATE = 598

6.5.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 3 VIRGINIA

6.5.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 3 VIRGINIA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
INDEPENDENT CITY	STAUNTON, CITY OF	510155	12/01/78
PATRICK COUNTY	STUART, TOWN OF	510155	09/01/78
WISE COUNTY	ST. PAUL, TOWN OF	510155	09/02/70
BOYD COUNTY	TROUTVILLE, TOWN OF	510155	10/14/77
ROANOKE COUNTY	VIRGINIA BEACH, CITY OF	510155	03/15/78
INDEPENDENT CITY	WARRENTON, TOWN OF	510155	10/03/70
WARREN COUNTY	WARRENTON, TOWN OF	510155	05/01/80
FAUQUIER COUNTY	WAYNESBORO, CITY OF	510155	08/01/79
INDEPENDENT CITY	WEAVER CITY, TOWN OF	510155	07/02/77
SCOTT COUNTY	WINCHESTER, CITY OF	510155	11/15/78
INDEPENDENT CITY	WYTHE COUNTY, TOWN OF	510155	11/15/78
WYTHE COUNTY	WYTHEVILLE, TOWN OF	510181	02/22/80
TOTAL COMMUNITIES REPORTED IN STATE =			111

REGION 3 WEST VIRGINIA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
MORGAN COUNTY	BATH (BERKELEY SPRINGS), TOWN OF	540000	01/02/80
BAKSHOUR COUNTY	BELLINGTON, CITY OF	540000	08/01/79
BAKSHOUR COUNTY	BELMONT, CITY OF	540000	05/01/79
LOGAN COUNTY	CHARMANVILLE, TOWN OF	540000	08/28/79
JEFFERSON COUNTY	CHARLES TOWN, CITY OF	540000	02/01/79
HARRISON COUNTY	CLARKSBURG, CITY OF	540000	03/01/79
MINGO COUNTY	DELBARTON, TOWN OF	540000	03/01/79
WAYNE COUNTY	FORT GAY, TOWN OF	540000	01/03/79
MINGO COUNTY	GILBERT, TOWN OF	540000	04/01/80
MINGO COUNTY	GLLEN DALE, CITY OF	540000	04/01/80
MASON COUNTY	HARTFORD, TOWN OF	540000	04/01/80
MASON COUNTY	HENDERSON, TOWN OF	540000	04/01/80
SUMMERS COUNTY	HUNTON, CITY OF	540000	03/01/79
MINGO COUNTY	KERNIT, TOWN OF	540000	03/01/79
MASON COUNTY	LEON, TOWN OF	540000	03/01/79
LOGAN COUNTY	LOGAN, CITY OF	540000	04/01/80
LOGAN COUNTY	LOGAN, CITY OF	540000	04/01/80
BERKELEY COUNTY	MARTINSBURG, CITY OF	540000	07/01/79
MASON COUNTY	MASON, TOWN OF	540000	02/01/79
MASON COUNTY	MASON, TOWN OF	540000	02/01/79
MASON COUNTY	MATEWAN, TOWN OF	540000	02/01/79
MASON COUNTY	MCMEECHEN, CITY OF	540000	02/01/79
LOGAN COUNTY	MITCHELL TOWN, CITY OF	540000	04/01/80
MONONGALIA COUNTY	MORGANTOWNE, CITY OF	540000	03/01/79
MONONGALIA COUNTY	MOUNDSVILLE, CITY OF	540000	03/01/79
WYOMING COUNTY	MULLENS, CITY OF	540000	03/01/79
HANCOCK COUNTY	NEW CUMBERLAND, CITY OF	540000	05/01/80
MASON COUNTY	NEW HAVEN, TOWN OF	540000	07/01/79
WYOMING COUNTY	OCENA, TOWN OF	540000	03/01/79
TUCKER COUNTY	PETERSONS, TOWN OF	540000	03/01/79
MONROE COUNTY	PETERSTOWN, TOWN OF	540000	03/01/79
MASON COUNTY	POINT PLEASANT, CITY OF	540000	05/01/79
JEFFERSON COUNTY	RANSON, TOWN OF	540000	06/01/79
ROANE COUNTY	REEDY, TOWN OF	540000	12/01/78
JACKSON COUNTY	RIPLEY, CITY OF	540000	09/01/77
JEFFERSON COUNTY	ROBERTSBURG, TOWN OF	540000	03/01/79
JEFFERSON COUNTY	ROBERTSBURG, TOWN OF	540000	03/01/79
ROANE COUNTY	ROBERTSBURG, TOWN OF	540000	03/01/79
MONONGALIA COUNTY	SPENCER, CITY OF	540000	03/01/79
HARRISON COUNTY	STONEWOOD, TOWN OF	540000	03/01/79
HANCOCK COUNTY	STONETOWN, CITY OF	540000	09/05/79
LOGAN COUNTY	WEST TOWN, CITY OF	540000	09/05/79
MONONGALIA COUNTY	WEST TOWN, CITY OF	540000	09/05/79
GREENHRIER COUNTY	WESTOVER, CITY OF	540000	06/01/78
GREENHRIER COUNTY	WHITE SULPHUR SPRINGS, CITY OF	540000	08/01/78

TOTAL COMMUNITIES REPORTED IN STATE = 45

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
OKALOOSA COUNTY	FORT WALTON BEACH, CITY OF	177	1/77
POLK COUNTY	FROSTPROOF, CITY OF	180	1/80
ALACHUA COUNTY	GAINESVILLE, CITY OF	179	1/79
PALM BEACH COUNTY	GREEN RIDGE, TOWNS, CITY OF	177	1/77
CLAY COUNTY	GREEN COVE, CITY OF	172	1/72
SANTA ROSA COUNTY	GULF BREEZE, CITY OF	177	1/77
PALM BEACH COUNTY	GULF STREAM, CITY OF	177	1/77
PINELLAS COUNTY	HACIENDA, VILLAGE OF	178	1/78
BROWARD COUNTY	HALLANDALE, CITY OF	174	1/74
BROWARD COUNTY	HIGHLAND BEACH, TOWN OF	178	1/78
BROWARD COUNTY	HILLSBORO BEACH, TOWN OF	180	1/80
HILLSBOROUGH COUNTY	HILLSBOROUGH, CITY OF	178	1/78
VOLUSIA COUNTY	HOLLY HILL, CITY OF	178	1/78
BROWARD COUNTY	HOLMES BEACH, CITY OF	177	1/77
MANATEE COUNTY	HYPOLUXO, TOWN OF	177	1/77
PALM BEACH COUNTY	INDIAN HARBOR, CITY OF	177	1/77
BREVARD COUNTY	INDIAN RIVER, COUNTY, CITY OF	177	1/77
INDIAN RIVER COUNTY	INDIAN RIVER SHORES, TOWN OF	177	1/77
PINELLAS COUNTY	INDIAN ROCKS BEACH, CITY OF	177	1/77
PINELLAS COUNTY	INTERLACHEN, TOWN OF	177	1/77
PUTNAM COUNTY	JACKSONVILLE, CITY OF	177	1/77
DUVAL COUNTY	JACKSONVILLE, CITY OF	177	1/77
PALM BEACH COUNTY	JUNO BEACH, TOWN OF	177	1/77
PALM BEACH COUNTY	JUPITER, TOWN OF	177	1/77
MARTIN COUNTY	JUPITER ISLAND, TOWN OF	177	1/77
PALM BEACH COUNTY	JUPITER, TOWN OF	177	1/77
MONROE COUNTY	KEY WEST, CITY OF	177	1/77
MONROE COUNTY	KEY WEST, CITY OF	177	1/77
PALM BEACH COUNTY	LAKE CLARKE, TOWN OF	177	1/77
SEMINOLE COUNTY	LAKE MARY, CITY OF	177	1/77
PALM BEACH COUNTY	LAKE PARK, CITY OF	177	1/77
PALM BEACH COUNTY	LAKE WORTH, CITY OF	177	1/77
PALM BEACH COUNTY	LANGONA, TOWN OF	177	1/77
PINELLAS COUNTY	LARGO, CITY OF	177	1/77
BROWARD COUNTY	LAUDERDALE, CITY OF	177	1/77
BROWARD COUNTY	LAUDERDALE, CITY OF	177	1/77
BROWARD COUNTY	LAUDERHILL, CITY OF	177	1/77
MONROE COUNTY	LIGHTHOUSE POINT, CITY OF	177	1/77
BROWARD COUNTY	LONGBOAT KEY, TOWN OF	177	1/77
MANATEE COUNTY	LONGWOOD, CITY OF	177	1/77
SEMINOLE COUNTY	LYNN HAVEN, CITY OF	177	1/77
BAY COUNTY	MADEIRA, CITY OF	177	1/77
PINELLAS COUNTY	MAITLAND, CITY OF	177	1/77
BREVARD COUNTY	MALABAR, TOWN OF	177	1/77

REGION 4 FLORIDA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
PALM BEACH COUNTY	MANALAPAN, TOWN OF	53367	770
PALM BEACH COUNTY	MANATEE, COUNTY *	15114	771
PALM BEACH COUNTY	MANGONIA, TOWN OF	20004	776
PALM BEACH COUNTY	MARGATE, CITY OF	20005	778
BROWARD COUNTY	MELBOURNE, TOWN OF	20006	772
BROWARD COUNTY	MELBOURNE, VILLAGE OF	20007	779
BROWARD COUNTY	MELBOURNE, CH, TOWN OF	20008	779
BAY COUNTY	MEXICO BEACH, CITY OF	20009	777
SANTA ROSA COUNTY	MIRAMAR, CITY OF	20010	777
BROWARD COUNTY	MONROE, CITY OF	20011	777
MONROE COUNTY	MONROE, COUNTY *	20012	773
COLLIER COUNTY	NAPLES, CITY OF	20013	770
ESCAMBIA COUNTY	NAVARRE, CITY OF	20014	774
DUVAL COUNTY	NEPTUNE, CITY OF	20015	777
VOLUSIA COUNTY	NEW SMYRNA BEACH, CITY OF	20016	773
BROWARD COUNTY	NORTH LAUDERDALE, CITY OF	20017	779
PALM BEACH COUNTY	NORTH PALM BEACH, VILLAGE OF	20018	778
PINELLAS COUNTY	NORTH REDINGTON, TOWN OF	20019	777
BROWARD COUNTY	OAKLAND RIDGE, CITY OF	20020	770
PALM BEACH COUNTY	OCEAN RIDGE, TOWN OF	20021	774
OKALOOSA COUNTY	OCFEE, CITY OF *	20022	800
OKALOOSA COUNTY	OKALOOSA, CITY OF	20023	800
PINELLAS COUNTY	OLDSMAR, CITY OF	20024	779
CLAY COUNTY	ORANGE, TOWN OF	20025	778
INDIAN RIVER COUNTY	ORCHID, TOWN OF	20026	779
VOLUSIA COUNTY	ORMOND, CITY OF	20027	778
SEMINOLE COUNTY	OVIDE, CITY OF	20028	779
PALM BEACH COUNTY	PAHOKEE, CITY OF	20029	778
PALM BEACH COUNTY	PALATKA, CITY OF	20030	779
PALM BEACH COUNTY	PALM BEACH, CITY OF	20031	779
PALM BEACH COUNTY	PALM BEACH, SHORES, CITY OF	20032	778
PALM BEACH COUNTY	PALM BEACH, TOWN OF	20033	779
PALM BEACH COUNTY	PALM SPRINGS, VILLAGE OF	20034	778
BAY COUNTY	PANAMA CITY, CITY OF	20035	777
BAY COUNTY	PANAMA CITY, CITY OF	20036	777
BAY COUNTY	PARKER, CITY OF	20037	777
BROWARD COUNTY	PARKLAND, PARK, TOWN OF	20038	779
BROWARD COUNTY	PENBROKE, PARK, CITY OF	20039	777
BROWARD COUNTY	PENSACOLA, CITY OF	20040	777
ESCAMBIA COUNTY	PENSACOLA, CITY OF	20041	777
PINELLAS COUNTY	PINELLAS, CITY OF	20042	777
PINELLAS COUNTY	PINELLAS, PARK, CITY OF	20043	777
BROWARD COUNTY	PLANTATION, CITY OF	20044	779
BROWARD COUNTY	POMONA, TOWN OF	20045	779
BROWARD COUNTY	POMPANO BEACH, CITY OF	20046	779
VOLUSIA COUNTY	PONCE INLET, CITY OF	20047	776
VOLUSIA COUNTY	PORT ORANGE, CITY OF	20048	776

REGION 4 FLORIDA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
CHARLOTTE COUNTY	CITY OF GORDA	120	10/30/70
PINELLAS COUNTY	AGTON BEACHES, TOWN OF	620	03/15/70
PALM BEACH COUNTY	REDINGTON SHORES, TOWN OF	44	05/08/71
BREVARD COUNTY	RIVIERA BEACH, CITY OF	127	09/27/72
PINELLAS COUNTY	ROCKLEY HARBOR, CITY OF	42	01/15/73
LEE COUNTY	SANITARY CITY OF	32	04/14/73
SANTA ROSA COUNTY	ARABOS COUNTY *	74	07/16/77
SARASOTA COUNTY	ARASOTA, CITY OF	408	07/30/71
BREVARD COUNTY	ATELL RANCH LAKES, VILLAGE OF	55	04/23/76
INDIAN RIVER COUNTY	ABRAHAM, CITY OF	63	04/15/78
MARTIN COUNTY	WALTON, CITY OF	180	04/15/78
VOLUSIA COUNTY	DAYTONA, CITY OF	78	08/08/78
PALM BEACH COUNTY	SOUTH PALM BEACH, TOWN OF	47	05/17/70
PINELLAS COUNTY	SOUTH PASADENA, CITY OF	15	06/11/71
MARTIN COUNTY	TUFTS, CITY OF	56	09/15/72
ST. JOHNS COUNTY	AUGUSTINE, BEACH, TOWN OF	57	10/10/72
ST. JOHNS COUNTY	ST. AUGUSTINE, CITY OF	44	10/16/73
ST. LUCIE COUNTY	JOHNS COUNTY, TOWN OF	80	04/01/80
WAKULLA COUNTY	LUCIE VILLAGE, TOWN OF	169	03/18/80
PINELLAS COUNTY	MARKS, TOWN OF	88	05/22/70
BROWARD COUNTY	PETERSBURG BEACH, CITY OF	43	07/05/79
LEON COUNTY	PETERSBURG, CITY OF	38	07/05/79
BROWARD COUNTY	RISE, CITY OF	48	12/05/76
HILLSBOROUGH COUNTY	ALLAHAC, CITY OF	11	02/05/78
PINELLAS COUNTY	TAMPA, CITY OF	49	06/18/77
HILLSBOROUGH COUNTY	TEMPLE SPRINGS, CITY OF	58	05/14/77
PALM BEACH COUNTY	TEQUESTA, VILLAGE OF	36	06/18/77
BREVARD COUNTY	TREASURE ISLAND, CITY OF	64	09/09/77
OKALOOSA COUNTY	VALPARAISO, CITY OF	45	05/01/80
SARASOTA COUNTY	VERO BEACH, CITY OF	57	09/13/77
INDIAN RIVER COUNTY	VOLUNO, CITY *	59	09/13/77
WALTON COUNTY	WESTON, CITY *	59	09/13/77
BREVARD COUNTY	MELBOURNE, CITY OF	59	09/13/77
PALM BEACH COUNTY	WEST PALM BEACH, CITY OF	67	09/13/77
BROWARD COUNTY	WEST PALM BEACH, CITY OF	67	09/13/77
ORANGE COUNTY	WINTER GARDEN, CITY OF	67	09/13/77
LEVY COUNTY	WINTER PARK, TOWN OF	67	09/13/77
	YANKEETOWN, TOWN OF	67	09/13/77

TOTAL COMMUNITIES REPORTED IN STATE = 191

REGION 4 GEORGIA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 4 GEORGIA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
FAYETTE COUNTY	PEACHTREE CITY, CITY OF	30078	12/01/77
HOUSTON COUNTY	PERRY, CITY OF	30070	01/01/78
CHATHAM COUNTY	PORT WENTWORTH, CITY OF	30011	01/01/73
COBB COUNTY	POWDER SPRINGS, CITY OF	30055	08/01/80
HERRING COUNTY	RAY CITY, CITY OF	30009	04/01/77
RICHMOND COUNTY	RIECHMUND, CITY OF	30015	03/01/80
CATOOSA COUNTY	RIVERDALE, CITY OF	30002	03/01/78
CLAYTON COUNTY	ROCKDALE, COUNTY *	30004	03/01/79
ROCKDALE COUNTY	ROME, CITY OF	30038	02/01/79
FLORIDA COUNTY	ROSSVILLE, CITY OF	30008	03/01/79
WALKER COUNTY	ROSWELL, CITY OF	30018	03/01/72
FULTON COUNTY	SAVANNAH, BEACH, TOWN OF	30016	01/01/77
CHATHAM COUNTY	SAVANNAH, CITY OF	30055	01/01/77
CORB COUNTY	SMYRNA, CITY OF	30037	01/01/77
GWINNETT COUNTY	SNELLVILLE, CITY OF	30052	01/01/80
COOK COUNTY	SPARKS, TOWN OF	30002	01/01/77
BULLOCK COUNTY	STATESBORO, CITY OF	30011	01/01/80
THOMAS COUNTY	THOMASVILLE, CITY OF	30017	01/01/78
TIFT COUNTY	TIFTON, CITY OF	30000	01/01/79
DADE COUNTY	TRINITY, CITY OF	30000	01/01/79
CHATTAHOOCY COUNTY	UNION, CITY OF	30000	01/01/79
FULTON COUNTY	VALDOSTA, CITY OF	30030	01/01/78
LOWNDES COUNTY	VERNONBURG, TOWN OF	30035	01/01/78
CHATHAM COUNTY	WALKER COUNTY *	30030	01/01/78
WALKER COUNTY	WARNER ROBINS, CITY OF	30030	01/01/78

TOTAL COMMUNITIES REPORTED IN STATE = 76

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 4 MISSISSIPPI

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
JACKSON COUNTY	MOSS POINT, CITY OF	285258	09/18/70
ADAMS COUNTY	NATCHEZ, CITY OF	280001	06/01/78
NEWTON COUNTY	NEWTON, CITY OF	280023	01/02/80
CARROLL COUNTY	NORTH CARROLLTON, TOWN OF	280012	04/15/80
JACKSON COUNTY	OCEAN SPRINGS, CITY OF	280000	04/03/78
LAFAYETTE COUNTY	OXFORD, CITY OF	280525	09/09/70
PANOLA COUNTY	PANOLA, CITY OF	280009	09/29/78
JACKSON COUNTY	PASCAGOULA, CITY OF	280012	06/04/80
HARRISON COUNTY	PASS CHRISTIAN, CITY OF	285260	09/18/70
FORREST COUNTY	PETAL, CITY OF	285260	05/26/70
PEARL RIVER COUNTY	PICAYUNE, CITY OF	280030	04/15/80
CLAIBORNE COUNTY	PORT GIBSON, TOWN OF	280033	03/04/78
MADEISON COUNTY	RIDGELAND, CITY OF	280011	06/15/78
SUNFLOWER COUNTY	RULEVILLE, TOWN OF	280016	09/29/78
YAZOO COUNTY	SENATOBIA, CITY OF	280020	05/01/77
YAZOO COUNTY	SENO, TOWN OF	280016	19/01/79
YAZOO COUNTY	SUNFLOWER, TOWN OF	280019	03/29/78
YAZOO COUNTY	SUNFLOWER, TOWN OF	280019	09/15/78
YAZOO COUNTY	TERRY, TOWN OF	280016	09/27/78
YAZOO COUNTY	TUNICA, TOWN OF	280016	07/17/77
YAZOO COUNTY	TUPELO, CITY OF	280016	04/03/78
YAZOO COUNTY	UNION, TOWN OF	280010	04/03/78
YAZOO COUNTY	VAIDEN, TOWN OF	280022	04/15/80
YAZOO COUNTY	WARREN, TOWN OF	280029	03/15/78
YAZOO COUNTY	WAVELAND, CITY OF	285262	11/15/79
YAZOO COUNTY	WEST POINT, CITY OF	280037	09/11/70
YAZOO COUNTY	YAZOO CITY, CITY OF	280037	01/05/78
YAZOO COUNTY	YAZOO COUNTY	280019	04/15/80
YAZOO COUNTY	YAZOO COUNTY	280019	09/28/79

TOTAL COMMUNITIES REPORTED IN STATE = 79

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 4 NORTH CAROLINA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
DARE COUNTY	KILL DEVIL HILLS, TOWN OF	375353	05/04/73
WAKE COUNTY	KNIGHTDALE, TOWN OF	370241	08/01/78
ROWAN COUNTY	LANDIS, TOWN OF	370213	07/03/78
DAVIDSON COUNTY	LEXINGTON, CITY OF	370081	11/01/79
BRUNSWICK COUNTY	LONG BEACH, TOWN OF	375354	03/23/71
EDGECOMBE COUNTY	MACCLESFIELD, TOWN OF	370090	03/18/80
ROCKINGHAM COUNTY	MADISON, TOWN OF	370207	11/16/77
DARE COUNTY	MANTO, TOWN OF	375354	01/13/73
MADISON COUNTY	MARSHALL, TOWN OF	370154	05/15/77
ROCKINGHAM COUNTY	MAYODAN, TOWN OF	370208	07/18/77
IREDELL COUNTY	MOORESVILLE, CITY, TOWN OF	370314	05/01/80
CARTERET COUNTY	MOREHEAD CITY, TOWN OF	370048	02/16/77
WAKE COUNTY	MORRISVILLE, CITY OF	370024	11/01/78
GASTON COUNTY	MOUNT HOLLY, CITY OF	375355	10/28/79
DARE COUNTY	NAG'S HEAD, TOWN OF	370102	11/01/78
NASH COUNTY	NASH CURN, CITY OF	370278	10/23/78
CRAVEN COUNTY	NEW BERN, CITY OF	370016	05/21/80
NEW HANOVER COUNTY	NEW HANOVER, TOWN OF	370148	05/21/78
CARTERET COUNTY	NEWPORT, TOWN OF	370057	05/21/78
BRUNSWICK COUNTY	NORTH WILKESBORO, CITY OF	370257	11/01/78
WILKES COUNTY	OCEAN WILKES SHORES, TOWN OF	370257	11/01/78
BRUNSWICK COUNTY	OCEAN KNOLL, TOWN OF	370257	11/01/78
CARTERET COUNTY	PINETOPS, TOWN OF	370291	10/28/80
EDGECOMBE COUNTY	PRINCEVILLE, CITY OF	370031	03/23/79
WAKE COUNTY	PRINCEVILLE, CITY OF	370031	03/23/79
ROCKINGHAM COUNTY	RALEIGH, CITY OF	370207	03/23/78
HALIFAX COUNTY	RALEIGH, CITY OF	370207	03/23/78
ROWAN COUNTY	RALEIGH, CITY OF	370207	03/23/78
EDGECOMBE COUNTY	RALEIGH, CITY OF	370207	03/23/78
TRANSYLVANIA COUNTY	RALEIGH, CITY OF	370207	03/23/78
ROWAN COUNTY	RALEIGH, CITY OF	370207	03/23/78
CLEVELAND COUNTY	RALEIGH, CITY OF	370207	03/23/78
BRUNSWICK COUNTY	RALEIGH, CITY OF	370207	03/23/78
ROWAN COUNTY	RALEIGH, CITY OF	370207	03/23/78
IREDELL COUNTY	RALEIGH, CITY OF	370207	03/23/78
BRUNSWICK COUNTY	RALEIGH, CITY OF	370207	03/23/78
EDGECOMBE COUNTY	RALEIGH, CITY OF	370207	03/23/78
DAVIDSON COUNTY	RALEIGH, CITY OF	370207	03/23/78
TRANSYLVANIA COUNTY	RALEIGH, CITY OF	370207	03/23/78
WAKE COUNTY	RALEIGH, CITY OF	370207	03/23/78
BEAUFORT COUNTY	RALEIGH, CITY OF	370207	03/23/78
WATAUGA COUNTY	RALEIGH, CITY OF	370207	03/23/78

REGION 4 NORTH CAROLINA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
WAKE COUNTY	WENDELL, TOWN OF	370245	06/01/78
EDGEcombe COUNTY	WHITAKERS, TOWN OF	370095	04/15/80
NEW HANOVER COUNTY	WILMINGTON, CITY OF	370171	04/17/78
HERFORD COUNTY	WINDSOR, TOWN OF	370019	07/18/77
FORSYTH COUNTY	WINSTON-SALEM, CITY OF	375360	08/31/72
HUNCOMBE COUNTY	WOODFIN, TOWN OF	375380	02/01/80
NEW HANOVER COUNTY	WRIGHTSVILLE BEACH, TOWN OF	375381	06/20/70
BRUNSWICK COUNTY	YAUPON BEACH, TOWN OF	370030	02/16/77
WAKE COUNTY	ZEBULON, TOWN OF	370246	07/03/78

TOTAL COMMUNITIES REPORTED IN STATE = 106

REGION 4 SOUTH CAROLINA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 4 TENNESSEE

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
CLAIBORNE COUNTY	TAZEWELL, CITY OF	475449	10/30/70
COPPER COUNTY	TULLAHOMA, CITY OF	470036	04/16/79
FRANKLIN COUNTY	WINCHESTER, CITY OF	470056	07/02/80
CANNON COUNTY	WOODBURY, TOWN OF	470021	09/01/77

TOTAL COMMUNITIES REPORTED IN STATE = 52

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 5 ILLINOIS

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 5 ILLINOIS

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM ID NO.	EFFECTIVE DATE OF LATEST REVISION
DU PAGE COUNTY	WARRENVILLE, CITY OF	170218	09/29/78
ST. CLAIR COUNTY	WASHINGTON PARK, VILLAGE OF	170219	06/15/79
IROQUOIS COUNTY	WASHNEKA, CITY OF	170220	06/15/79
DU PAGE COUNTY	WEST CHICAGO, CITY OF	170221	06/15/79
DU PAGE COUNTY	WEST CHESTER, VILLAGE OF	170222	06/15/79
DU PAGE COUNTY	WHEELING, CITY OF	170223	09/15/78
DU PAGE COUNTY	WHEELING SPRINGS, VILLAGE OF	170224	07/16/79
DU PAGE COUNTY	WILLOW BROOK, VILLAGE OF	170225	01/15/80
DU PAGE COUNTY	WINDFELDE, VILLAGE OF	170226	03/13/79
DU PAGE COUNTY	WOOD DALE, CITY OF	170227	03/30/77
MADISON COUNTY	WOOD RIVER, CITY OF	170228	05/01/79
DU PAGE COUNTY	WOODRIDGE, VILLAGE OF	170229	06/15/79
MCHEERY COUNTY	WOODSTOCK, CITY OF	170230	06/15/79

TOTAL COMMUNITIES REPORTED IN STATE = 161

REGION 5 INDIANA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
PERRY COUNTY	TELL CITY, CITY OF	180197	03/01/77
VANDERBURGH COUNTY	VANDERBURGH COUNTY *	180256	02/01/80
SWITZERLAND COUNTY	VEVAY, TOWN OF	180352	12/04/79

TOTAL COMMUNITIES REPORTED IN STATE = 52

REGION 5 MICHIGAN

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
GENESEE COUNTY	GOODRICH, VILLAGE OF	260197	09/29/78
BERRIEN COUNTY	GRAND BEACH, CITY OF	260200	02/12/80
GENESEE COUNTY	GRAND BLANC, CITY OF	260201	08/01/80
GENESEE COUNTY	GRAND BLANC, TOWNSHIP OF	260202	02/11/79
OTTAWA COUNTY	GRAND HAVEN, CITY OF	260203	01/01/79
KENT COUNTY	GRAND RAPIDS, TOWNSHIP OF	260204	01/03/79
WAYNE COUNTY	GROSSE ILL., VILLAGE OF	260205	01/03/79
WAYNE COUNTY	GROSSE POINTE PARK, CITY OF	260206	01/03/79
WAYNE COUNTY	GROSSE POINTE SHORES, VILLAGE OF	260207	01/03/79
BERRIEN COUNTY	HAGAR, TOWNSHIP OF	260208	08/01/77
BAY COUNTY	HAMPTON, SPRINGS, CITY OF	260209	05/11/77
EMMETT COUNTY	HOLLAND, CITY OF	260210	01/01/77
OTTAWA COUNTY	HOLLAND, CITY OF	260211	01/01/77
EMMETT COUNTY	INGALLSTON, TOWNSHIP OF	260212	01/01/77
EMMETT COUNTY	IRA, TOWNSHIP OF	260213	03/04/80
ST. CLAIR COUNTY	IRONWOOD, CITY OF	260214	07/11/78
GOGEBIC COUNTY	JACKSON, CITY OF	260215	02/01/79
JACKSON COUNTY	JACKSON, TOWNSHIP OF	260216	02/01/79
BAY COUNTY	KAWKAWLIN, TOWNSHIP OF	260217	04/03/78
MUSKEGON COUNTY	LAKETON, TOWNSHIP OF	260218	06/04/80
ALLEGAN COUNTY	LAKE TOWN, TOWNSHIP OF	260219	04/03/78
HURON COUNTY	LAKE, TOWNSHIP OF	260220	01/01/79
BERRIEN COUNTY	LAPEER, CITY OF	260221	01/01/79
BERRIEN COUNTY	LASALLE, TOWNSHIP OF	260222	08/15/77
MONROE COUNTY	LINCOLN, CITY OF	260223	03/01/78
ST. CLAIR COUNTY	MARION, CITY OF	260224	08/01/79
ST. CLAIR COUNTY	MASONVILLE, TOWNSHIP OF	260225	03/01/79
GENESEE COUNTY	MENOMINEE, CITY OF	260226	08/01/78
GENESEE COUNTY	MENOMINEE, TOWNSHIP OF	260227	03/01/78
GENESEE COUNTY	MERRIDIAN, CHARTER OF	260228	03/01/78
GENESEE COUNTY	MERRIDIAN, TOWNSHIP OF	260229	03/01/78
GENESEE COUNTY	MERRIDIAN, VILLAGE OF	260230	03/01/78
GENESEE COUNTY	MONROE, CITY OF	260231	05/15/77
GENESEE COUNTY	MONROE, TOWNSHIP OF	260232	04/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260233	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260234	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260235	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260236	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260237	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260238	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260239	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260240	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260241	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260242	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260243	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260244	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260245	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260246	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260247	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260248	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260249	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260250	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260251	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260252	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260253	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260254	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260255	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260256	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260257	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260258	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260259	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260260	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260261	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260262	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260263	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260264	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260265	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260266	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260267	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260268	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260269	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260270	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260271	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260272	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260273	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260274	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260275	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260276	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260277	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260278	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260279	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260280	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260281	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260282	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260283	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260284	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260285	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260286	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260287	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260288	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260289	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260290	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260291	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260292	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260293	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260294	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260295	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260296	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260297	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260298	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260299	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260300	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260301	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260302	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260303	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260304	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260305	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260306	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260307	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260308	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260309	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260310	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260311	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260312	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260313	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260314	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260315	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260316	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260317	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260318	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260319	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260320	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260321	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260322	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260323	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260324	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260325	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260326	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260327	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260328	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260329	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260330	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260331	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260332	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260333	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260334	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260335	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260336	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260337	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260338	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260339	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260340	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260341	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260342	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260343	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260344	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260345	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260346	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260347	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260348	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260349	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260350	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260351	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260352	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260353	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260354	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260355	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260356	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260357	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260358	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260359	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260360	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260361	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260362	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260363	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260364	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260365	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260366	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260367	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260368	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260369	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260370	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260371	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260372	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260373	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260374	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260375	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260376	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260377	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260378	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260379	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260380	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260381	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260382	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260383	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260384	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260385	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260386	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260387	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260388	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260389	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260390	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260391	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260392	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260393	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260394	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260395	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260396	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260397	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260398	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260399	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260400	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260401	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260402	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260403	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260404	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260405	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260406	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260407	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260408	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260409	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260410	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260411	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260412	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260413	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260414	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260415	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260416	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260417	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260418	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260419	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260420	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260421	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260422	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260423	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260424	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260425	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260426	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260427	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260428	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260429	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260430	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260431	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260432	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260433	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260434	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260435	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260436	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260437	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260438	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260439	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260440	05/01/78
GENESEE COUNTY	MONROE, TOWNSHIP OF	260441	05/0

REGION 5 MICHIGAN

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

TOTAL COMMUNITIES REPORTED IN STATE = 140

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 15 OHIO

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
CUYAHOGA COUNTY	LAKEWOOD, CITY OF	390112	02/01/78
FAIRFIELD COUNTY	LANCASTER, CITY OF	390161	05/01/80
FAIRFAX COUNTY	LIMAK, CITY OF	390557	03/15/79
FRANKLIN COUNTY	LOCKHOUT, CITY OF	390006	05/01/80
FRANKLIN COUNTY	LORDSTOWN, CITY OF	390691	03/15/78
FRANKLIN COUNTY	LOUISVILLE, CITY OF	390812	08/01/79
FRANKLIN COUNTY	LOVELAND, CITY OF	390516	08/01/78
FRANKLIN COUNTY	LOWELL, VILLAGE OF	390699	08/01/80
FRANKLIN COUNTY	MACKSBURG, VILLAGE OF	390597	08/15/80
FRANKLIN COUNTY	MADISON, CITY OF	390221	01/15/79
FRANKLIN COUNTY	MADISON, VILLAGE OF	390316	12/01/79
FRANKLIN COUNTY	MANCHESTER, VILLAGE OF	390002	08/01/78
FRANKLIN COUNTY	MASON, CITY OF	390553	03/15/79
FRANKLIN COUNTY	MATAMORAS, VILLAGE OF	390573	08/01/80
FRANKLIN COUNTY	MAUMEE, CITY OF	390360	12/24/76
FRANKLIN COUNTY	MAYFIELD, VILLAGE OF	390118	10/01/77
FRANKLIN COUNTY	MAYFIELD-ON-THE-LAKE, CITY OF	390317	10/01/77
FRANKLIN COUNTY	MENTOR, CITY OF	390384	10/01/78
FRANKLIN COUNTY	MIDDLEPORT, VILLAGE OF	390561	03/15/77
FRANKLIN COUNTY	MORROW, VILLAGE OF	390070	19/12/78
FRANKLIN COUNTY	MOSCOW, VILLAGE OF	390275	05/21/79
FRANKLIN COUNTY	MURRAY, CITY OF	390641	03/21/80
FRANKLIN COUNTY	NEW RICHMOND, VILLAGE OF	390335	08/01/78
FRANKLIN COUNTY	NEWARK, CITY OF	390539	08/01/78
FRANKLIN COUNTY	NILES, CITY OF	390540	09/05/79
FRANKLIN COUNTY	NORTH PERRY, VILLAGE OF	390742	07/10/79
FRANKLIN COUNTY	NORTH RIDGEVILLE, CITY OF	390356	06/15/80
FRANKLIN COUNTY	NORWALK, CITY OF	390293	02/15/78
FRANKLIN COUNTY	OBERLIN, CITY OF	390361	03/15/78
FRANKLIN COUNTY	OTTAWA, HILLS, VILLAGE OF	390432	10/01/80
FRANKLIN COUNTY	OTTAWA, VILLAGE OF	390379	02/01/77
FRANKLIN COUNTY	PAINESVILLE, CITY OF	390434	01/01/77
FRANKLIN COUNTY	PANDORA, VILLAGE OF	390600	09/30/77
FRANKLIN COUNTY	PORT CLINTON, CITY OF	390177	09/01/78
FRANKLIN COUNTY	PUT-IN-BAY, VILLAGE OF	390572	12/31/76
FRANKLIN COUNTY	REYNOLDSBURG, CITY OF	390537	01/17/79
FRANKLIN COUNTY	RITTMAN, CITY OF	390156	01/15/77
FRANKLIN COUNTY	ROCKY HIVER, CITY OF	390486	07/01/77
FRANKLIN COUNTY	SANDUSKY, CITY OF	390135	03/01/78
FRANKLIN COUNTY	SHEFFIELD LAKE, CITY OF	390355	

REGION 5 OHIO

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME

LOKAIN COUNTY

PICKAWAY COUNTY

WARREN COUNTY

GREENE COUNTY

SUMMIT COUNTY

CUYAHOGA COUNTY

LUCAS COUNTY

MONTGOMERY COUNTY

TRUMBULL COUNTY

FRANKLIN COUNTY

FRANKLIN COUNTY

FRANKLIN COUNTY

LAKE COUNTY

TRUMBULL COUNTY

FAYETTE COUNTY

WARREN COUNTY

LOKAIN COUNTY

COLUMBIANA COUNTY

FRANKLIN COUNTY

CUYAHOGA COUNTY

LAKE COUNTY

LAKE COUNTY

CLINTON COUNTY

SANDUSKY COUNTY

WAYNE COUNTY

FRANKLIN COUNTY

MAHONING COUNTY

COMMUNITY NAME

SHEFFIELD, VILLAGE OF

SOUTH AMHERST, VILLAGE OF

SOUTH BLOOMFIELD, VILLAGE OF

SOUTH LEBANON, VILLAGE OF

SPRING VALLEY, VILLAGE OF

STOW, CITY OF

STRONGSVILLE, CITY OF

SYLVANIA, CITY OF

TULEDO, CITY OF

TROTWOOD, CITY OF

TRUMBULL COUNTY *

UPPER ARLING, CITY OF

VALLEYVIEW, VILLAGE OF

VERMILION, CITY OF

WHITE HILL, VILLAGE OF

WARREN, CITY OF

WASHINGTON COURTHOUSE, CITY OF

WAYNESVILLE, VILLAGE OF

WELLINGTON, VILLAGE OF

WELLSVILLE, CITY OF

WESTERVILLE, CITY OF

WESTLAKE, CITY OF

WICKLIFFE, CITY OF

WILLOUGHBY, CITY OF

WILLOWICK, CITY OF

WILMINGTON, CITY OF

WOODVILLE, VILLAGE OF

WOOSTER, CITY OF

WORTHINGTON, CITY OF

YOUNGSTOWN, CITY OF

COMM. ID NO.

3903354

3903356

3904449

3905563

3901966

3901332

3903364

3953737

3904179

3905358

3901780

3906699

3953749

3906449

3905441

3901695

3903358

3900888

3901779

3901336

3903323

3903324

3900755

3905779

3901813

3903373

EFFECTIVE DATE OF LATEST REVISION

06/18/80

05/01/79

09/01/78

08/01/80

07/13/79

07/05/77

06/04/80

12/18/79

09/29/78

04/15/80

06/15/79

05/05/79

08/01/77

08/01/77

08/15/78

08/01/80

06/04/80

09/29/78

09/29/78

01/16/80

01/16/80

01/16/79

09/29/78

06/18/80

02/02/77

08/01/80

07/18/77

TOTAL COMMUNITIES REPORTED IN STATE = 129

REGION 5 WISCONSIN

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
PEPIN COUNTY	PEPIN, VILLAGE OF	55569	05/26/72
PIERCE COUNTY	PIERCE, COUNTY * VILLAGE OF	55571	07/14/72
WOOD COUNTY	PORT EDWARDS, VILLAGE OF	55572	04/13/73
CRAWFORD COUNTY	PORT KIER, CHEN, CITY OF	55573	05/22/70
PIERCE COUNTY	PRESCOTT, CITY OF	55574	07/09/71
RACINE COUNTY	RACINE, CITY OF	55575	06/01/73
VERNON COUNTY	READSTOWN, VILLAGE OF	55576	03/16/76
RICHMOND COUNTY	RICHMOND, CENTER, CITY OF	55577	08/01/73
FOND DU LAC COUNTY	KIPON, CITY OF	55578	08/15/80
MARATHON COUNTY	ROTHSCHILD, VILLAGE OF	55579	06/01/74
SHAWANO COUNTY	ROTHSCHILD, CITY OF	55580	02/08/80
SHEBOYGAN COUNTY	SHAWANO, COUNTY *	55581	10/17/77
SHEBOYGAN COUNTY	SHEBOYGAN, CITY OF	55582	07/15/77
SHEBOYGAN COUNTY	SHEBOYGAN, CITY OF	55583	03/15/77
KENOSHA COUNTY	SILVER LAKE, VILLAGE OF	55584	09/01/78
DOUGLAS COUNTY	SOLON SPRINGS, VILLAGE OF	55585	08/15/78
MILWAUKEE COUNTY	SOUTH MILWAUKEE, CITY OF	55586	04/15/80
WASHBURN COUNTY	SPRINGFIELD, CITY OF	55587	04/02/79
CHAWFORD COUNTY	TELUEN, VILLAGE OF	55588	04/20/77
VERNON COUNTY	TELUEN, VILLAGE OF	55589	12/08/77
VERNON COUNTY	TODDARD, VILLAGE OF	55590	10/20/77
TREMPEALEAU COUNTY	TODDARD, CITY OF	55591	05/13/72
RACINE COUNTY	TREMPEALEAU, VILLAGE OF	55592	06/03/77
ST. CROIX COUNTY	TREMPEALEAU, CITY OF	55593	07/10/73
ST. CROIX COUNTY	TREMPEALEAU, CITY OF	55594	04/23/73
DODGE COUNTY	TREMPEALEAU, CITY OF	55595	07/10/73
OZAUKEE COUNTY	TREMPEALEAU, CITY OF	55596	07/10/73
TREMPEALEAU COUNTY	TREMPEALEAU, CITY OF	55597	08/10/78
TREMPEALEAU COUNTY	TREMPEALEAU, CITY OF	55598	12/22/72
MANITOWOC COUNTY	TWO RIVERS, CITY OF	55599	12/22/72
VERNON COUNTY	VERNON, CITY OF	55600	03/29/78
VERNON COUNTY	VERNON, CITY OF	55601	03/29/78
WAUNAKEE COUNTY	WAUNAKEE, CITY OF	55602	03/29/78
WAUNAKEE COUNTY	WAUNAKEE, CITY OF	55603	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55604	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55605	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55606	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55607	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55608	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55609	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55610	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55611	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55612	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55613	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55614	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55615	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55616	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55617	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55618	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55619	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55620	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55621	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55622	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55623	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55624	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55625	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55626	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55627	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55628	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55629	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55630	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55631	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55632	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55633	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55634	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55635	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55636	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55637	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55638	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55639	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55640	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55641	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55642	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55643	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55644	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55645	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55646	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55647	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55648	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55649	03/29/78
WAUSAU COUNTY	WAUSAU, CITY OF	55650	03/29/78

TOTAL COMMUNITIES REPORTED IN STATE = 140

REGION 6 ARKANSAS

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
BENTON COUNTY	BENTONVILLE, CITY OF	050012	07/16/80
CRAIGHEAD COUNTY	BROOKLAND, TOWN OF	050047	04/15/80
IZARD COUNTY	CALICO ROCK, CITY OF	050094	12/04/79
UNION COUNTY	CALION, CITY OF	050206	07/03/80
CRAIGHEAD COUNTY	CARAWAY, CITY OF	050311	08/18/80
CHICOT COUNTY	CHICOT COUNTY *	050015	09/12/79
MONROE COUNTY	CLARENDON, CITY OF	050078	07/16/80
FAULKNER COUNTY	CORNING, CITY OF	050030	07/18/80
CLAY COUNTY	CORNING, CITY OF	050223	07/02/80
YELL COUNTY	DARDANELLE, CITY OF	050026	09/23/80
CHICOT COUNTY	DERMOTT, CITY OF	050207	09/28/79
UNION COUNTY	EL DORADO, CITY OF	050027	11/15/79
CHICOT COUNTY	EUDORA, CITY OF	050022	07/10/80
CARROLL COUNTY	EUREKA SPRINGS, CITY OF	050322	07/16/80
DALLAS COUNTY	FORDYCE, CITY OF	050063	07/15/80
ST. FRANCIS COUNTY	FOREST CITY, CITY OF	050189	12/04/79
SEBASTIAN COUNTY	FORT SMITH, CITY OF	055013	08/27/71
HOONE COUNTY	HARRISON, CITY OF	050020	07/16/80
PHILLIPS COUNTY	HELENA, CITY OF	050168	07/16/79
GARLAND COUNTY	HOT SPRINGS, CITY OF	050049	12/11/79
LAWRENCE COUNTY	HUXIE, CITY OF	050112	04/15/80
UNION COUNTY	HUTTIG, CITY OF	050208	06/04/80
JACKSON COUNTY	JACKSONPORT, TOWN OF	050180	07/19/80
PULASKI COUNTY	JOHNSON, CITY OF	050218	07/16/80
WASHINGTON COUNTY	JOHNSONVILLE, CITY OF	050191	03/10/80
PULASKI COUNTY	LITTLE ROCK, CITY OF	050124	09/28/79
LEE COUNTY	MARIANNA, CITY OF	050175	07/16/80
PUTNAM COUNTY	MARKED TREE, CITY OF	050085	06/15/78
PULASKI COUNTY	NORTH LITTLE ROCK, CITY OF	050178	07/18/70
GREEN COUNTY	PARAGOULD, CITY OF	050239	07/29/80
PULASKI COUNTY	RUSSELLVILLE, CITY OF	050239	07/29/80
UNION COUNTY	SHERWOOD, CITY OF	050137	12/31/76
MILLER COUNTY	SHACKOVER, CITY OF	050193	11/16/80
CRAWFORD COUNTY	TEXARKANA, CITY OF	050120	07/16/80
SCOTT COUNTY	VAN HUREN, CITY OF	050171	05/13/78
WASHINGTON COUNTY	WALTON, CITY OF	050055	07/16/80
PHILLIPS COUNTY	WEST FORK, TOWN OF	050107	08/15/80
CHITTENDEN COUNTY	WEST HELENA, CITY OF	050060	08/15/80
JEFFERSON COUNTY	WEST MEMPHIS, CITY OF		
CROSS COUNTY	ALTHEIMER, CITY OF		
	WYNN, CITY OF		

TOTAL COMMUNITIES REPORTED IN STATE = 41

REGION 6 LOUISIANA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
WEST BATON ROUGE PAR	ADUIS, TOWN OF	220240	08/15/77
RAPIDES PARISH PAR	ALEXANDRIA, CITY OF	220146	07/17/78
EAST BATON ROUGE PAR	BAKER, CITY OF	220193	09/19/78
ST. MARY PARISH	HALDWIN, TOWN OF	220193	12/15/78
ST. CALSTEU PARISH	CALCASIEU PARISH *	220037	09/29/78
CALDWELL PARISH	CALDWELL PARISH *	220044	09/03/78
CAMERON PARISH	CAMERON PARISH *	220194	09/04/78
CONCORDIA PARISH	CLAYTON, VILLAGE OF	220054	08/01/78
EAST FELICIANA PARIS	CLINTON, TOWN OF	220049	12/04/79
GRANT PARISH	CLINTON, TOWN OF	220077	09/05/79
CALDWELL PARISH	COLUMBIA, TOWN OF	220045	06/01/78
CONCORDIA PARISH	CONCORDIA, TOWN OF *	220053	04/03/78
ACADIA PARISH	CROWLEY, CITY OF	220055	06/30/78
CALCASIEU PARISH	DE QUINCY, CITY OF	220038	04/02/79
ASCENSION PARISH	DONALDSONVILLE, CITY OF	220014	05/15/80
EAST BATON ROUGE PAR	EAST BATON ROUGE PARISH	220055	07/02/79
CONCORDIA PARISH	FERRIDAY, TOWN OF	220055	12/15/77
WASHINGTON PARISH	FRANKLIN, TOWN OF	220055	09/28/79
ST. MARY PARISH	FRANKLIN, CITY OF	220195	09/15/78
LAFOURCHE PARISH	GOLDEN MEADOW, TOWN OF	220055	11/20/78
JEFFERSON PARISH	GRAND ISLE, TOWN OF	220196	04/18/75
ST. HELENA PARISH	GREENSBURG, TOWN OF	220055	04/01/80
JEFFERSON PARISH	GRETNA, CITY OF	220055	09/19/78
JEFFERSON PARISH	GROSSE TETE, VILLAGE OF	220055	03/01/77
JEFFERSON PARISH	MARAHAN, CITY OF	220084	09/15/78
JEFFERSON PARISH	IBERIA, PARISH *	220083	07/03/78
JEFFERSON PARISH	IBERVILLE, TOWN OF	220083	06/01/78
JEFFERSON PARISH	JACKSON, TOWN OF	220037	06/04/80
JEFFERSON PARISH	JEAN LAFFITE, TOWN OF	220037	10/01/77
JEFFERSON PARISH	JEFFERSON, TOWN OF	220037	10/01/77
JEFFERSON PARISH	JONESVILLE, TOWN OF	220037	03/01/78
JEFFERSON PARISH	KENNER, CITY OF	220037	06/26/77
JEFFERSON PARISH	KENTWOOD, TOWN OF	220037	08/01/80
JEFFERSON PARISH	LAFAYETTE, PARISH *	220037	10/01/79
JEFFERSON PARISH	LAKE CHARLES, CITY OF	220037	10/01/79
JEFFERSON PARISH	LOCKPORT, TOWN OF	220037	09/22/79
JEFFERSON PARISH	MANDEVILLE, TOWN OF	220037	07/10/78
JEFFERSON PARISH	MARKSVILLE, TOWN OF	220037	12/15/78
JEFFERSON PARISH	MELVILLE, TOWN OF	220037	08/01/78
JEFFERSON PARISH	MONROE, CITY OF	220037	04/01/78
JEFFERSON PARISH	MORGAN, CITY OF	220037	07/10/78
JEFFERSON PARISH	NEW ROADS, TOWN OF	220037	04/01/78
JEFFERSON PARISH	OIL CITY, TOWN OF	220037	03/01/78
JEFFERSON PARISH	ORLEANS, PARISH *	220037	03/01/78
JEFFERSON PARISH	OUACHITA, PARISH *	220037	07/10/78
JEFFERSON PARISH	PARKS, VILLAGE OF	220037	07/10/78
JEFFERSON PARISH	PATTERSON, TOWN OF	220037	07/10/78
JEFFERSON PARISH	RICHMOND, TOWN OF	220037	07/10/78
JEFFERSON PARISH	RIDGECREST, TOWN OF	220037	04/01/78

REGION 6 LOUISIANA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
IRERVILLE PARISH	ROSEDALE, VILLAGE OF	220087	02/26/80
AVOUELLE PARISH	SIMMESPORT, TOWN OF	220025	07/16/80
ASCENSION PARISH	SORRENTO, TOWN OF	220016	06/01/78
ST. HERNARD PARISH	ST. HERNARD PARISH	220020	03/10/70
WEST FELICIANA PARISH	ST. FRANCISVILLE, TOWN OF	220023	05/10/77
ST. JOHN THE BAPTIST	ST. JOHN THE BAPTIST *	220046	07/02/77
ST. JOHANNY PARISH	ST. JOHANNY PARISH	220021	07/13/80
ST. YAMMANY PARISH	TANGIPAHOA, VILLAGE OF	220035	04/23/79
TANGIPAHOA PARISH	TANGIPAHOA, VILLAGE OF	220035	04/23/79
TERREBONNE PARISH	TERREBONNE PARISH *	220021	09/28/78
CONCORDIA PARISH	VIDALIA, TOWN OF	220037	04/03/78
WEST BATON ROUGE PAR	WEST BATON ROUGE PARISH *	220057	06/15/78
QUACHITA PARISH	WEST MONROE, CITY OF	220039	12/01/78
JEFFERSON PARISH	WEST WEGO, CITY OF	220038	02/01/78
FRANKLIN PARISH	WINNESHORE, TOWN OF	220074	09/01/78
FRANKLIN PARISH	WISNER, TOWN OF	220075	07/16/80
EAST BATON ROUGE PAR	ZACHARY, CITY OF	220061	09/15/77
TOTAL COMMUNITIES REPORTED IN STATE =			66

REGION 6 NEW MEXICO

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
EDDY COUNTY	CARLSBAD, CITY OF	350017	03/15/78
SAN JUAN COUNTY	FARMINGTON, CITY OF	350067	09/17/80
MCKINLEY COUNTY	GALLUP, CITY OF	350062	03/01/78
DONA ANA COUNTY	LAS CRUCES, CITY OF	350042	06/11/71
HIDALGO COUNTY	LORDSBURG, CITY OF	355332	09/01/78
QUAY COUNTY	SAN JON, VILLAGE OF	350026	06/18/80
SANTA FE COUNTY	SANTA FE, CITY OF	350047	07/02/80
QUAY COUNTY	TUCUMCARI, CITY OF	350070	08/15/78
TOTAL COMMUNITIES REPORTED IN STATE =		9	

55.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 6 OKLAHOMA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
LEFLORE COUNTY	WISTER, TOWN OF	400095	04/01/80
CANADIAN COUNTY	YUKON, CITY OF	400028	09/28/79
Pottawatomie County	Tecumseh, City of	400179	07/16/80

TOTAL COMMUNITIES REPORTED IN STATE = 52

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
TAYLOR COUNTY	ARLENE, CITY OF	485450	07/23/71
DALLAS COUNTY	ADDISON, TOWN OF	481089	07/16/80
NUECES COUNTY	AQUA DULCE, CITY OF	480504	03/23/78
HEKAR COUNTY	ALAMO HEIGHTS, CITY OF	480036	08/15/78
COLLIN COUNTY	ALLEN, CITY OF	480131	06/01/77
HAZORIA COUNTY	ANGLETON, CITY OF	480451	07/01/74
BRANZAS COUNTY	ARANSAS, CITY OF	480064	06/26/77
SAN PATRICIO COUNTY	ARANSAS PASS, CITY OF	480452	08/06/77
TARRANT COUNTY	ARLINGTON, CITY OF	480453	06/26/77
HEKAR COUNTY	HALCONES HEIGHTS, CITY OF	481094	04/15/80
HANDERA COUNTY	HANDERA, COUNTY OF	480020	11/01/77
HANDERA COUNTY	HANDERA, CITY OF	480021	11/01/77
MATAGORDA COUNTY	BAY CITY, CITY OF	480455	04/23/77
HARRIS COUNTY	BAYTOWN, CITY OF	480456	02/26/77
JEFFERSON COUNTY	BAYMONT, CITY OF	480457	09/02/77
TARRANT COUNTY	BEAUFORT, CITY OF	480458	07/15/77
MCLENNAN COUNTY	BELLMEAD, CITY OF	480525	07/10/77
TARRANT COUNTY	BENBROOK, CITY OF	480587	09/15/78
MCLENNAN COUNTY	BEVERLY HILLS, CITY OF	481300	07/10/77
HAZORIA COUNTY	BLUE MOUND, CITY OF	480458	12/01/77
CAMERON COUNTY	BONNEY, TOWN OF	481302	06/18/80
HAZORIA COUNTY	BROWNVILLE, CITY OF	480097	13/15/77
JOHNSON COUNTY	BRUCEVILLE, CITY OF	480101	07/16/80
CALHOUN COUNTY	CALHOUN COUNTY	480933	05/01/77
CAMERON COUNTY	CAMERON COUNTY	480133	10/23/77
DALLAS COUNTY	CARROLLTON, CITY OF	480462	11/13/77
COLLIN COUNTY	CASTROVILLE, CITY OF	480463	11/13/77
COLLIN COUNTY	CELESTIA, CITY OF	480170	08/01/77
GALVESTON COUNTY	CLEAR LAKE, CITY OF	480243	09/30/76
JOHNSON COUNTY	CLEAR LAKE SHORES, CITY OF	480291	08/15/79
HAZORIA COUNTY	CLUTE, CITY OF	480259	08/15/79
COMAL COUNTY	COMAL, COUNTY OF	480194	05/01/77
MONTGOMERY COUNTY	CORRAL, CITY OF	480653	06/04/80
DALLAS COUNTY	CORPUS CHRISTI, CITY OF	481069	07/11/75
NUECES COUNTY	CORPUS CHRISTI, TOWN OF	480466	07/11/75
GALVESTON COUNTY	CRYSTAL BEACH, CITY OF	480467	07/11/75
HARRIS COUNTY	DEER PARK, CITY OF	480468	07/11/75
VAL VERDE COUNTY	DEER RIVER, CITY OF	480469	07/11/75
GRAYSON COUNTY	DENISON, CITY OF	480470	07/11/75
DENTON COUNTY	DENISON, CITY OF	480471	07/11/75
MEDINA COUNTY	DEVINE, CITY OF	480472	07/11/75
HIDALGO COUNTY	EDINBURG, CITY OF	480473	07/11/75
JACKSON COUNTY	EDNA, CITY OF	480474	07/11/75
HARRIS COUNTY	EL CAMPO, CITY OF	480475	07/11/75
COLLIN COUNTY	EL LAGO, CITY OF	480476	07/11/75
COLLIN COUNTY	FAIRVIEW, TOWN OF	480477	07/11/75

REGION 6 TEXAS

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
DALLAS COUNTY	FARMERS BRANCH, CITY OF	480174	02/15/78
WILSON COUNTY	FLORESVILLE, CITY OF	480671	11/16/77
TARRANT COUNTY	FLORESVILLE, CITY OF	480595	08/01/78
ARAZORIA COUNTY	FORT WORTH, CITY OF	480596	06/04/80
GALVESTON COUNTY	FREEDSWOOD, CITY OF	485467	11/17/70
COLLIN COUNTY	FRISCO, CITY OF	485468	03/03/72
GALVESTON COUNTY	GALVESTON COUNTY *	480134	06/18/80
GALVESTON COUNTY	GALVESTON, CITY OF	485470	04/08/71
JACKSON COUNTY	GALVESTON, CITY OF	485469	05/26/70
DALLAS COUNTY	GARLAND, CITY OF	485471	09/28/79
ELLIS COUNTY	GLEN HEIGHS, CITY OF	485471	04/16/71
GONZALES COUNTY	GONZALES, CITY OF	481265	07/16/80
GONZALES COUNTY	GONZALES, CITY OF	480253	08/15/78
HUNT COUNTY	GRAND PRAIRIE, CITY OF	480254	06/15/79
DEFAIR COUNTY	GREENVILLE, CITY OF	485472	07/06/73
JEFFERSON COUNTY	GREY FOREST, CITY OF	485473	08/26/80
JEFFERSON COUNTY	GRIFFING PARK, TOWN OF	480039	01/19/80
JEFFERSON COUNTY	GROVES, CITY OF	485475	11/17/70
GUADALUPE COUNTY	GUADALUPE COUNTY *	485475	05/26/70
LAVACA COUNTY	HALLETSVILLE, CITY OF	480266	03/01/79
TARRANT COUNTY	HALLTOM CITY, CITY OF	485476	07/01/72
HARDIN COUNTY	HARDIN COUNTY *	480599	02/01/78
CAMERON COUNTY	HARLINGEN, CITY OF	480284	08/22/79
HARRIS COUNTY	HARRIS COUNTY *	485477	07/13/72
ROCKWALL COUNTY	HEATH, CITY OF	480287	05/26/70
MCKENNA COUNTY	HEWITT, CITY OF	480545	02/01/80
DALLAS COUNTY	HIGHLAND PARK, TOWN OF	480178	05/01/79
ARAZORIA COUNTY	HILL CREST VILLAGE, CITY OF	485478	07/16/79
GALVESTON COUNTY	HITCHCOCK, CITY OF	485479	03/11/77
MEDINA COUNTY	HONDU, CITY OF	485479	11/17/70
FORT BEND COUNTY	HOUSTON, CITY OF	480474	12/26/70
DALLAS COUNTY	HOUSTON, CITY OF	480179	05/26/70
SAN PATRICK COUNTY	INGLESDALE, CITY OF	480179	05/01/80
JACKSON COUNTY	JACKSON COUNTY *	480379	08/26/71
GALVESTON COUNTY	JAMAICA BEACH, VILLAGE OF	481271	04/08/71
COLLIN COUNTY	JOSEPHINE, CITY OF	480756	01/02/80
KIMBLE COUNTY	JUNCTION, CITY OF	480421	09/28/79
GALVESTON COUNTY	KEMAH, CITY OF	485481	06/05/70
KARNES COUNTY	KENEDY, CITY OF	485482	06/26/71
KERR COUNTY	KERR COUNTY *	480419	05/01/79
KERR COUNTY	KERRVILLE, CITY OF	480420	03/29/78
KLEBERG COUNTY	KINGSVILLE, CITY OF	480424	02/26/71
BEXAR COUNTY	KIRBY, CITY OF	480041	08/15/80
KLEBERG COUNTY	KLEBERG COUNTY *	480423	08/17/71
MIDALGO COUNTY	LA JOYA, CITY OF	480341	07/16/79
GALVESTON COUNTY	LA MARQUE, CITY OF	485486	05/26/70
HARRIS COUNTY	LA PORTE, CITY OF	485487	02/17/71
WILSON COUNTY	LA VERNIA, CITY OF	481050	05/01/78
MEDINA COUNTY	Medina County	480472	08/15/80

REGION 6 TEXAS

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 6 TEXAS

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
TRAVIS COUNTY	WEST LAKE HILLS, CITY OF	481030	07/17/78
WICHITA COUNTY	WICHITA FALLS, CITY OF	480662	10/16/78
WILSON COUNTY	WILSON COUNTY, CITY OF	480230	03/13/78
HEXAR COUNTY	WINDCREST, CITY OF	480689	08/15/77
MCCLENNAN COUNTY	WOODWAY, CITY OF	480462	05/01/79
COLLIN COUNTY	WYLIE, CITY OF	480759	06/04/80

TOTAL COMMUNITIES REPORTED IN STATE = 203

REGION 7 IOWA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
SCOTT COUNTY	LE CLAIRE, CITY OF	190243	08/15/80
AUDUBON COUNTY	ADUBON, CITY OF	190011	08/15/79
SCOTT COUNTY	BETTENDORF, CITY OF	190240	06/01/78
DUBUQUE COUNTY	CASCADE, CITY OF	190117	04/02/79
FLOYD COUNTY	CHARLES, CITY OF	190128	02/02/77
POLK COUNTY	CLIVE, CITY OF	190188	11/01/79
JOHNSON COUNTY	CORALVILLE, CITY OF	190169	09/29/78
POTTAWATTAMIE COUNTY	COUNCIL BLUFFS, CITY OF	190232	06/15/78
SCOTT COUNTY	DAVENPORT, CITY OF	190242	03/01/78
DUBUQUE COUNTY	DUBUQUE, CITY OF	195180	04/02/71
BLACK HAWK COUNTY	DUNKERTON, CITY OF	190018	01/16/80
DUBUQUE COUNTY	DYERSVILLE, CITY OF	190120	01/01/77
CLAYTON COUNTY	ELKADERVILLE, CITY OF	190124	12/29/78
EMMET COUNTY	ESTHERVILLE, CITY OF	190020	10/14/77
BLACK HAWK COUNTY	EVANSDALE, CITY OF	190021	11/02/77
WEHSTER COUNTY	FORT DODGE, CITY OF	190077	04/09/71
CLAYTON COUNTY	GUTTENBERG, CITY OF	190077	03/04/80
FRANKLIN COUNTY	HAMPTON, CITY OF	190131	05/01/79
BLACK HAWK COUNTY	HUDSON, CITY OF	190022	01/16/80
IDA COUNTY	IDA GROVE, CITY OF	190156	09/05/79
HUCHANAN COUNTY	INDEPENDENCE, CITY OF	190031	05/16/77
JOHNSON COUNTY	IOWA CITY, CITY OF	190145	05/02/77
LEE COUNTY	KEOKUK, CITY OF	190185	03/01/78
VAN RUKENY COUNTY	KEOSAUQUA, CITY OF	190503	09/05/79
SAC COUNTY	LAKE VIEW, CITY OF	190225	06/04/80
PLYMOUTH COUNTY	LAKEVIEW, CITY OF	190157	05/01/78
IOWA COUNTY	LAKEVIEW, CITY OF	190157	01/16/80
CLAYTON COUNTY	MARENGO, CITY OF	190183	01/19/72
CLAYTON COUNTY	MARQUETTE, CITY OF	190183	01/19/72
HARRISON COUNTY	MC GREGOR, CITY OF	190173	08/01/77
JONES COUNTY	MISSOURI VALLEY, CITY OF	190173	04/02/79
MUSCATINE COUNTY	MONTICELLO, CITY OF	190216	01/05/78
CHICKASAW COUNTY	MUSCATINE, CITY OF	190216	01/05/78
CHAPPEL COUNTY	NASHUA, CITY OF	190506	08/15/80
SCOTT COUNTY	OTTUMWA, PARK, CITY OF	190245	06/15/78
SCOTT COUNTY	PANORAMA, CITY OF	190245	11/05/78
SCOTT COUNTY	PRINCETON, CITY OF	190239	01/05/78
SCOTT COUNTY	RIVINGTON, CITY OF	190239	06/01/79
SCOTT COUNTY	SCOTT COUNTY, CITY OF	190230	08/01/79
SCOTT COUNTY	SILOUX, CITY OF	190231	06/15/78
SCOTT COUNTY	URBANDALE, CITY OF	190231	08/01/79
SCOTT COUNTY	WEST DES MOINES, CITY OF	190231	11/01/79
SCOTT COUNTY	WINDSOR HEIGHTS, CITY OF	190687	06/15/79

TOTAL COMMUNITIES REPORTED IN STATE = 43

REGION 7 KANSAS

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM ID NO.	EFFECTIVE DATE OF LATEST REVISION
DICKINSON COUNTY	ABILENE, CITY OF	200074	09/29/78
DICKINSON COUNTY	ATCHISON, CITY OF	200010	06/01/78
DICKINSON COUNTY	AUGUSTA, CITY OF	200038	08/15/80
DICKINSON COUNTY	BALDWIN, CITY OF	200088	01/02/80
DICKINSON COUNTY	BELLE PLAIN, CITY OF	200046	07/17/79
DICKINSON COUNTY	HONNER SPRINGS, CITY OF	200036	01/03/79
DICKINSON COUNTY	BURLINGTON, CITY OF	200063	12/04/79
DICKINSON COUNTY	CHANDLER, CITY OF	200027	01/03/79
DICKINSON COUNTY	CHAPMAN, CITY OF	200048	02/15/79
DICKINSON COUNTY	CLEARWATER, CITY OF	200022	08/15/80
DICKINSON COUNTY	COFFEYVILLE, CITY OF	200035	03/12/79
DICKINSON COUNTY	COLBY, CITY OF	200035	09/29/78
DICKINSON COUNTY	DESOIR, CITY OF	200161	08/01/79
DICKINSON COUNTY	DODGE, CITY OF	200161	05/19/78
DICKINSON COUNTY	DONIPHAN, CITY OF	200078	06/01/79
DICKINSON COUNTY	EASTON, CITY OF	200188	11/01/79
DICKINSON COUNTY	EDGERTON, CITY OF	200162	08/01/79
DICKINSON COUNTY	EDWARDSVILLE, CITY OF	200033	09/29/78
DICKINSON COUNTY	ELLINWOOD, CITY OF	200067	04/30/78
DICKINSON COUNTY	EMPIRE, CITY OF	200067	09/01/78
DICKINSON COUNTY	FARMWAY, CITY OF	200033	10/02/79
DICKINSON COUNTY	FORT SCOTT, CITY OF	200182	07/17/78
DICKINSON COUNTY	GARDEN CITY, CITY OF	200182	06/20/78
DICKINSON COUNTY	HASTEN, CITY OF	200182	08/01/78
DICKINSON COUNTY	HESSTON, CITY OF	200182	09/01/79
DICKINSON COUNTY	HUMBOLDT, CITY OF	200182	11/01/79
DICKINSON COUNTY	HUNTER, CITY OF	200182	06/01/79
DICKINSON COUNTY	INDEPENDENCE, CITY OF	200182	09/01/79
DICKINSON COUNTY	IOLA, CITY OF	200182	06/01/79
DICKINSON COUNTY	JOHNSON, CITY OF	200182	09/01/79
DICKINSON COUNTY	JUNCTION, CITY OF	200182	06/01/79
DICKINSON COUNTY	KETCHUM, CITY OF	200182	09/01/79
DICKINSON COUNTY	KINGMAN, CITY OF	200182	06/01/79
DICKINSON COUNTY	KANSLEY, CITY OF	200182	09/01/79
DICKINSON COUNTY	LANSING, CITY OF	200182	06/01/79
DICKINSON COUNTY	LARNED, CITY OF	200182	09/01/79
DICKINSON COUNTY	LEAVENWORTH, CITY OF	200182	06/01/79
DICKINSON COUNTY	LEAVENWORTH, CITY OF	200182	09/01/79
DICKINSON COUNTY	LECOMPTON, CITY OF	200182	06/01/79
DICKINSON COUNTY	LENEXA, CITY OF	200182	09/01/79
DICKINSON COUNTY	LINDSBURG, CITY OF	200182	06/01/79
DICKINSON COUNTY	LINWOOD, CITY OF	200182	09/01/79
DICKINSON COUNTY	MARION, CITY OF	200182	06/01/79
DICKINSON COUNTY	MARQUETTE, CITY OF	200182	09/01/79
DICKINSON COUNTY	MARYSVILLE, CITY OF	200182	06/01/79
DICKINSON COUNTY	MERRIAM, CITY OF	200182	09/01/79
DICKINSON COUNTY	MISSION HILLS, CITY OF	200182	06/01/79

REGION 7 KANSAS

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
JOHNSON COUNTY	MISSION, CITY OF	200170	05/15/78
SEDGWICK COUNTY	MULVANE, CITY OF	200326	09/29/78
WILSON COUNTY	NEODESHA, CITY OF	200359	08/15/78
HARVEY COUNTY	NEWTON, CITY OF	200133	10/02/79
RENO COUNTY	NICKERSON, CITY OF	200284	01/03/79
HARVEY COUNTY	NORTH NEWTON, CITY OF	200542	06/15/77
JOHNSON COUNTY	OLATHE, CITY OF	200173	19/30/77
JOHNSON COUNTY	OVERLAND PARK, CITY OF	200174	07/17/78
MIAMI COUNTY	PAOLA, CITY OF	200284	07/16/79
LABETTE COUNTY	PARSONS, CITY OF	200175	09/29/78
CRAWFORD COUNTY	PITTSBURG, CITY OF	200178	11/01/77
JOHNSON COUNTY	PRAIRIE VILLAGE, CITY OF	200303	11/01/79
PRATT COUNTY	PRAIRIE, CITY OF	200334	12/11/79
RILEY COUNTY	RILEY, CITY OF	200289	07/16/79
SHAWNEE COUNTY	ROSSVILLE, CITY OF	200137	09/15/78
REPUBLIC COUNTY	SCANDIA, CITY OF	200177	11/01/77
HARVEY COUNTY	SEDGWICK, CITY OF	200297	03/01/79
JOHNSON COUNTY	SHAWNEE, CITY OF	200275	08/01/78
DICKINSON COUNTY	SULOMON, CITY OF	200192	02/01/80
RICE COUNTY	STERLING, CITY OF	200187	11/01/79
POTTAWATOMIE COUNTY	ST. MARYS, CITY OF	200562	12/18/79
LEAVENWORTH COUNTY	TONGANOXIE, CITY OF		
SHAWNEE COUNTY	TOPEKA, CITY OF		
WYANDOTTE COUNTY	WYANDOTTE COUNTY *		
TOTAL COMMUNITIES REPORTED IN STATE =			73

REGION 7 MISSOURI

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
LINCOLN COUNTY	FOLEY, CITY OF	290210	03/01/78
LINCOLN COUNTY	FREDERICKTOWN, CITY OF	290221	01/03/79
LINCOLN COUNTY	FREEMAN, CITY OF	290222	05/01/80
CASS MADRID COUNTY	GLIDEON, CITY OF	29000660	09/10/78
CASS MADRID COUNTY	GLADSTONE, CITY OF	29000912	01/05/78
CASS MADRID COUNTY	GLENDAIRE, VILLAGE OF	29000913	09/15/77
CASS MADRID COUNTY	GRAIN VALLEY, CITY OF	29007377	08/15/77
CASS MADRID COUNTY	GRANDVIEW, CITY OF	29017111	06/15/79
CASS MADRID COUNTY	GREENWOOD, CITY OF	29007116	01/03/79
CASS MADRID COUNTY	HANLEY HILLS, VILLAGE OF	29030355	08/01/80
CASS MADRID COUNTY	HANNIBAL, CITY OF	29002223	11/01/78
CASS MADRID COUNTY	HARRISONVILLE, CITY OF	29000668	11/01/79
CASS MADRID COUNTY	HAYTI, CITY OF	29002766	09/29/78
CASS MADRID COUNTY	HAZELWOOD, CITY OF	29035777	04/01/80
CASS MADRID COUNTY	HERCULANEUM, CITY OF	29019212	05/15/78
CASS MADRID COUNTY	HERMANN, CITY OF	29001411	05/03/75
CASS MADRID COUNTY	HOLLAND, CITY OF	29005744	06/01/78
CASS MADRID COUNTY	HOLLY, CITY OF	29000933	07/04/80
CASS MADRID COUNTY	HOUSTON, CITY OF	29004400	07/18/77
CASS MADRID COUNTY	INDEPENDENCE, CITY OF	29004722	02/01/79
CASS MADRID COUNTY	JACKSON COUNTY	29001779	09/22/78
CASS MADRID COUNTY	JACKSON, CITY OF	29049978	05/04/73
CASS MADRID COUNTY	JACKSON, CITY OF	29055260	04/15/80
CASS MADRID COUNTY	JACKSON, CITY OF	29001080	06/15/79
CASS MADRID COUNTY	JENNINGS, CITY OF	29003603	12/08/76
CASS MADRID COUNTY	JUPLIN, CITY OF	29001733	09/29/78
CASS MADRID COUNTY	KANSAS, CITY OF	29009559	07/11/78
CASS MADRID COUNTY	KEARNEY, CITY OF	29001299	06/04/80
CASS MADRID COUNTY	KENNETT, CITY OF	29003625	03/16/76
CASS MADRID COUNTY	LADUE, CITY OF	29002697	07/11/79
CASS MADRID COUNTY	LAGRANGE, CITY OF	29006917	11/03/78
CASS MADRID COUNTY	LAKE LOTAWANA, CITY OF	29001744	09/29/78
CASS MADRID COUNTY	LEE'S SUMMIT, CITY OF	29004811	09/29/78
CASS MADRID COUNTY	LEWIS, CITY OF	29001751	09/29/78
CASS MADRID COUNTY	LEWIS AND CLARK, VILLAGE OF	29004811	03/15/78
CASS MADRID COUNTY	LIBERTY, CITY OF	29000909	04/03/78
CASS MADRID COUNTY	LOUISIANA, CITY OF	29029015	09/29/78
CASS MADRID COUNTY	MACKENZIE, VILLAGE OF	29003650	01/13/78
CASS MADRID COUNTY	MACON, CITY OF	29002266	11/23/73
CASS MADRID COUNTY	MAPLEWOOD, CITY OF	29055266	05/29/77
CASS MADRID COUNTY	MARION COUNTY	29002227	08/15/79
CASS MADRID COUNTY	MEXICO, CITY OF	29000977	06/01/77
CASS MADRID COUNTY	MISSOURI, CITY OF	29000977	09/01/78
CASS MADRID COUNTY	MOBERLY, CITY OF	29000985	08/01/80
CASS MADRID COUNTY	MOSHBY, CITY OF	29001655	04/28/72
CASS MADRID COUNTY	MOUNTAIN VIEW, CITY OF	29002588	05/15/78
CASS MADRID COUNTY	NEWMARKET, CITY OF	29002588	04/28/72
CASS MADRID COUNTY	NEWBURG, CITY OF	29002588	05/15/78
CASS MADRID COUNTY	NORTH KANSAS, CITY OF	29000993	05/15/78
CASS MADRID COUNTY	NORTHMOOR, CITY OF	29002588	05/15/78

REGION 7 NEBRASKA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION	COUNTY NAME	COMMUNITY NAME
310247	05/01/78	CASS COUNTY	AVOCA, VILLAGE OF
310091	09/30/77	GAGGE COUNTY	BEATRICE, CITY OF
310091	01/16/78	SARPY COUNTY	HELLEVUE, CITY OF
310074	12/04/79	DOUGLAS COUNTY	PENNINGTON, VILLAGE OF
310051	09/29/78	CUSTER COUNTY	BROKEN BOW, CITY OF
310030	03/23/80	FURNAS COUNTY	CAMBRIDGE, CITY OF
310030	09/15/79	CASS COUNTY	CEDAR CREEK, VILLAGE OF
310030	08/15/79	MERRICK COUNTY	CENTRAL CITY, CITY OF
310072	06/29/73	PLATTE COUNTY	COLUMBUS, CITY OF
310075	08/15/79	DOUGLAS COUNTY	ELKHORN, CITY OF
310069	02/01/79	DOUGLAS COUNTY	FREMONT, CITY OF
310031	02/01/79	SCOTT'S BLUFF COUNTY	GERING, CITY OF
310031	08/01/80	HALL COUNTY	HALL COUNTY, CITY OF
310031	01/19/80	SARPY COUNTY	LA VISTA, CITY OF
310031	01/19/80	LANCASTER COUNTY	LINCOLN, CITY OF
310031	03/04/80	CASS COUNTY	LOUISVILLE, VILLAGE OF
310031	01/05/78	CASS COUNTY	MURRAY, VILLAGE OF
310031	02/01/78	CASS COUNTY	NEHAWKA, VILLAGE OF
310031	03/01/78	DOODGE COUNTY	NORTH BEND, CITY OF
310031	03/01/79	DOODGE COUNTY	NORTH PLATTE, CITY OF
310031	15/01/71	DOUGLAS COUNTY	OMAHA, CITY OF
310031	08/18/72	DOUGLAS COUNTY	PAPILLION, CITY OF
310031	03/01/78	SARPY COUNTY	PENDER, VILLAGE OF
310031	03/01/78	THURSTON COUNTY	PLATTSBURGH, CITY OF
310031	03/01/78	CASS COUNTY	PLATTSBURGH, CITY OF
310031	03/01/78	DOUGLAS COUNTY	RASTON, CITY OF
310031	03/01/78	DOUGLAS COUNTY	SAUNDERS COUNTY
310031	03/01/78	DOUGLAS COUNTY	SCOTT'S BLUFF, CITY OF
310031	03/01/78	DOUGLAS COUNTY	SNYDER, CITY OF
310031	03/01/78	DOUGLAS COUNTY	SNYDER, VILLAGE OF
310031	03/01/78	DOUGLAS COUNTY	SOUTH SIOUX CITY, CITY OF
310031	03/01/78	DOUGLAS COUNTY	SOUTH SIOUX CITY, CITY OF
310031	03/01/78	DOUGLAS COUNTY	SPRINGFIELD, CITY OF
310031	03/01/78	DOUGLAS COUNTY	TECUMSEH, CITY OF
310031	03/01/78	DOUGLAS COUNTY	TEKAMAH, CITY OF
310031	03/01/78	DOUGLAS COUNTY	TERKAMAH, CITY OF
310031	03/01/78	DOUGLAS COUNTY	UNION, VILLAGE OF
310031	03/01/78	DOUGLAS COUNTY	VALLEY, CITY OF
310031	03/01/78	DOUGLAS COUNTY	WAMOO, CITY OF
310031	03/01/78	DOUGLAS COUNTY	WEAVER, CITY OF
310031	03/01/78	DOUGLAS COUNTY	WEST POINT, CITY OF
310031	03/01/78	DOUGLAS COUNTY	WINDSLOW, VILLAGE OF
310031	03/01/78	DOUGLAS COUNTY	WOOD RIVER, CITY OF
310031	03/01/78	DOUGLAS COUNTY	YORK, CITY OF

TOTAL COMMUNITIES REPORTED IN STATE = 42

REGION 8 COLORADO

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	CUMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
ADAMS COUNTY	ADAMS COUNTY *	080001	02/01/79
ALAMOSA COUNTY	ALAMOSA COUNTY *	080009	01/19/78
ARAPAHOE COUNTY	ARAPAHOE, CITY OF	080010	09/01/77
ARCHULETA COUNTY	ARCHULETA COUNTY *	080011	08/15/77
JEFFERSON COUNTY	ARVADA, CITY OF	080273	01/03/77
ARAPAHOE COUNTY	AURORA, CITY OF	085002	06/23/72
ARAPAHOE COUNTY	BASALT, TOWN OF	080052	06/01/78
ARAPAHOE COUNTY	BAYFIELD, TOWN OF	080052	03/18/80
ARAPAHOE COUNTY	BOULDER, CITY OF	080098	09/29/78
ARAPAHOE COUNTY	BOULDER, CITY OF	080023	02/01/77
ARAPAHOE COUNTY	BRECKENRIDGE, TOWN OF	080024	07/17/78
ARAPAHOE COUNTY	BRIGHTON, CITY OF	080172	06/04/80
ARAPAHOE COUNTY	BRUSH, CITY OF	080004	1/1/77
ARAPAHOE COUNTY	BRUSH, CITY OF	085073	1/1/77
ARAPAHOE COUNTY	CASTLE ROCK, TOWN OF	080130	12/01/77
ARAPAHOE COUNTY	CHEERY HILL VILLAGE, CITY OF	080050	08/15/78
ARAPAHOE COUNTY	COLUMBINE VALLEY, TOWN OF	080013	08/01/78
ARAPAHOE COUNTY	COMMERCE CITY, CITY OF	080014	06/15/78
ARAPAHOE COUNTY	DACONA, TOWN OF	080006	02/15/79
ARAPAHOE COUNTY	DURANGO, CITY OF	080236	07/16/79
ARAPAHOE COUNTY	EAGLE, TOWN OF	080099	03/18/80
ARAPAHOE COUNTY	EATON, TOWN OF	080238	06/04/80
ARAPAHOE COUNTY	ENGLEWOOD, CITY OF	085074	02/09/77
ARAPAHOE COUNTY	ERIE, TOWN OF	080181	10/11/77
ARAPAHOE COUNTY	EVANS, CITY OF	080182	04/12/79
ARAPAHOE COUNTY	FINESTONE, TOWN OF	080183	12/18/79
ARAPAHOE COUNTY	FORT COLLINS, CITY OF	080183	07/16/79
ARAPAHOE COUNTY	FORT LUCK, TOWN OF	080183	04/12/79
ARAPAHOE COUNTY	FRIEDLAND, TOWN OF	080183	07/16/79
ARAPAHOE COUNTY	FRIEDLAND, TOWN OF	080183	05/15/79
ARAPAHOE COUNTY	GARFIELD COUNTY *	080183	12/18/79
ARAPAHOE COUNTY	GLENWOOD SPRINGS, CITY OF	080183	07/16/79
ARAPAHOE COUNTY	GREENEY, CITY OF	080183	07/16/79
ARAPAHOE COUNTY	GREENWOOD VILLAGE, CITY OF	080183	07/16/79
ARAPAHOE COUNTY	HAYDEN, TOWN OF	080183	07/16/79
ARAPAHOE COUNTY	IDAHO SPRINGS, CITY OF	080183	07/16/79
ARAPAHOE COUNTY	LAFAYETTE, CITY OF	080183	07/16/79
ARAPAHOE COUNTY	LAKESIDE, CITY OF	080183	07/16/79
ARAPAHOE COUNTY	LAKESIDE, CITY OF	080183	07/16/79
ARAPAHOE COUNTY	LAS ANIMAS COUNTY *	080183	07/16/79
ARAPAHOE COUNTY	LITTLETON, CITY OF	080183	07/16/79
ARAPAHOE COUNTY	LONGMONT, CITY OF	080183	07/16/79
ARAPAHOE COUNTY	LOUISVILLE, CITY OF	080183	07/16/79
ARAPAHOE COUNTY	LOVELAND, CITY OF	080183	07/16/79
ARAPAHOE COUNTY	LYONS, TOWN OF	080183	07/16/79
ARAPAHOE COUNTY	MESA, TOWN OF	080183	07/16/79
ARAPAHOE COUNTY	MILLIKEN, TOWN OF	080183	07/16/79

REGION A COLORADO

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
BOULDER COUNTY	NEDERLAND, TOWN OF	080255	08/01/79
ADAMS COUNTY	NORTHGLENN, CITY OF	080257	09/15/78
WELD COUNTY	NUNN, TOWN OF	080188	02/01/79
ARCHULETA COUNTY	PACOSA SPRINGS, TOWN OF	080019	12/01/78
EL PASO COUNTY	PALMER LAKE, TOWN OF	080065	07/03/78
WELD COUNTY	PIERCE, TOWN OF	080189	01/15/79
PUERBLO COUNTY	PUERBLO, CITY OF	085077	12/24/73
RIO BLANCO COUNTY	HANGELY, TOWN OF	080152	08/01/77
EAGLE COUNTY	REDCLIFF, TOWN OF	080260	06/04/80
GARFIELD COUNTY	RIFFLE, CITY OF	085078	06/15/73
SAN JUAN COUNTY	SAN JUAN COUNTY *	080267	09/01/78
SAN MIGUEL COUNTY	SAN MIGUEL, CITY OF	080166	09/29/78
ARAPAHOE COUNTY	SHERIDAN, CITY OF	080018	05/03/74
CLEAR CREEK COUNTY	SILVER PLUME, TOWN OF	080200	01/17/79
SUMMIT COUNTY	SILVERTHORPE, TOWN OF	080201	05/01/80
SAN JUAN COUNTY	SILVERTHORPE, TOWN OF	080165	09/01/78
BOULDER COUNTY	STEAMBOAT SPRINGS, TOWN OF	080159	01/19/78
SAN MIGUEL COUNTY	SUPERIOR, TOWN OF	080203	09/28/79
ADAMS COUNTY	TELLURIDE, CITY OF	080168	09/15/78
LAS ANIMAS	THORNTON, CITY OF	080007	07/13/78
WELD COUNTY	TRINIDAD, CITY OF	080107	03/18/80
LARIMER COUNTY	WELLINGTON, TOWN OF	080266	02/15/79
JEFFERSON COUNTY	WHEAT RIDGE, CITY OF	085079	05/26/72
MORGAN COUNTY	WIGGINS, CITY OF	080204	02/15/79

TOTAL COMMUNITIES REPORTED IN STATE = 74

REGION A MONTANA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
CASCADE COUNTY	HELLT, TOWN OF	300009	11/15/79
SILVER HOW COUNTY	BUTTE-SILVER COUNTY #	300077	09/28/79
CASCADE COUNTY	CASCADE COUNTY	300077	04/15/80
LEWIS AND CLARK COUN	EAST HELENA, CITY OF	300004	09/04/80
LINCOLN COUNTY	EUREKA, TOWN OF	300039	07/02/79
DAWSON COUNTY	GLENDALE, CITY OF	300112	07/02/80
CASCADE COUNTY	GREAT FALLS, CITY OF	300015	09/30/77
CASCADE COUNTY	LIBBY, CITY OF	300010	07/02/79
LINCOLN COUNTY	LINCOLN COUNTY #	300042	07/02/79
CUSTER COUNTY	MILES CITY, CITY OF	300157	08/01/80
FLATHEAD COUNTY	WHITEFISH, CITY OF	300014	02/01/80
		300026	07/16/79

TOTAL COMMUNITIES REPORTED IN STATE = 11

REGION 4 NORTH DAKOTA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
PEMBINA COUNTY	HAITHGATE, CITY OF	380080	02/15/80
STARK COUNTY	HELFIELD, CITY OF	380116	09/05/79
MERCER COUNTY	BEULAH, CITY OF	380066	01/05/78
MOTTINEAU COUNTY	BOTTINEAU, CITY OF	380007	09/28/79
WARD COUNTY	BURLINGTON, CITY OF	380141	09/15/78
WARD COUNTY	CARPIO, CITY OF	380142	09/28/79
STARK COUNTY	DICKINSON, CITY OF	380117	06/01/78
WARD COUNTY	DONNYBROOK, CITY OF	380113	09/28/79
PEMBINA COUNTY	DRAYTON, CITY OF	380150	08/01/80
RANSOM COUNTY	ENDERLIN, CITY OF	385363	06/18/71
CASS COUNTY	FARGO, CITY OF	385364	05/01/71
WALSH COUNTY	FOREST RIVERS, CITY OF	380136	05/01/80
GRAND FORKS COUNTY	GRAND FORKS, CITY OF	385365	09/30/77
MERCER COUNTY	HAZEN, CITY OF	380067	12/15/77
MORTON COUNTY	HERRON, CITY OF	380071	09/05/79
CASS COUNTY	HUNTER, CITY OF	380181	12/04/79
STUTSMAN COUNTY	JAMESTOWN, CITY OF	385366	07/01/74
WARD COUNTY	MINOT, CITY OF	385367	03/16/70
HETTINGER COUNTY	MOTT, CITY OF	380038	12/08/76
LOGAN COUNTY	NAPOLEON, CITY OF	380044	05/15/80
CASS COUNTY	NOBLE, TOWNSHIP OF	380268	07/16/80
WALSH COUNTY	PARK RIVER, CITY OF	380139	05/01/80
PEMBINA COUNTY	PEMBINA, CITY OF	385368	06/30/78
CASS COUNTY	RIVERSIDE, CITY OF	380316	01/05/78
PIERCE COUNTY	RUGBY, CITY OF	380088	07/16/79
WARD COUNTY	SAWYER, CITY OF	380145	09/28/79
STARK COUNTY	STARK, CITY OF	385369	11/09/71
SCHENRY COUNTY	VELVA, CITY OF	380051	08/15/77
PEMBINA COUNTY	WALHALLA, CITY OF	380254	04/15/80
WARD COUNTY	WARD, CITY OF	385370	04/09/71
CASS COUNTY	WEST FARGO, CITY OF	380024	04/17/78
BOTTINEAU COUNTY	WILLOW, CITY OF	380011	09/28/79
CASS COUNTY	WISER, TOWNSHIP OF	380011	07/16/80
MERCER COUNTY	ZAP, CITY OF	380068	07/16/79

TOTAL COMMUNITIES REPORTED IN STATE = 34

REGION A SOUTH DAKOTA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
BROWN COUNTY	ABERDEEN, CITY OF	460007	06/01/78
BUTTE COUNTY	BELLE FOURCHE, CITY OF	460012	05/01/77
HUGHES COUNTY	HLUNT, TOWN OF	460013	05/01/78
PENNINGTON COUNTY	BOX ELDER, CITY OF	460039	05/15/80
BROOKINGS COUNTY	BROOKINGS, CITY OF	460089	10/17/78
BROWN COUNTY	COLUMBIA, CITY OF	460004	07/17/78
MINNEHAHA COUNTY	DELL RAPIDS, US, CITY OF	460008	08/15/80
STANLEY COUNTY	FORT PIERRE, CITY OF	460059	01/12/73
BROWN COUNTY	FREDERICK, TOWN OF	465419	03/01/78
PENNINGTON COUNTY	GROTON, CITY OF	460079	03/01/78
MEADE COUNTY	KEYSTONE, TOWN OF	460179	03/04/80
MINNEHAHA COUNTY	MEADE COUNTY *	460231	08/01/78
YANKTON COUNTY	MINNEHAHA COUNTY *	460057	09/05/79
DAVISON COUNTY	MISSION HILL, TOWN OF	460091	06/01/79
PENNINGTON COUNTY	MITCHELL, CITY OF	460021	02/01/79
UNION COUNTY	NEW UNDERWOOD, TOWN OF	460092	12/01/77
HUGHES COUNTY	NORTH SIOUX CITY, CITY OF	460087	05/15/80
PENNINGTON COUNTY	PIERRE, CITY OF	460040	06/04/80
MINNEHAHA COUNTY	RAPID CITY, CITY OF	465420	09/17/73
MEADE COUNTY	SIOUX FALLS, CITY OF	460060	01/17/79
MOODY COUNTY	STURGIS, CITY OF	460055	06/01/77
MINNEHAHA COUNTY	TRENT, TOWN OF	460063	06/04/80
YANKTON COUNTY	VALLEY SPRINGS, CITY OF	460221	07/16/80
	YANKTON, CITY OF	460093	08/15/80

TOTAL COMMUNITIES REPORTED IN STATE = 24

REGION H UTAH

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
DAVIS COUNTY	HOUNTIFUL, CITY OF	490039	09/29/78
CARHON COUNTY	CARHON COUNTY, CITY OF	490032	11/15/79
EMERY COUNTY	CASTLE DALE, CITY OF	490035	05/01/80
CARHON COUNTY	HELPER, CITY OF	490034	03/01/79
UTAH COUNTY	LEHI, CITY OF	490209	09/14/79
GRAND COUNTY	MOAB, CITY OF	490072	06/04/80
EMERY COUNTY	ORANGEVILLE, CITY OF	490064	03/01/79
UTAH COUNTY	PAYSON, CITY OF	490157	02/05/80
CARHON COUNTY	PRICE, CITY OF	490036	03/01/79
UTAH COUNTY	PROVO, CITY OF	490159	02/01/79
UTAH COUNTY	SALEM, CITY OF	490160	07/16/79
UTAH COUNTY	SPRINGVILLE, CITY OF	490163	02/05/80
CARHON COUNTY	SUNNYSIDE, CITY OF	490205	09/29/78

TOTAL COMMUNITIES REPORTED IN STATE = 13

REGION 8 WYOMING

65-4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
JOHNSON COUNTY	BUFFALO, CITY OF	560027	05/15/78
NATRONA COUNTY	CASPER, CITY OF	560037	09/15/77
LARAMIE COUNTY	CHEYENNE, CITY OF	560030	09/13/77
LINCOLN COUNTY	DIAMONDVILLE, TOWN OF	560034	09/13/77
CONVERSE COUNTY	DOUGLAS, TOWN OF	560013	10/17/78
NATRONA COUNTY	EVANSVILLE, TOWN OF	560071	07/10/79
FREMONT COUNTY	FREMONT COUNTY *	560080	02/01/79
CAMPBELL COUNTY	GILLETTE, CITY OF	560007	07/17/78
SWEETWATER COUNTY	GREEN RIVER, TOWN OF	560050	07/17/78
FREMONT COUNTY	HUDDSON, TOWN OF	560019	07/17/78
LINCOLN COUNTY	KEMMERER, TOWN OF	560035	08/15/78
FREMONT COUNTY	LANDEX, CITY OF	560020	09/01/80
LARAMIE COUNTY	LARAMIE COUNTY *	560029	07/16/79
ALBANY COUNTY	LINCOLN COUNTY *	560032	02/15/80
LINCOLN COUNTY	MANDERSON, TOWN OF	560006	04/19/79
NATHONA COUNTY	NATRONA COUNTY *	560036	09/15/78
SWEETWATER COUNTY	ROCK SPRINGS, CITY OF	560051	07/16/79
SHERIDAN COUNTY	SHERIDAN, CITY OF	560044	09/01/78
HOT SPRINGS COUNTY	THERMOPOLIS, TOWN OF	560026	07/17/78
UTAH COUNTY	UINTA COUNTY *	560053	12/15/79
PLATTE COUNTY	WHEATLAND, TOWN OF	560043	09/15/78
WASHAKIE COUNTY	WORLAND, CITY OF	560056	09/15/78
TOTAL COMMUNITIES REPORTED IN STATE =			23

REGION 9 ARIZONA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
MARICOPA COUNTY	AVONDALE, CITY OF	040038	06/15/79
COCHISE COUNTY	RISSEE, CITY OF	040014	01/03/79
MARICOPA COUNTY	HUCKEYE, TOWN OF	040039	02/03/80
PINAL COUNTY	CASA GRANDE, CITY OF	040080	08/01/77
MARICOPA COUNTY	CHANDLER, CITY OF	040040	07/16/80
COCHISE COUNTY	DOUGLAS, CITY OF	040015	09/19/78
MARICOPA COUNTY	EL MIRAGE, TOWN OF	040041	12/01/78
MARICOPA COUNTY	GILBERT, TOWN OF	040043	12/04/79
MARICOPA COUNTY	GILBERT, TOWN OF	040044	01/16/80
MARICOPA COUNTY	GLENDALE, CITY OF	040045	04/16/79
MARICOPA COUNTY	GLORE, CITY OF	040029	05/01/80
MARICOPA COUNTY	GUADYEN, TOWN OF	040046	07/16/79
GILA COUNTY	HAYDEN, TOWN OF	040104	09/14/79
COCHISE COUNTY	HUACHUCA CITY, CITY OF	040016	02/15/77
MARICOPA COUNTY	KINGMAN, CITY OF	040060	07/02/79
MARICOPA COUNTY	MARICOPA COUNTY *	040037	03/12/79
MARICOPA COUNTY	MESA, CITY OF	040048	05/15/80
GILA COUNTY	MIAMI, TOWN OF	040030	05/01/80
PIMA COUNTY	OKO VALLEY, TOWN OF	040109	12/04/79
MARICOPA COUNTY	PARADISE VALLEY, TOWN OF	040049	05/01/80
SANTA CRUZ COUNTY	PATAGONIA, TOWN OF	040092	03/18/80
GILA COUNTY	PAYSON, TOWN OF	040107	03/18/80
MARICOPA COUNTY	PHOENIX, CITY OF	040051	12/04/77
YAVAPAI COUNTY	PRESCOTT, CITY OF	040098	02/02/77
SANTA CRUZ COUNTY	SANTA CRUZ COUNTY *	040090	08/01/80
MARICOPA COUNTY	SCOTTSDALE, CITY OF	045012	09/21/73
MARICOPA COUNTY	TEMPE, CITY OF	040054	08/15/80
MARICOPA COUNTY	TOLLESON, CITY OF	040055	01/16/80
MARICOPA COUNTY	WICKENBURG, TOWN OF	040056	01/05/78
COCHISE COUNTY	WILLCOX, CITY OF	040018	07/17/78
GILA COUNTY	WINKLEMAN, TOWN OF	040031	09/14/79
MARICOPA COUNTY	YOUNGTOWN, TOWN OF	040057	11/15/78

TOTAL COMMUNITIES REPORTED IN STATE = 32

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

[illegible]

REGION 9 CALIFORNIA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
RIVERSIDE COUNTY	SAN JACINTO, CITY OF	065056	07/01/74
SAN JOAQUIN COUNTY	SAN JOAQUIN COUNTY *	060299	05/15/80
ORANGE COUNTY	SAN JUAN CAPISTRANO, CITY OF	060231	09/14/79
ALAMEDA COUNTY	SAN LEANDRO, CITY OF	060013	03/18/80
SAN LUIS OBISPO COUNTY	SAN LUIS OBISPO, CITY OF	060310	04/16/79
SAN DIEGO COUNTY	SAN MARCOS, CITY OF	060296	08/01/77
CONTRA COSTA COUNTY	SAN PABLO, CITY OF	060036	08/01/77
ORANGE COUNTY	SANTA ANA, CITY OF	060232	09/14/79
SANTA BARBARA COUNTY	SANTA BARBARA COUNTY *	060331	03/15/79
SANTA BARBARA COUNTY	SANTA BARBARA, CITY OF	060335	12/15/78
SANTA CLARA COUNTY	SANTA CLARA, CITY OF	060350	07/16/80
LOS ANGELES COUNTY	SANTA FE SPRINGS, CITY OF	060154	04/15/80
VENTURA COUNTY	SANTA PAULA, CITY OF	060420	04/15/80
SANTA CLARA COUNTY	SARATOGA, CITY OF	060351	01/17/79
ORANGE COUNTY	SEAL BEACH, CITY OF	060233	07/03/78
SONOMA COUNTY	SEBASSTOPOL, CITY OF	060382	06/18/80
FLORADO COUNTY	SONOMA, CITY OF	060383	01/17/79
STANISLAUS COUNTY	SOUTH LAKE TAHOE, CITY OF	065060	07/03/78
SAN JOAQUIN COUNTY	STANISLAUS COUNTY *	060384	08/01/80
NAPA COUNTY	STOCKTON, CITY OF	060302	01/03/79
SANTA CLARA COUNTY	ST. HELENA, CITY OF	060208	05/01/80
VENTURA COUNTY	SUNNYVALE, CITY OF	060352	09/15/78
MARIN COUNTY	THOUSAND OAKS, CITY OF	060420	09/29/78
LOS ANGELES COUNTY	TIBURON, CITY OF	060430	05/16/77
LOS ANGELES COUNTY	TORRANCE, CITY OF	060165	02/18/79
ORANGE COUNTY	TUSTIN, CITY OF	060235	12/14/79
ALAMEDA COUNTY	UNION, CITY OF	060014	12/01/78
SOLANO COUNTY	VALLEJO, CITY OF	060374	10/17/78
SAN BERNARDINO COUNTY	VICTORVILLE, CITY OF	065068	09/21/73
ORANGE COUNTY	VILLA PARK, CITY OF	060236	12/04/79
STANISLAUS COUNTY	WATERFORD, CITY OF	060393	07/16/79
GLENN COUNTY	WILLOWS, CITY OF	060059	06/04/80
YOLO COUNTY	WINTERS, CITY OF	060425	12/01/78
SAN MATEO COUNTY	WOODLAND, CITY OF	060426	10/16/79
SAN MATEO COUNTY	WOODSIDE, TOWN OF	060330	11/15/79
YABA COUNTY	YOUNTVILLE, CITY OF	060209	03/28/80

TOTAL COMMUNITIES REPORTED IN STATE = 132

REGION 9 HAWAII

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	Comm. ID No.	EFFECTIVE DATE OF LATEST REVISION
Hawaii County	Hilo and Vicinity	155166	07/01/74

TOTAL COMMUNITIES REPORTED IN STATE = 1

REGION 9 NEVADA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

EFFECTIVE DATE OF
LATEST REVISION

03/28/80

COMM.
ID NO.

320008

COMMUNITY NAME

DOUGLAS COUNTY *

COUNTY NAME

DOUGLAS COUNTY

TOTAL COMMUNITIES REPORTED IN STATE = 1

REGION 10 ALASKA

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
ANCHORAGE DIVISION	ANCHORAGE, MUNICIPALITY OF	020005	09/05/79
HETHEL DIVISION	HETHEL, CITY OF	020104	03/16/76
CORDOVA-MCCARTHY DI	CORDOVA, CITY OF	020037	04/02/79
FAIRBANKS DIVISION	FAIRBANKS-NORTH STAR BORU	025009	07/01/74
LYNN CANAL	HOUNAH, CITY OF	020049	04/02/79
YUKON-KOYUKUK DIV.	HEMANA, CITY OF	025010	06/09/72
SKAGWAY-YAKUTAT DIVI	SKAGWAY, CITY OF	025011	03/01/77

TOTAL COMMUNITIES REPORTED IN STATE = 7

REGION 10 IDAHO

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
BINGHAM COUNTY	ABERDEEN, CITY OF	160158	08/15/79
BANNOCK COUNTY	BANNOCK COUNTY *	160159	09/05/79
BLAINE COUNTY	HELLEVUE, CITY OF	160009	08/01/78
BENEFIT COUNTY	BENEFIT COUNTY *	160021	07/16/79
BINGHAM COUNTY	BINGHAM COUNTY *	160014	11/15/79
BINGHAM COUNTY	BLACKFOOT, CITY OF	160018	09/05/79
BINGHAM COUNTY	BOZILL, CITY OF	160020	12/18/79
BINGHAM COUNTY	CLEARWATER COUNTY *	160046	05/15/80
BINGHAM COUNTY	EAGLE, CITY OF	160003	03/04/80
BINGHAM COUNTY	GARDEN CITY, CITY OF	160004	05/17/80
BINGHAM COUNTY	GENESEE, CITY OF	160127	04/17/79
BINGHAM COUNTY	HAILEY, CITY OF	160087	12/18/79
BINGHAM COUNTY	INKOM, CITY OF	160022	04/17/78
BINGHAM COUNTY	JULIAETTA, CITY OF	160010	09/15/78
BINGHAM COUNTY	KELLOGG, CITY OF	160088	03/04/80
BINGHAM COUNTY	KENDRICK, CITY OF	160131	07/02/79
BINGHAM COUNTY	KETCHUM, CITY OF	160089	02/01/80
BINGHAM COUNTY	LATAH COUNTY *	160023	08/15/78
BINGHAM COUNTY	LAVA HOT SPRINGS, CITY OF	160086	08/01/79
BINGHAM COUNTY	MCCAMMON CITY	160176	09/15/79
BINGHAM COUNTY	MUSCON, CITY OF	160095	05/15/80
BINGHAM COUNTY	MULLAN, CITY OF	160115	08/01/79
BINGHAM COUNTY	NOTUS, CITY OF	160147	03/18/80
BINGHAM COUNTY	OSBURN, CITY OF	160116	09/05/79
BINGHAM COUNTY	PINEHURST, CITY OF	160200	07/02/79
BINGHAM COUNTY	PUCATELLO, CITY OF	160012	05/01/80
BINGHAM COUNTY	SHOSHONE COUNTY *	160114	09/05/79
BINGHAM COUNTY	ST. MARIES, CITY OF	160016	11/15/79
BINGHAM COUNTY	SUN VALLEY, CITY OF	160024	04/17/78
BINGHAM COUNTY	SWAN VALLEY, CITY OF	160154	08/01/80
BINGHAM COUNTY	TROY, CITY OF	160091	12/18/79
BINGHAM COUNTY	WALLACE, CITY OF	160119	07/02/79
BINGHAM COUNTY	WEIPPE, CITY OF	160049	12/04/79
TOTAL COMMUNITIES REPORTED IN STATE =			34

REGION 10 OREGON

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
CLATSOP COUNTY	ASTORIA, CITY OF	410028	08/01/78
MARION COUNTY	AUMSVILLE, CITY OF	410155	03/01/79
TILLAMOOK COUNTY	BAY CITY, CITY OF	410157	08/01/78
CLATSOP COUNTY	CANNON BEACH, CITY OF	410029	09/01/78
DOUGLAS COUNTY	CANYONVILLE, CITY OF	410080	11/01/78
CLACKAMAS COUNTY	CLACKAMAS COUNTY *	410058	07/03/78
CLATSOP COUNTY	CURRY COUNTY *	410052	04/03/78
DOUGLAS COUNTY	DOUGLAS COUNTY *	410059	12/01/78
DOUGLAS COUNTY	DRAIN, CITY OF	410051	08/01/78
DOUGLAS COUNTY	ELGIN, CITY OF	410021	11/01/78
DOUGLAS COUNTY	ELKHART, CITY OF	410028	11/01/78
TILLAMOOK COUNTY	GAKIHALDI, CITY OF	410030	04/01/78
CLATSOP COUNTY	GEARHART, CITY OF	410017	05/01/78
CLACKAMAS COUNTY	GLADSTONE, CITY OF	410017	03/15/78
DOUGLAS COUNTY	GLENNDALE, CITY OF	410067	09/25/78
GRANT COUNTY	GRANT COUNTY *	410067	02/11/78
MULTNOMAH COUNTY	GRANTHAM, CITY OF	410081	07/11/78
CLATSOP COUNTY	HAMMOND, CITY OF	410033	04/01/78
LINN COUNTY	ISLAND, CITY OF	410016	03/01/78
JACKSON COUNTY	JACKSONVILLE, CITY OF	410012	09/29/78
MARION COUNTY	JEFFERSON, CITY OF	410025	12/01/78
GRANT COUNTY	JOHN DAY, CITY OF	410016	09/29/78
LINCOLN COUNTY	LINCOLN, CITY OF	410016	12/01/78
TILLAMOOK COUNTY	MANZANITA, CITY OF	410016	03/01/78
MARION COUNTY	MILL CITY, CITY OF	410016	09/11/78
CLACKAMAS COUNTY	MILWAUKIE, CITY OF	410016	04/01/78
DOUGLAS COUNTY	MYRTLE, CITY OF	410016	05/01/78
TILLAMOOK COUNTY	NEHALEM, CITY OF	410016	03/01/78
LINCOLN COUNTY	NEWPORT, CITY OF	410016	02/11/78
UNION COUNTY	NORTH POWDER, CITY OF	410016	04/01/78
CLACKAMAS COUNTY	OREGON COUNTY, CITY OF	410016	02/11/78
UMATILLA COUNTY	PENDLETON, CITY OF	410016	02/11/78
POLK COUNTY	PULK COUNTY, CITY OF	410016	02/11/78
DOUGLAS COUNTY	RIDDLE, CITY OF	410016	02/11/78
TILLAMOOK COUNTY	ROCKAWAY, CITY OF	410016	02/11/78
DOUGLAS COUNTY	ROSEBURG, CITY OF	410016	02/11/78
MARION COUNTY	SALEM, CITY OF	410016	02/11/78
MARION COUNTY	SCOTT'S MILLS, CITY OF	410016	02/11/78
CLATSOP COUNTY	SEASIDE, CITY OF	410016	02/11/78
YAMHILL COUNTY	SHEPHERD, CITY OF	410016	02/11/78
LINCOLN COUNTY	SHERIDAN, CITY OF	410016	02/11/78
MARION COUNTY	SILVERTON, CITY OF	410016	02/11/78
JACKSON COUNTY	STALEY, CITY OF	410016	02/11/78
TILLAMOOK COUNTY	TALLAMOOK, CITY OF	410016	02/11/78
TILLAMOOK COUNTY	TILLAMOOK, CITY OF	410016	02/11/78

REGION 10 OREGON

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COMMUNITY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
LINCOLN COUNTY	TOLEDO, CITY OF	410133	03/01/79
MARION COUNTY	TURNER, CITY OF	410171	04/02/79
UMATILLA COUNTY	UMATILLA COUNTY *	410204	05/15/78
UNION COUNTY	UNION COUNTY *	410223	05/15/80
LINCOLN COUNTY	UNION, CITY OF	410223	12/15/78
CLATSOP COUNTY	WALDPOR, CITY OF	410134	03/15/79
CLACKAMAS COUNTY	WAKENTON, CITY OF	410033	05/15/78
TILLAMOOK COUNTY	WEST LINN, CITY OF	410024	03/15/77
DOUGLAS COUNTY	WHEELER, CITY OF	410203	11/16/77
MARION COUNTY	WINSTON, CITY OF	415593	09/14/73
LINCOLN COUNTY	WOODBURN, CITY OF	410172	03/01/79
	YACHATS, CITY OF	410135	03/01/79
TOTAL COMMUNITIES REPORTED IN STATE =			61

SEP 11, 1980

REGION 10 WASHINGTON

65.4 LIST OF COMMUNITIES WITH DETAILED ENGINEERING DATA. (FIRMS)

COUNTY NAME	COMMUNITY NAME	COMM. ID NO.	EFFECTIVE DATE OF LATEST REVISION
LEWIS COUNTY	PELLE, TOWN OF	530296	03/04/80
GARFIELD COUNTY	POMEROY, CITY	530048	07/17/78
CLALLAM COUNTY	PORT ANGELES, CITY	530023	08/01/80
KITSAPEL COUNTY	PORT ORCHARD, CITY	530094	11/01/79
WHITMAN COUNTY	POULSHO, CITY	530241	07/02/79
PIERCE COUNTY	PULLMAN, CITY	530142	07/02/79
PACIFIC COUNTY	PUYALLUP, CITY	530149	08/15/80
KING COUNTY	RAYMOND, CITY	530129	07/16/79
KENTON COUNTY	REDMOND, CITY	530087	02/01/79
OKANOGAN COUNTY	RIVERVIEW, TOWN OF	530232	03/30/70
WHITMAN COUNTY	ROSALIA, TOWN OF	530213	03/01/78
PACIFIC COUNTY	SOUTH BEND, CITY	530130	07/15/79
SPokane COUNTY	SPokane, CITY	530130	08/01/80
WHITMAN COUNTY	TEKOA, CITY	530130	08/01/79
THURSTON COUNTY	TENINO, TOWN OF	530130	06/04/80
OKANOGAN COUNTY	TOMSKET, TOWN OF	530223	01/05/78
YAKIMA COUNTY	TUMWATER, CITY	530122	07/17/78
THURSTON COUNTY	TUMWATER, CITY	530122	08/01/80
OKANOGAN COUNTY	Twisp, TOWN OF	530122	07/18/77
WHITMAN COUNTY	UNIONTOWN, TOWN OF	530122	08/01/78
LEWIS COUNTY	VADERT, TOWN OF	530122	09/11/79
YAKIMA COUNTY	WABATO, CITY	530122	07/17/78
WHITCOM COUNTY	WHITCOM COUNTY *	530122	09/30/77
WHITMAN COUNTY	WHITMAN COUNTY *	530122	05/01/80
LEWIS COUNTY	WINTLOCK, TOWN OF	530122	09/11/79
OKANOGAN COUNTY	WINTLOCK, TOWN OF	530122	11/02/77
COMLITZ COUNTY	WOODLAND, CITY	530003	02/01/78

TOTAL COMMUNITIES REPORTED IN STATE = 77

TOTAL COMMUNITIES REPORTED = 4215

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
ALABAMA	ETOWAH COUNTY	ALTOONA, CITY OF	010078	800314
ALABAMA	ETOWAH COUNTY	ATMORE, CITY OF	010071	770624
ALABAMA	CHEROKEE COUNTY	CENTRE, CITY OF	010233	800314
ALABAMA	MOBILE COUNTY	CITRONELLE, CITY OF	010277	770617
ALABAMA	CULLMAN COUNTY	CULLMAN, CITY OF	010209	770611
ALABAMA	WALKER COUNTY	GEORGIANA, CITY OF	010013	770715
ALABAMA	WINSTON COUNTY	HALEYVILLE, CITY OF	010086	760622
ALABAMA	ETOWAH COUNTY	HARTFORD, CITY OF	010254	770722
ALABAMA	COFFEE COUNTY	HOKES BLUFF, TOWN OF	010237	800328
ALABAMA	COLBERT COUNTY	KINSTON, TOWN OF	010230	771124
ALABAMA	CRENSHAW COUNTY	LITTLEVILLE, CITY OF	010338	771124
ALABAMA	MADISON COUNTY	LIVERNE, CITY OF	010058	780621
ALABAMA	GENEVA COUNTY	MADISON, TOWN OF	010308	780621
ALABAMA	MOBILE COUNTY	MADISON, TOWN OF	010087	780621
ALABAMA	COFFEE COUNTY	MOUNT VERNON, TOWN OF	010169	770722
ALABAMA	MADISON COUNTY	NEW HOPE, TOWN OF	010238	770722
ALABAMA	MADISON COUNTY	NOTASULGA, TOWN OF	010149	781124
ALABAMA	WALKER COUNTY	OAKMAN, TOWN OF	010298	800530
ALABAMA	WALKER COUNTY	PARRISH, TOWN OF	010054	770708
ALABAMA	COVINGTON COUNTY	RIVER FALLS, TOWN OF	010010	791214
ALABAMA	RAFDWIN COUNTY	SILVERHILL, CITY OF	010089	771216
ALABAMA	GENEVA COUNTY	SLOCUM, CITY OF	010138	760625
ALABAMA	LAMAR COUNTY	SULLIGENT, TOWN OF	010138	760625
ALABAMA	MORGAN COUNTY	TRINITY, TOWN OF	010309	781124
ARIZONA	COCHISE COUNTY	RENSON, TOWN OF	040013	760625
ARIZONA	APACHE COUNTY	SPRINGERVILLE, TOWN OF	040011	760625
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 25				
ARKANSAS	QUACHITA COUNTY	BEARDEN, CITY OF	050162	780623
ARKANSAS	JACKSON COUNTY	BEFDEVILLE, TOWN OF	050098	790123
ARKANSAS	LOGAN COUNTY	ROONEVILLE, CITY OF	050472	760625
ARKANSAS	LAFAYETTE COUNTY	BRADLEY, CITY OF	050114	770628
ARKANSAS	SALINE COUNTY	RYAN, CITY OF	050308	770628
ARKANSAS	LAFAYETTE COUNTY	HUCKNER, CITY OF	050115	760625
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 2				

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
ARKANSAS	JACKSON COUNTY	CAMPBELL, STATION, CITY OF	0500099	790109
ARKANSAS	LONOKE COUNTY	CARLISLE, CITY OF	050312	781212
ARKANSAS	DALLAS COUNTY	CARTHAGE, CITY OF	050062	780822
ARKANSAS	LAWRENCE COUNTY	COLLEGE, CITY OF	050316	760630
ARKANSAS	LAWRENCE COUNTY	COTTER, CITY OF	050011	760630
ARKANSAS	NEVADA COUNTY	EMMETT, CITY OF	050411	760625
ARKANSAS	RAXTER COUNTY	GASSVILLE, CITY OF	050243	791121
ARKANSAS	CLIFURNE COUNTY	HAFER SPRINGS, CITY OF	050032	760625
ARKANSAS	CLAY COUNTY	KNOBEL, TOWN OF	050032	760625
ARKANSAS	CHITOT COUNTY	LAKE VILLAGE, CITY OF	050028	780808
ARKANSAS	MISSISSIPPI COUNTY	LEACHVILLE, CITY OF	050147	760625
ARKANSAS	WHITF COUNTY	MCRAE, CITY OF	050228	760625
ARKANSAS	MISSISSIPPI COUNTY	OSCEOLA, CITY OF	050151	760630
ARKANSAS	CRAWFORD COUNTY	RUDY, TOWN OF	050052	760630
ARKANSAS	JFFERSON COUNTY	SHERILL, TOWN OF	050110	760630
ARKANSAS	JACKSON COUNTY	SWIFTON, CITY OF	050104	790102
ARKANSAS	JACKSON COUNTY	TUPELO, CITY OF	050106	790123
ARKANSAS	LONOKE COUNTY	WARD, CITY OF	050372	780905
ARKANSAS	BRADLEY COUNTY	WARREN, CITY OF	050022	770809
ARKANSAS	MISSISSIPPI COUNTY	WILSON, CITY OF	050153	760625

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 26

CALIFORNIA	ALAMEDA COUNTY	ALAMEDA, CITY OF	060002	780801
CALIFORNIA	PLACER COUNTY	AUBURN, CITY OF	060240	760630
CALIFORNIA	SOLANO COUNTY	RENNICIA, CITY OF	060368	770531
CALIFORNIA	SANTA CLARA COUNTY	CAMPBELL, CITY OF	060338	760630
CALIFORNIA	SAN DIEGO COUNTY	CARLSBAD, CITY OF	060285	770614
CALIFORNIA	CALUSA COUNTY	COLUSA, CITY OF	060023	760630
CALIFORNIA	SAN MATEO COUNTY	FOSTER, CITY OF	060318	770107
CALIFORNIA	AMADOR COUNTY	IONE, CITY OF	060016	800708
CALIFORNIA	SAN DIEGO COUNTY	LA MESA, CITY OF	060292	760625
CALIFORNIA	ORANGE COUNTY	WESTMINSTER, CITY OF	060237	780808
CALIFORNIA	COLUSA COUNTY	WILLIAMS, CITY OF	060024	800422
CALIFORNIA	ORANGE COUNTY	YORBA LINDA, CITY OF	060238	780801

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 12

COLORADO	CLFAR CRFEK COUNTY	CLFAR CRFEK COUNTY #	080034	800311
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65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
COLORADO	MONTFZUMA COUNTY	CORTEZ, CITY OF	080121	770401
COLORADO	OURAY COUNTY	RIDGWAY, TOWN OF	080138	770318
COLORADO	OTERO COUNTY	ROCKY FORD, CITY OF	080135	800603
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 4				
CONNECTICUT	NEW HAVEN COUNTY	BETHANY, TOWN OF	090144	770823
CONNECTICUT	NEW HAVEN COUNTY	PROSPECT, TOWN OF	090151	770204
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 2				
DELAWARE	SUSSEX COUNTY	BRIDGEVILLE, TOWN OF	100032	770107
DELAWARE	KENT COUNTY	CHESWOLD, TOWN OF	100004	770107
DELAWARE	KENT COUNTY	FELTON, TOWN OF	100008	770107
DELAWARE	SUSSEX COUNTY	GREENWOOD, TOWN OF	100039	780224
DELAWARE	NEW CASTLE COUNTY	MIDDLETOWN, TOWN OF	100024	770107
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 5				
FLORIDA	POLK COUNTY	AUBURNDALE, CITY OF	120262	790511
FLORIDA	SUMTER COUNTY	RUSHNELL, TOWN OF	120297	760625
FLORIDA	HAY COUNTY	CEDAR GROVE, TOWN OF	120006	800125
FLORIDA	MARION COUNTY	OCALA, CITY OF	120330	780922
FLORIDA	HARDEE COUNTY	WAUCHULA, CITY OF	120105	760625
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 5				
GEORGIA	PEACH COUNTY	FORT VALLEY, CITY OF	130148	760625
GEORGIA	COLUMBIA COUNTY	GROVETOWN, CITY OF	130245	770128
GEORGIA	COLUMBIA COUNTY	HARLEM, CITY OF	130266	770128
GEORGIA	RICHMOND COUNTY	HEPHZIBAH, TOWN OF	130442	760625

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
GEORGIA	DOOLY COUNTY	PINEHURST, CITY OF	130071	760625
GEORGIA	TALBOT COUNTY	WOODLAND, CITY OF	130397	760625

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 6

IDAHO	POWER COUNTY	AMERICAN FALLS, CITY OF	160109	760630
IDAHO	BOUNDARY COUNTY	RONNERS FERRY, CITY OF	160031	770422
IDAHO	VALLLEY COUNTY	DONNELLY, CITY OF	160121	770415
IDAHO	CLIFARWATER COUNTY	PIERCE, CITY OF	160048	780829
IDAHO	POWER COUNTY	ROCKLAND, CITY OF	160110	770401
IDAHO	SHOSHONE COUNTY	SMELTHERVILLE, CITY OF	160117	791218
IDAHO	RENEWAH COUNTY	TENSEN, CITY OF	160017	780815
IDAHO	KOOTENAI COUNTY	WORLEY, CITY OF	160085	760630

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 8

ILLINOIS	IRROQUOIS COUNTY	ASHKUM, VILLAGE OF	170287	790420
ILLINOIS	COOK COUNTY	HARRINGTON HILLS, VILLAGE OF	170058	790810
ILLINOIS	CASS COUNTY	REARPOST, CITY OF	170022	800502
ILLINOIS	FRANKLIN COUNTY	RENTON, CITY OF	170237	791214
ILLINOIS	MOULTRIE COUNTY	RETHANY, VILLAGE OF	170521	800118
ILLINOIS	COOK COUNTY	CALUMET PARK, VILLAGE OF	170073	790216
ILLINOIS	COOK COUNTY	EAST HAZEL CREST, VILLAGE OF	170085	780922
ILLINOIS	COOK COUNTY	FOREST PARK, VILLAGE OF	170092	780922
ILLINOIS	ST. CLAIR COUNTY	FREEBURGE, VILLAGE OF	170790	800118
ILLINOIS	COOK COUNTY	LA GRANGE, VILLAGE OF	170114	791109
ILLINOIS	MCLEAN COUNTY	LEROY, CITY OF	170499	800502
ILLINOIS	COOK COUNTY	MAYWOOD, VILLAGE OF	170124	780811
ILLINOIS	COOK COUNTY	RIVER FOREST, VILLAGE OF	170151	790811
ILLINOIS	LA SALLE COUNTY	SHERIDAN, VILLAGE OF	170802	790810
ILLINOIS	ST. CLAIR COUNTY	SMITHTON, VILLAGE OF	170892	760625
ILLINOIS	COOK COUNTY	SOUTH CHICAGO HEIGHTS, VILLAGE OF	170162	800502
ILLINOIS	JO DAVIESS COUNTY	STONINGTON, VILLAGE OF	170037	790928
ILLINOIS	ST. CLAIR COUNTY	SUMMERFIELD, VILLAGE OF	170636	790810
ILLINOIS	COOK COUNTY	WORTH, VILLAGE OF	170177	780707

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
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TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 19

INDIANA	WARRICK COUNTY	CHANDLER, TOWN OF	180274	790928
INDIANA	WHITLEY COUNTY	COLUMBIA, CITY OF	180300	790105
INDIANA	MARSHALL COUNTY	CULVER, TOWN OF	180384	800502
INDIANA	KNOX COUNTY	DECKER, TOWN OF	180322	791109
INDIANA	HAMILTON COUNTY	FISHERS, TOWN OF	180423	760630
INDIANA	HOWARD COUNTY	RUSSIAVILLE, TOWN OF	180427	790601
INDIANA	PORTER COUNTY	VALPARAISO, CITY OF	180204	790302

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 7

IOWA	CARROLL COUNTY	CARROLL, CITY OF	190041	791002
IOWA	POTTAWATTAMIE COUNTY	CARTER LAKE, CITY OF	190492	780808
IOWA	DUBUQUE COUNTY	EPWORTH, CITY OF	190576	770712
IOWA	BLACK HAWK COUNTY	GILBERTVILLE, CITY OF	190021	780801
IOWA	SHELBY COUNTY	PANAMA, CITY OF	190251	800826
IOWA	BLACK HAWK COUNTY	RAYMOND, CITY OF	190024	780711

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 6

KANSAS	HARVEY COUNTY	RIURTON, CITY OF	200130	770422
KANSAS	SEDGWICK COUNTY	COLUMBIA, CITY OF	200484	780711
KANSAS	JOHNSON COUNTY	COUNTRYSIDE, CITY OF	200160	760630
KANSAS	JOHNSON COUNTY	GARDNER, CITY OF	200164	770415
KANSAS	HARPER COUNTY	HARPER, CITY OF	200129	791023
KANSAS	RAWLINS COUNTY	HERNDON, CITY OF	200281	791030
KANSAS	ELK COUNTY	HOWARD, CITY OF	200507	770408
KANSAS	RENO COUNTY	HUTCHINSON, CITY OF	200283	780905
KANSAS	ELLISWORTH COUNTY	KANOPOLIS, CITY OF	200511	770408
KANSAS	JOHNSON COUNTY	LAKE QUINCY, CITY OF	200166	770726
KANSAS	DONIPHAN COUNTY	LEONA, CITY OF	200082	770107
KANSAS	SEDGWICK COUNTY	MOUNT HOPE, CITY OF	200325	780627
KANSAS	BARTON COUNTY	PAWNEE ROCK, CITY OF	200021	770114
KANSAS	JOHNSON COUNTY	ROFLAND PARK, CITY OF	200021	760630
KANSAS	STAFFORD COUNTY	STAFFORD, CITY OF	200532	800826

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
KANSAS	SFDGWICK COUNTY	VALLEY CFNTER, CITY OF	200327	770114
KANSAS	JOHNSON COUNTY	WESTWOOD, CITY OF	200179	760625
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 17				
KENTUCKY	LOGAN COUNTY	AUBURN, CITY OF	210148	781103
KENTUCKY	RUSSELL COUNTY	JAMESTOWN, CITY OF	210206	760625
KENTUCKY	GARRARD COUNTY	LANCASTER, CITY OF	210082	791214
KENTUCKY	ANDERSON COUNTY	LAWRENCEBURG, CITY OF	210003	791214
KENTUCKY	LOGAN COUNTY	LEWISBURG, CITY OF	210149	770617
KENTUCKY	MASON COUNTY	MAYSVILLE, CITY OF	210168	760630
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 6				
LOUISIANA	AVOYELLES PARISH	AVOYELLES PARISH *	220019	800226
LOUISIANA	ROSSIER PARISH	BEFNTON, TOWN OF	220032	770726
LOUISIANA	AVOYELLES PARISH	RUNKIE, TOWN OF	220020	791106
LOUISIANA	ST. LANDRY PARISH	CANKTON, VILLAGE OF	220167	760625
LOUISIANA	MADISON PARISH	DELHI, TOWN OF	220155	800108
LOUISIANA	WATER PARISH	DELTA, VILLAGE OF	220123	790925
LOUISIANA	ST. JAMES PARISH	DOYLINF, VILLAGE OF	220236	790918
LOUISIANA	ST. LANDRY PARISH	GRAMERCY, TOWN OF	220169	760630
LOUISIANA	TANGIPAHOA PARISH	GRAND COITEAU, TOWN OF	220209	770705
LOUISIANA	IRFRIA PARISH	INDPENENCF, CITY OF	220080	760630
LOUISIANA	EAST CARROLL PARISH	JFANERETTE, CITY OF	220063	791016
LOUISIANA	ST. JAMES PARISH	LAKE PROVIDENCE, TOWN OF	220248	790424
LOUISIANA	RICHLAND PARISH	LUTCHER, TOWN OF	220156	791009
LOUISIANA	AVOYELLES PARISH	MANGHAM, TOWN OF	220255	760625
LOUISIANA	VERMILION PARISH	MANSURA, TOWN OF	220227	760630
LOUISIANA	MOREHOUSE PARISH	MAURICE, VILLAGE OF	220128	780627
LOUISIANA	ST. HELENA PARISH	MEP ROUGE, VILLAGE OF	220300	790320
LOUISIANA	AVOYELLES PARISH	MONTPELIER, VILLAGE OF	220123	780131
LOUISIANA	MADISON PARISH	MOREAUVILLE, VILLAGE OF	220023	770712
LOUISIANA	IRFRIA PARISH	MOUNI, VILLAGE OF	220082	780822
LOUISIANA	EVANGELINE PARISH	NEW IRFRIA, CITY OF	220068	760625
LOUISIANA	AVOYELLES PARISH	PTNE PRAIRIE, VILLAGE OF	220024	790911
LOUISIANA	TANGIPAHOA PARISH	PLAUCHEVILLE, TOWN OF	220211	790417
LOUISIANA	TANGIPAHOA PARISH	PONCHATOULA, TOWN OF	220211	790417

65.1 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
LOUISIANA	WEST BATON ROUGE PAR	PORT ALLEN, CITY OF	220242	780124
	LAFOURCHE PARISH	THIRODAUX, CITY OF	220111	780207
	TANGIPAHOA PARISH	TICKFAW, CITY OF	220214	770628
	TENSAS PARISH	WATERPROOF, TOWN OF	220218	770621
	WEST FELICIANA PARIS	WEST FELICIANA PARISH *	220245	790215
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 29				
MAINE	PENOBSCOT COUNTY	BRADFORD, TOWN OF	230373	780704
	OXFORD COUNTY	HERRON, TOWN OF	230335	761231
	PENOBSCOT COUNTY	HOLDEN, TOWN OF	230390	781107
	ARROOSTOOK COUNTY	MARS HILL, TOWN OF	230026	781024
	ARROOSTOOK COUNTY	NEW SWEDEN, TOWN OF	230433	781024
	OXFORD COUNTY	STOW, TOWN OF	230186	781114
	OXFORD COUNTY	SWEDEN, TOWN OF	230341	781031
	PISCATAQUIS COUNTY	WELLINGTON, TOWN OF	230416	781121
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 8				
MARYLAND	GARRETT COUNTY	ACCIDENT, TOWN OF	240093	780901
	MONTGOMERY COUNTY	BARNESVILLE, TOWN OF	240094	790810
	DORCHESTER COUNTY	BROOKVIEW, TOWN OF	240097	770107
	FREDERICK COUNTY	BRUNSWICK, CITY OF	240028	770107
	DORCHESTER COUNTY	ELDORADO, TOWN OF	240105	781215
	FREDERICK COUNTY	MYERSVILLE, TOWN OF	240116	781215
	FREDERICK COUNTY	NEW WINDSOR, TOWN OF	240149	790216
	CARROLL COUNTY	PRINCESS ANNE, TOWN OF	240063	790420
	SOMERSET COUNTY	VIENNA, TOWN OF	240127	781215
	DORCHESTER COUNTY	WILLIAMSPORT, TOWN OF	240077	770610
MARYLAND	WASHINGTON COUNTY	WOODSBORO, TOWN OF	240033	781215
	FREDERICK COUNTY			
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 11				

45.1 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
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MASSACHUSETTS	HAMPSHIRE COUNTY	GOSHEN, TOWN OF	250161	781017
MASSACHUSETTS	WORCESTER COUNTY	PETERSHAM, TOWN OF	250327	790123

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 2

MICHIGAN	INGHAM COUNTY	ALATEDON, TOWNSHIP OF	260670	790928
MICHIGAN	CASS COUNTY	CASSOPOLIS, VILLAGE OF	260363	790601
MICHIGAN	ALGER COUNTY	CHATHAM, VILLAGE OF	260343	790810
MICHIGAN	BERRITTEN COUNTY	COLOMA, CITY OF	260556	800118
MICHIGAN	KALAMAZOO COUNTY	COOPER, TOWNSHIP OF	260420	790928
MICHIGAN	WAYNE COUNTY	DEARBORN, CITY OF	260220	790420
MICHIGAN	CASS COUNTY	EDWARDSBURG, VILLAGE OF	260364	790420
MICHIGAN	NEWAYGO COUNTY	FREMONT, CITY OF	260167	790810
MICHIGAN	CALHOUN COUNTY	HOMER, TOWNSHIP OF	260654	790928
MICHIGAN	WAYNE COUNTY	INKSTER, CITY OF	260232	790302
MICHIGAN	INGHAM COUNTY	LESLEY, CITY OF	260671	790810
MICHIGAN	INGHAM COUNTY	LOCKET, TOWNSHIP OF	260091	790810
MICHIGAN	FATON COUNTY	OLIVET, CITY OF	260069	791109
MICHIGAN	VAN BUREN COUNTY	PAWPAW, VILLAGE OF	260598	790105
MICHIGAN	MONROE COUNTY	PETERSBURG, CITY OF	260288	760628
MICHIGAN	FATON COUNTY	POTTERVILLE, CITY OF	260711	790928
MICHIGAN	CALHOUN COUNTY	SPRINGFIELD, CITY OF	260054	790928
MICHIGAN	CASS COUNTY	VANDALIA, VILLAGE OF	260370	791214
MICHIGAN	INGHAM COUNTY	WERRERVILLE, VILLAGE OF	260416	790810

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 19

MINNESOTA	DAKOTA COUNTY	EAGAN, CITY OF	270103	780811
MINNESOTA	CLAY COUNTY	FELTON, CITY OF	270081	790810
MINNESOTA	FILLMORE COUNTY	RUSHFORD, CITY OF	270687	800523
MINNESOTA	RAMSEY COUNTY	VADNAIS HEIGHTS, CITY OF	270385	760630

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 4

MISSISSIPPI	HOLIVAR COUNTY	REFULAH, TOWN OF	280014	760625
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65.1 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE COMMUNITY NAME ID# EFFECTIVE DATE OF FIRM

MISSISSIPPI HOLLIVAR COUNTY 280018 760625
MISSISSIPPI COAHOMA COUNTY 280043 760625

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 3

MISSOURI ARCHIE, CITY OF 290061 780912
MISSOURI CENTRALIA, CITY OF 290035 770415
MISSOURI CLARKSON, CITY OF 290340 770408
MISSOURI CLARKSON, CITY OF 290126 800129
MISSOURI DELWOOD, CITY OF 290346 780627
MISSOURI DREXFL, CITY OF 290065 770408
MISSOURI EAST LYNNE, CITY OF 290232 800325
MISSOURI EAST PRAIRIE, CITY OF 290232 790922
MISSOURI ELDON, CITY OF 290587 781225
MISSOURI FARMER, CITY OF 290067 770408
MISSOURI GARDEN, CITY OF 290278 790411
MISSOURI HOWESTOWN, CITY OF 290251 790710
MISSOURI LAKE WAUKOMIS, CITY OF 290700 800415
MISSOURI NORWOOD COURT, VILLAGE OF 290867 800318
MISSOURI OAKVIEW, CITY OF 290695 791122
MISSOURI RIDGEWAY, CITY OF 290543 800657
MISSOURI RIVERSVIEW, CITY OF 290381 770325
MISSOURI STRASBURG, CITY OF 290071 790411
MISSOURI ST. JOHN, CITY OF 290384 800318
MISSOURI UNIONVILLE, CITY OF 290301 790411
MISSOURI WARDEN, CITY OF 290636 770415
MISSOURI WYATT, CITY OF 290236 760625

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 23

NEBRASKA ALDA, VILLAGE OF 310242 780620
NEBRASKA CATRO, VILLAGE OF 310101 780620
NEBRASKA DONIPHAN, VILLAGE OF 310102 780620
NEBRASKA GREENWOOD, VILLAGE OF 310374 800603
NEBRASKA SALFEM, VILLAGE OF 310185 770418
NEBRASKA WATERLOO, VILLAGE OF 310079 770411

45.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 6				
NEVADA	NVE COUNTY	GARRS, CITY OF	320034	800122
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 1				
NEW HAMPSHIRE	CARROLL COUNTY	BROOKFIELD, TOWN OF	330179	770517
NEW HAMPSHIRE	HILLSBOROUGH COUNTY	FRANCESTOWN, TOWN OF	330086	770517
NEW HAMPSHIRE	MERRIMACK COUNTY	SUTTON, TOWN OF	330122	770517
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 3				
NEW JERSEY	SALEM COUNTY	ALLOWAY, TOWNSHIP OF	340413	790615
NEW JERSEY	WARREN COUNTY	ALPHA, BOROUGH OF	340576	771223
NEW JERSEY	CAMDEN COUNTY	AUDUBON, BOROUGH OF	340121	771013
NEW JERSEY	CAMDEN COUNTY	BERLIN, BOROUGH OF	340125	770513
NEW JERSEY	CAMDEN COUNTY	REVERLY, TOWNSHIP OF	340126	780224
NEW JERSEY	HURLINGTON COUNTY	REVERLY, CITY OF	340086	771223
NEW JERSEY	ATLANTIC COUNTY	BUENA VISTA, TOWNSHIP OF	340525	790622
NEW JERSEY	ATLANTIC COUNTY	ESTELL MANOR, CITY OF	340573	781103
NEW JERSEY	BERGEN COUNTY	HASBROUCK HEIGHTS, BOROUGH OF	340041	760630
NEW JERSEY	CUMBERLAND COUNTY	HOPEWELL, TOWNSHIP OF	340170	781215
NEW JERSEY	CAMDEN COUNTY	LAUREL SPRINGS, BOROUGH OF	340547	770513
NEW JERSEY	CAMDEN COUNTY	MAGNOLIA, BOROUGH OF	340138	781124
NEW JERSEY	MORRIS COUNTY	MOUNT ARLINGTON, BOROUGH OF	340541	791026
NEW JERSEY	CAMDEN COUNTY	MOUNT EPHRAIM, BOROUGH OF	340140	780901
NEW JERSEY	MONMOUTH COUNTY	NEPTUNE CITY, BOROUGH OF	340316	780811
NEW JERSEY	HURLINGTON COUNTY	NEW HANOVER, TOWNSHIP OF	340108	790511
NEW JERSEY	HURLINGTON COUNTY	NORTH HANOVER, TOWNSHIP OF	340109	790803
NEW JERSEY	ATLANTIC COUNTY	NORTHFIELD, CITY OF	340014	791103
NEW JERSEY	CAMDEN COUNTY	OAKLYN, BOROUGH OF	340141	781103
NEW JERSEY	MERCER COUNTY	PENNINGTON, BOROUGH OF	340251	760625
NEW JERSEY	OCEAN COUNTY	PINE REACH, BOROUGH OF	340385	780811
NEW JERSEY	CAMDEN COUNTY	PINE HILL, BOROUGH OF	340143	780224
NEW JERSEY	MERCER COUNTY	PRINCETON, BOROUGH OF	340253	770520

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
NEW JERSEY	HURLINGTON COUNTY	SHAMONG, TOWNSHIP OF	340534	790615
NEW JERSEY	CUMBERLAND COUNTY	STOW CREEK, TOWNSHIP OF	340174	790615
NEW JERSEY	MONMOUTH COUNTY	UPPER FREEHOLD, TOWNSHIP OF	340332	791002
NEW JERSEY	GLOUCESTER COUNTY	WENONAH, BOROUGH OF	340503	790511
NEW JERSEY	ATLANTIC COUNTY	WEYMOUTH, TOWNSHIP OF	340536	790518
NEW JERSEY	CAPE MAY COUNTY	WOODBINE, BOROUGH OF	340164	790518
NEW JERSEY	GLOUCESTER COUNTY	WOODBURY, CITY OF	340550	790511
NEW JERSEY	GLOUCESTER COUNTY	WOODBURY, CITY OF	340216	790511
NEW JERSEY	SALEM COUNTY	WOODSTOWN, BOROUGH OF	340426	790511
NEW JERSEY	BURGESS COUNTY	WOOD-RIDGE, BOROUGH OF	340083	790811
NEW JERSEY	HURLINGTON COUNTY	WRIGHTSTOWN, BOROUGH OF	340120	790511
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 34				
NEW MEXICO	SAN JUAN COUNTY	BLOOMFIELD, CITY OF	350066	780808
NEW MEXICO	UNION COUNTY	CLAYTON, TOWN OF	350084	791113
NEW MEXICO	LEA COUNTY	EUNICE, CITY OF	350028	780822
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 3				
NEW YORK	ORLEANS COUNTY	ALBION, TOWN OF	361252	800808
NEW YORK	ORLEANS COUNTY	ALBION, VILLAGE OF	360642	791118
NEW YORK	ORTE COUNTY	ANGOLA, TOWN OF	360982	790824
NEW YORK	WASHINGTON COUNTY	ARGYLE, TOWN OF	361222	790518
NEW YORK	WASHINGTON COUNTY	ARGYLE, VILLAGE OF	361559	790608
NEW YORK	GENESSEE COUNTY	BERGEN, TOWN OF	361472	790817
NEW YORK	GENESSEE COUNTY	BERGEN, VILLAGE OF	360672	760627
NEW YORK	ERIE COUNTY	REPLIN, TOWN OF	361489	790728
NEW YORK	ERIE COUNTY	REPLIN, VILLAGE OF	361534	790522
NEW YORK	WESTCHESTER COUNTY	BUCHANAN, VILLAGE OF	360770	800808
NEW YORK	WESTCHESTER COUNTY	CANTON, VILLAGE OF	360105	790811
NEW YORK	STEFUREN COUNTY	CATO, TOWN OF	360106	790824
NEW YORK	CAYUGA COUNTY	CATO, VILLAGE OF	360124	790511
NEW YORK	CAYUGA COUNTY	DEERING, VILLAGE OF	360238	790811
NEW YORK	SUFFOLK COUNTY	EDEN, TOWN OF	361150	790511
NEW YORK	ERIE COUNTY	EDEN, TOWN OF	361150	790511
NEW YORK	COLUMBIA COUNTY	GERMANTON, TOWN OF	361150	790511
NEW YORK	ORANGE COUNTY	HIGHLAND, TOWN OF	361150	790511
NEW YORK	ORANGE COUNTY	HIGHLAND, FALLS, VILLAGE OF	361150	790511
NEW YORK	ULSTER COUNTY	HIGHLAND, TOWN OF	361150	790511
NEW YORK	ULSTER COUNTY	HOLLEY, VILLAGE OF	361150	790511

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
NEW YORK	RENSSELAER COUNTY	HOOSICK FALLS, VILLAGE OF	360674	800516
NEW YORK	WASHINGTON COUNTY	KINGSBURY, TOWN OF	361235	790907
NEW YORK	OSWEGO COUNTY	LACONA, VILLAGE OF	361350	790511
NEW YORK	NASSAU COUNTY	LATTINGTOWN, VILLAGE OF	360474	790901
NEW YORK	GENESEE COUNTY	LE ROY, TOWN OF	360280	790914
NEW YORK	HERKIMER COUNTY	LITTLE FALLS, TOWN OF	360311	800328
NEW YORK	COLUMBIA COUNTY	LIVINGSSTON, TOWN OF	360175	790511
NEW YORK	WAYNE COUNTY	LYONS, TOWN OF	361226	790907
NEW YORK	ORLEANS COUNTY	MEDINA, VILLAGE OF	360644	800328
NEW YORK	CAYUGA COUNTY	MERIDIAN, VILLAGE OF	361520	790511
NEW YORK	DUTCHESS COUNTY	MILAN, TOWN OF	361339	790810
NEW YORK	ORANGE COUNTY	MINTSINK, TOWN OF	360620	790727
NEW YORK	ORLEANS COUNTY	MURRAY, TOWN OF	361256	800321
NEW YORK	RENSSELAER COUNTY	NASSAU, VILLAGE OF	360675	790811
NEW YORK	ROCKLAND COUNTY	NEW SQUARE, VILLAGE OF	360684	780922
NEW YORK	WAYNE COUNTY	NEWARK, VILLAGE OF	360894	760630
NEW YORK	ESSEX COUNTY	NORTH FLRA, TOWN OF	361156	790720
NEW YORK	LEWIS COUNTY	OSCEOLA, TOWN OF	360374	760630
NEW YORK	WYOMING COUNTY	PERRY, VILLAGE OF	361025	770715
NEW YORK	RENSSELAER COUNTY	PETERSBURG, TOWN OF	361165	780901
NEW YORK	NASSAU COUNTY	PLANDOME HEIGHTS, VILLAGE OF	360485	780811
NEW YORK	ORLEANS COUNTY	PTONGWAY, TOWN OF	361257	790914
NEW YORK	NIAGARA COUNTY	ROYALTON, TOWN OF	360511	790702
NEW YORK	OSWEGO COUNTY	SANDY CREEK, VILLAGE OF	361358	790511
NEW YORK	CAYUGA COUNTY	SENNETT, TOWN OF	360124	790622
NEW YORK	COLUMBIA COUNTY	STUYVESANT, TOWN OF	361323	790914
NEW YORK	CAYUGA COUNTY	THROOP, TOWN OF	360128	790803
NEW YORK	LEWIS COUNTY	TURIN, VILLAGE OF	361355	770701
NEW YORK	SENECA COUNTY	TYRE, TOWN OF	361206	790831
NEW YORK	CHEMUNG COUNTY	VAN ETTFEN, TOWN OF	361045	790928
NEW YORK	ST. LAWRENCE COUNTY	WADDINGTON, VILLAGE OF	361468	790511
NEW YORK	DUTCHESS COUNTY	WASHINGTON, TOWN OF	361147	790817
NEW YORK	STUFREN COUNTY	WHEELER, TOWN OF	361438	800725
NEW YORK	SULLIVAN COUNTY	WOODBRIDGE, VILLAGE OF	361475	760625

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 53

NORTH CAROLINA	ORANGE COUNTY	CARRBORO, TOWN OF	370275	760625
NORTH CAROLINA	GRANVILLE COUNTY	CREEFMOOR, CITY OF	370107	760625
NORTH CAROLINA	DAVIE COUNTY	DAVIE COUNTY #	370308	800321
NORTH CAROLINA	HALIFAX COUNTY	ENFIELD, TOWN OF	370115	760625
NORTH CAROLINA	GATES COUNTY	GATESVILLE, TOWN OF	370104	770513

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
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NORTH CAROLINA	HALIFAX COUNTY	HORGGOOD, TOWN OF	370116	770701
NORTH CAROLINA	UNION COUNTY	INDIAN TRAIL, TOWN OF	370235	800321
NORTH CAROLINA	PITT COUNTY	WINTERVILLE, TOWN OF	370193	780224

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 8

NORTH DAKOTA	GRIGGS COUNTY	COOPERSTOWN, CITY OF	380219	791211
NORTH DAKOTA	QUINN COUNTY	DODGE, CITY OF	380027	800812
NORTH DAKOTA	STUTSMAN COUNTY	KENSAL, CITY OF	380123	791120
NORTH DAKOTA	LA MOURE COUNTY	LA MOURE, CITY OF	380042	800321
NORTH DAKOTA	LOTTINEAU COUNTY	LANSFORD, CITY OF	380184	800812
NORTH DAKOTA	RARNES COUNTY	LITCHVILLE, CITY OF	380187	791120
NORTH DAKOTA	LA MOURE COUNTY	MARION, CITY OF	380188	800422
NORTH DAKOTA	NELSON COUNTY	MICHIGAN, CITY OF	380076	800527
NORTH DAKOTA	PEMBINA COUNTY	PETERSBURG, CITY OF	380085	800716
NORTH DAKOTA	WILLIAMS COUNTY	RAY, CITY OF	380194	800513
NORTH DAKOTA	STARK COUNTY	TAYLOR, CITY OF	380247	800429
NORTH DAKOTA	WING, CITY OF	WING, CITY OF	380118	800812
NORTH DAKOTA	RURLFIGH COUNTY		380213	800812

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 13

OHIO	CUYAHOGA COUNTY	BEACHWOOD, CITY OF	390094	790420
OHIO	CUYAHOGA COUNTY	BEREA, CITY OF	390097	790601
OHIO	JEFFERSON COUNTY	BERGHOLZ, VILLAGE OF	390695	791214
OHIO	CUYAHOGA COUNTY	BROADVIEW HEIGHTS, CITY OF	390099	790302
OHIO	CUYAHOGA COUNTY	BROOK PARK, CITY OF	390102	790601
OHIO	CUYAHOGA COUNTY	BROOKLYN, CITY OF	390100	790601
OHIO	OTTAWA COUNTY	CLAY CENTER, VILLAGE OF	390875	800620
OHIO	CUYAHOGA COUNTY	CLEVELAND HEIGHTS, CITY OF	390105	760625
OHIO	CUYAHOGA COUNTY	EAST CANTON, VILLAGE OF	390513	790215
OHIO	STARK COUNTY	HAMILTON, CITY OF	390039	770715
OHIO	RUTLER COUNTY	HARTFORD, VILLAGE OF	390331	790810
OHIO	LICKING COUNTY	HIGHLAND HEIGHTS, CITY OF	390110	790601
OHIO	CUYAHOGA COUNTY	HOLLAND, VILLAGE OF	390659	780622
OHIO	LUCAS COUNTY	KIPTON, VILLAGE OF	390743	780928
OHIO	LORAIN COUNTY	LEXINGTON, VILLAGE OF	390618	790928
OHIO	RICHLAND COUNTY	LINDSEY, VILLAGE OF	390494	780901
OHIO	SANDUSKY COUNTY	MIDDLETOWN, CITY OF	390040	780302
OHIO	RUTLER COUNTY			

STATE	65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
OHIO	FRIE COUNTY	FRIE COUNTY	MILAN, VILLAGE OF	390155	780901
OHIO	HAMILTON COUNTY	HAMILTON COUNTY	MONTGOMERY, CITY OF	390228	760625
OHIO	CUYAHOGA COUNTY	CUYAHOGA COUNTY	MORELAND HILLS, CITY OF	390118	790601
OHIO	HAMILTON COUNTY	HAMILTON COUNTY	MOUNT HEALTH, CITY OF	390229	781215
OHIO	PICKAWAY COUNTY	PICKAWAY COUNTY	NEW HOLLAND, VILLAGE OF	390448	800118
OHIO	CUYAHOGA COUNTY	CUYAHOGA COUNTY	NEWBURGH HEIGHTS, VILLAGE OF	390119	790601
OHIO	CUYAHOGA COUNTY	CUYAHOGA COUNTY	OAKWOOD, VILLAGE OF	390122	790302
OHIO	CUYAHOGA COUNTY	CUYAHOGA COUNTY	OLMSTED FALLS, CITY OF	390672	790601
OHIO	RUTLER COUNTY	RUTLER COUNTY	OXFORD, CITY OF	390731	790216
OHIO	SUMMIT COUNTY	SUMMIT COUNTY	PENINSULA, VILLAGE OF	390530	790302
OHIO	LAKE COUNTY	LAKE COUNTY	PERBY, VILLAGE OF	390320	781215
OHIO	MIAMI COUNTY	MIAMI COUNTY	PIQUA, CITY OF	390400	791109
OHIO	GUERNSEY COUNTY	GUERNSEY COUNTY	PLEASANT CITY, VILLAGE OF	390203	790105
OHIO	ASHTABULA COUNTY	ASHTABULA COUNTY	ROCK CREEK, VILLAGE OF	390665	780707
OHIO	MAHONING COUNTY	MAHONING COUNTY	SEVEN HILLS, CITY OF	390371	780811
OHIO	CUYAHOGA COUNTY	CUYAHOGA COUNTY	WINDHAM, VILLAGE OF	390128	790601
OHIO	PORTAGE COUNTY	PORTAGE COUNTY	WINTERSVILLE, VILLAGE OF	390459	791214
OHIO	JEFFERSON COUNTY	JEFFERSON COUNTY	WYOMING, CITY OF	390305	790105
OHIO	HAMILTON COUNTY	HAMILTON COUNTY	MCDONALD, VILLAGE OF	390240	790302
OHIO	TRUMBULL COUNTY	TRUMBULL COUNTY		390538	08/08/80

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 37

OKLAHOMA	OKMULGEE COUNTY	REGGS, CITY OF	400345	780919
OKLAHOMA	CRAIG COUNTY	BLUE JACKET, TOWN OF	400262	781024
OKLAHOMA	LEFLORE COUNTY	ROKOSHE, TOWN OF	400350	790417
OKLAHOMA	COAL COUNTY	COALGATE, CITY OF	400047	780808
OKLAHOMA	WASHINGTON COUNTY	COPAN, TOWN OF	400361	770726
OKLAHOMA	LINCOLN COUNTY	DAVENPORT, TOWN OF	400365	781031
OKLAHOMA	HUGHES COUNTY	DUSTIN, TOWN OF	400371	770625
OKLAHOMA	ELLIS COUNTY	GAGE, TOWN OF	400060	760625
OKLAHOMA	HUGHES COUNTY	HOLDENVILLE, CITY OF	400244	780812
OKLAHOMA	KITOWA COUNTY	MOUNTAIN VIEW, TOWN OF	400087	781010
OKLAHOMA	NORFOLK COUNTY	PERRY, CITY OF	400134	781010
OKLAHOMA	COTTON COUNTY	RANDLETT, TOWN OF	400318	780912
OKLAHOMA	WAGONER COUNTY	RED BIRD, TOWN OF	400321	791009
OKLAHOMA	PONTOTOC COUNTY	ROFF, TOWN OF	400176	791127
OKLAHOMA	MUSKOGEE COUNTY	WAINWRIGHT, TOWN OF	400129	780808
OKLAHOMA	LATIMER COUNTY	WILBURTON, CITY OF	400250	790424

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 16

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
OREGON	JACKSON COUNTY	BUTTE FALLS, TOWN OF	410091	760630
OREGON	YAMHILL COUNTY	CARLTON, CITY OF	410251	760630
OREGON	MARION COUNTY	DETROIT, CITY OF	410157	760630
OREGON	CLACKAMAS COUNTY	ESTACADA, CITY OF	410016	760630
OREGON	MARION COUNTY	GATES, CITY OF	410159	791204
OREGON	MARION COUNTY	GERVAIS, CITY OF	410160	760630
OREGON	CLACKAMAS COUNTY	HAPPY VALLEY, CITY OF	410026	791204
OREGON	UMATILLA COUNTY	MILTON-FREEWATER, CITY OF	410210	780912
OREGON	MARION COUNTY	MT. ANGEL, CITY OF	410165	760630
OREGON	CURRY COUNTY	PORT ORFORD, CITY OF	410272	800129
OREGON	COOS COUNTY	POWERS, CITY OF	410049	760630
OREGON	CLACKAMAS COUNTY	SANDY, CITY OF	410023	791211
OREGON	UNION COUNTY	SUMMERVILLE, CITY OF	410222	800115

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 13

PENNSYLVANIA	LEHIGH COUNTY	ALBRIGHT, BOROUGH OF	420584	781215
PENNSYLVANIA	ALLEGHENY COUNTY	AVALON, BOROUGH OF	420006	781215
PENNSYLVANIA	ALLEGHENY COUNTY	BELEVUE, BOROUGH OF	420009	781215
PENNSYLVANIA	ALLEGHENY COUNTY	RELLWOOD, BOROUGH OF	420160	790620
PENNSYLVANIA	ALLEGHENY COUNTY	RENDERSVILLE, BOROUGH OF	422293	790420
PENNSYLVANIA	ADAMS COUNTY	RETHEL, BOROUGH OF	421606	790810
PENNSYLVANIA	DELAWARE COUNTY	BLAIN, BOROUGH OF	420747	770624
PENNSYLVANIA	PERRY COUNTY	BOLIVAR, BOROUGH OF	420873	790810
PENNSYLVANIA	WESTMORELAND COUNTY	BOYERTOWN, BOROUGH OF	420128	760625
PENNSYLVANIA	BERKS COUNTY	BRADDOCK HILLS, BOROUGH OF	420016	790810
PENNSYLVANIA	ALLEGHENY COUNTY	BRATTON, BOROUGH OF	421153	781215
PENNSYLVANIA	ALLEGHENY COUNTY	CARMICHAEL, BOROUGH OF	420475	790928
PENNSYLVANIA	ALLEGHENY COUNTY	CHICORA, BOROUGH OF	420214	790810
PENNSYLVANIA	ALLEGHENY COUNTY	CHURCHILL, BOROUGH OF	420023	781215
PENNSYLVANIA	ALLEGHENY COUNTY	CLARKS GREEN, BOROUGH OF	422454	760625
PENNSYLVANIA	LACKAWANNA COUNTY	CONNELLY LAKE, BOROUGH OF	422386	790810
PENNSYLVANIA	CRAWFORD COUNTY	COPLAY, BOROUGH OF	421807	760625
PENNSYLVANIA	LEHIGH COUNTY	COURTDALE, BOROUGH OF	420601	790601
PENNSYLVANIA	LUZERNE COUNTY	CROSSROADS, BOROUGH OF	422209	790601
PENNSYLVANIA	YORK COUNTY	DICKINSON, BOROUGH OF	421580	790420
PENNSYLVANIA	CUMBERLAND COUNTY	DILLSBURG, BOROUGH OF	420919	790928
PENNSYLVANIA	YORK COUNTY	EAST GREENVILLE, BOROUGH OF	421901	760630
PENNSYLVANIA	MONTGOMERY COUNTY	ELFENSBURG, BOROUGH OF	422241	790928
PENNSYLVANIA	CAMBERTA COUNTY	ELGIN, BOROUGH OF	422260	760625
PENNSYLVANIA	FRY COUNTY	ELIZABETH, BOROUGH OF	420378	760625
PENNSYLVANIA	DAUPHIN COUNTY	ELIZABETH, BOROUGH OF	420378	790928
PENNSYLVANIA	LANCASTER COUNTY	ELIZABETH, BOROUGH OF	421773	790928

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
PENNSYLVANIA	WARREN COUNTY	ELK, TOWNSHIP OF	422119	760630
PENNSYLVANIA	VENANGO COUNTY	FMLENTON, BOROUGH OF	422107	760630
PENNSYLVANIA	ADAMS COUNTY	FAIRVIEW, TOWNSHIP OF	422295	790105
PENNSYLVANIA	LUZERNE COUNTY	FAIRVIEW, BOROUGH OF	422093	790601
PENNSYLVANIA	YORK COUNTY	FAWN GROVE, BOROUGH OF	422570	760625
PENNSYLVANIA	BEAVER COUNTY	GEORGETOWN, BOROUGH OF	422313	760624
PENNSYLVANIA	ERIE COUNTY	GIRARD, BOROUGH OF	422413	760630
PENNSYLVANIA	ERIE COUNTY	GIRARD, TOWNSHIP OF	422136	760630
PENNSYLVANIA	DAUPHIN COUNTY	GRATZ, BOROUGH OF	422159	760630
PENNSYLVANIA	MERCER COUNTY	GREENE, TOWNSHIP OF	422478	760630
PENNSYLVANIA	CENTRE COUNTY	HALFMOON, TOWNSHIP OF	422146	760630
PENNSYLVANIA	LEHIGH COUNTY	HANOVER, TOWNSHIP OF	422235	760630
PENNSYLVANIA	LEHIGH COUNTY	HARRISVILLE, BOROUGH OF	422351	760630
PENNSYLVANIA	CAMBRIDGE COUNTY	JACKSON, TOWNSHIP OF	422142	760630
PENNSYLVANIA	YORK COUNTY	JACOBUS, TOWNSHIP OF	422092	760630
PENNSYLVANIA	WASHINGTON COUNTY	JEFFERSON, TOWNSHIP OF	422162	760630
PENNSYLVANIA	WASHINGTOWN COUNTY	JEFFERSON, TOWNSHIP OF	422162	760630
PENNSYLVANIA	FAYETTE COUNTY	JUNIATA, TOWNSHIP OF	422134	760630
PENNSYLVANIA	REDFORD COUNTY	KNOX, TOWNSHIP OF	422152	760630
PENNSYLVANIA	CLIFFORD COUNTY	LACKAWANNA, TOWNSHIP OF	422482	760630
PENNSYLVANIA	MERCER COUNTY	LAFAYETTE, TOWNSHIP OF	422185	760630
PENNSYLVANIA	MCKEAN COUNTY	LAFAYETTE, TOWNSHIP OF	422185	760630
PENNSYLVANIA	ERIE COUNTY	LAKEMORE, TOWNSHIP OF	422116	760630
PENNSYLVANIA	ADAMS COUNTY	LATIMORE, TOWNSHIP OF	422116	760630
PENNSYLVANIA	ARMSTRONG COUNTY	LEFFCHURGH, BOROUGH OF	422009	770520
PENNSYLVANIA	ADAMS COUNTY	LITTLESTOWN, BOROUGH OF	422124	760625
PENNSYLVANIA	DELAWARE COUNTY	LOWER CHICHESTER, TOWNSHIP OF	422160	760625
PENNSYLVANIA	FRANKLIN COUNTY	LURGAN, TOWNSHIP OF	422165	780901
PENNSYLVANIA	REDFORD COUNTY	MANN, TOWNSHIP OF	422134	780901
PENNSYLVANIA	ALLEGHENY COUNTY	MARTINSBURG, BOROUGH OF	422134	790420
PENNSYLVANIA	DAUPHIN COUNTY	MEDIA, BOROUGH OF	422042	790922
PENNSYLVANIA	LYCOMING COUNTY	MILL CREEK, TOWNSHIP OF	422159	790922
PENNSYLVANIA	DELAWARE COUNTY	MILL CREEK, TOWNSHIP OF	422159	790922
PENNSYLVANIA	LANCASTER COUNTY	MILLERSVILLE, BOROUGH OF	422055	781212
PENNSYLVANIA	SUSQUEHANNA COUNTY	MONROESVILLE, BOROUGH OF	422070	760630
PENNSYLVANIA	ALLEGHENY COUNTY	MT. LEBANON, TOWNSHIP OF	422127	760630
PENNSYLVANIA	YORK COUNTY	NEWBURGH, BOROUGH OF	422093	790302
PENNSYLVANIA	CUMBERLAND COUNTY	NEWBURGH, BOROUGH OF	422093	790302
PENNSYLVANIA	CUMBERLAND COUNTY	NEWVILLE, BOROUGH OF	422157	790302
PENNSYLVANIA	LACKAWANNA COUNTY	NORTH ARINGTON, TOWNSHIP OF	422046	790811
PENNSYLVANIA	ALLEGHENY COUNTY	NORTH ARINGTON, BOROUGH OF	422058	790922
PENNSYLVANIA	LUZERNE COUNTY	NUANGOLA, BOROUGH OF	422222	760625
PENNSYLVANIA	NORTHAMPTON COUNTY	PEN ARGYL, BOROUGH OF	422192	760625
PENNSYLVANIA	ALLEGHENY COUNTY	PINE, TOWNSHIP OF	422109	760625
PENNSYLVANIA	YORK COUNTY	RAILROAD, BOROUGH OF	422093	770521
PENNSYLVANIA	REDFORD COUNTY	RAINSBURG, BOROUGH OF	422012	770521

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
PENNSYLVANIA	ALLEGHENY COUNTY	RICHLAND, TOWNSHIP OF	421199	780921
PENNSYLVANIA	SCHUYLKILL COUNTY	RINGTOWN, BOROUGH OF	422505	760625
PENNSYLVANIA	NORTHUMBERLAND COUNTY	PUSH, TOWNSHIP OF	421943	770128
PENNSYLVANIA	LYCOMING COUNTY	SALLADASBURG, BOROUGH OF	420657	790105
PENNSYLVANIA	YORK COUNTY	SEVEN VALLEYS, BOROUGH OF	420936	790928
PENNSYLVANIA	CUMBERLAND COUNTY	SHIREMANSTOWN, BOROUGH OF	420369	790105
PENNSYLVANIA	CENTRE COUNTY	SNOW SHOE, BOROUGH OF	421459	790810
PENNSYLVANIA	WESTMORELAND COUNTY	SOUTHWEST OF GREENSBURG,	420901	760630
PENNSYLVANIA	CRAWFORD COUNTY	SPARTANSBURG, BOROUGH OF	421561	791123
PENNSYLVANIA	LACKAWANNA COUNTY	SPRINGBROOK, TOWNSHIP OF	421759	790810
PENNSYLVANIA	CENTRE COUNTY	STATE COLLEGE, BOROUGH OF	420270	760630
PENNSYLVANIA	CARBON COUNTY	SUMMIT HILL, BOROUGH OF	421451	791214
PENNSYLVANIA	CAMBERIA COUNTY	SUSQUEHANNA, TOWNSHIP OF	421447	781124
PENNSYLVANIA	ALLEGHENY COUNTY	SWISSVALE, BOROUGH OF	420075	760630
PENNSYLVANIA	SUSQUEHANNA COUNTY	THOMPSON, BOROUGH OF	422582	760630
PENNSYLVANIA	WASHINGTON COUNTY	TWILIGHT, BOROUGH OF	422564	790928
PENNSYLVANIA	FRIE COUNTY	UNION CITY, BOROUGH OF	420453	781103
PENNSYLVANIA	LANCASTER COUNTY	UPPER LEACOCK, TOWNSHIP OF	421785	770715
PENNSYLVANIA	LEHIGH COUNTY	UPPER SAUCON, TOWNSHIP OF	420594	790928
PENNSYLVANIA	LAWRENCE COUNTY	VOLANT, BOROUGH OF	421790	760625
PENNSYLVANIA	LUZERNE COUNTY	WARRIOR RUN, BOROUGH OF	422270	790810
PENNSYLVANIA	MONTGOMERY COUNTY	WASHINGTONVILLE, BOROUGH OF	420715	781215
PENNSYLVANIA	NORTHUMBERLAND COUNTY	WASHINGTON, TOWNSHIP OF	421945	791214
PENNSYLVANIA	CRUTE COUNTY	WAYNE, TOWNSHIP OF	421373	790928
PENNSYLVANIA	CHESTER COUNTY	WEST BRANDYWINE, TOWNSHIP OF	421496	791214
PENNSYLVANIA	BERKSHIRE COUNTY	WEST CORNWALL, TOWNSHIP OF	420583	790928
PENNSYLVANIA	WESTMORELAND COUNTY	WEST LEBANON, TOWNSHIP OF	420905	760630
PENNSYLVANIA	ALLEGHENY COUNTY	WEST VIEW, BOROUGH OF	420086	781013
PENNSYLVANIA	CAMBERIA COUNTY	WESTMONT, BOROUGH OF	421139	790601
PENNSYLVANIA	ADAMS COUNTY	YORK SPRINGS, BOROUGH OF	421239	790420
PENNSYLVANIA	WESTMORELAND COUNTY	YOUNGSTOWN, BOROUGH OF	420907	
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 103				
SOUTH CAROLINA	LEXINGTON COUNTY	BATESBURG, TOWN OF	450130	770610
SOUTH CAROLINA	SPARTANBURG COUNTY	CAMPBELL, TOWN OF	450216	781124
SOUTH CAROLINA	LAURENS COUNTY	CLINTON, CITY OF	450123	770617
SOUTH CAROLINA	BERKSHIRE COUNTY	DENMARK, TOWN OF	450021	760625

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
SOUTH CAROLINA	SPARTANBURG COUNTY	DUNCAN, TOWN OF	450177	770527
SOUTH CAROLINA	CHESTER COUNTY	GREAT FALLS, TOWN OF	450049	760625
SOUTH CAROLINA	WILLIAMSBURG COUNTY	GRFELFYVILLE, TOWN OF	450188	760625
SOUTH CAROLINA	DORCHESTER COUNTY	HARLEYVILLE, TOWN OF	450070	791026
SOUTH CAROLINA	SPARTANBURG COUNTY	INMAN, TOWN OF	450217	781124
SOUTH CAROLINA	FLORENCE COUNTY	JOHNSONVILLE, CITY OF	450208	760625
SOUTH CAROLINA	PICKENS COUNTY	LIRERTY, TOWN OF	450168	760625
SOUTH CAROLINA	SPARTANBURG COUNTY	LYMAN, TOWN OF	450219	770527
SOUTH CAROLINA	MCCORMICK COUNTY	MCCORMICK, TOWN OF	450152	760625
SOUTH CAROLINA	CHARLESTON COUNTY	MEGGETT, TOWN OF	450040	790511
SOUTH CAROLINA	AIKEN COUNTY	NEW ELLENTON, CITY OF	450006	760630
SOUTH CAROLINA	ORANGEBURG COUNTY	NORWAY, TOWN OF	450213	770527
SOUTH CAROLINA	SPARTANBURG COUNTY	PACOLET MILLS, TOWN OF	450180	781124
SOUTH CAROLINA	PICKENS COUNTY	PICKENS, TOWN OF	450169	760625
SOUTH CAROLINA	FLORENCE COUNTY	QUINBY, TOWN OF	450082	781124
SOUTH CAROLINA	FLORENCE COUNTY	SCRANTON, TOWN OF	450083	780901
SOUTH CAROLINA	OCCONEE COUNTY	SENECA, CITY OF	450158	771216
SOUTH CAROLINA	LEXINGTON COUNTY	SWANSEA, TOWN OF	450139	770610
SOUTH CAROLINA	SPARTANBURG COUNTY	WOODRUFF, TOWN OF	450214	781124
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 23				
SOUTH DAKOTA	MINNEHAHA COUNTY	BRANDON, CITY OF	460296	790710
SOUTH DAKOTA	BROOKINGS COUNTY	BRUCE, CITY OF	460005	800205
SOUTH DAKOTA	MOODY COUNTY	EGAN, CITY OF	460061	800122
SOUTH DAKOTA	HAMLIN COUNTY	ESTELLING, CITY OF	460036	800122
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 4				
TENNESSEE	ROANE COUNTY	KINGSTON, CITY OF	470274	781215
TENNESSEE	ANDERSON COUNTY	NORRIS, CITY OF	470003	760625
TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 2				

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
TEXAS	HIDALGO COUNTY	ALAMO, CITY OF	480335	790130
TEXAS	ARCHER COUNTY	ARCHER, CITY OF	480698	791016
TEXAS	NAVAPRO COUNTY	BLOOMING GROVE, CITY OF	480952	781024
TEXAS	MONTAGUE COUNTY	ROWIE, CITY OF	480481	770802
TEXAS	SMITH COUNTY	BULLARD, CITY OF	480568	790424
TEXAS	HARRIS COUNTY	BUNKER HILL VILLAGE, CITY OF	480290	790417
TEXAS	PANOLA COUNTY	CARTHAGE, CITY OF	480519	790123
TEXAS	HENDERSON COUNTY	CHANDLER, CITY OF	480326	781024
TEXAS	EASTLAND COUNTY	CISCO, CITY OF	480203	790123
TEXAS	CORYELL COUNTY	COPPERAS COVE, CITY OF	480155	781121
TEXAS	DENTON COUNTY	CORINTH, CITY OF	481143	790515
TEXAS	NAVARRO COUNTY	DAWSON, CITY OF	480953	780822
TEXAS	WISE COUNTY	DECATUR, CITY OF	480678	770816
TEXAS	FRATON COUNTY	DUBLIN, CITY OF	480219	780808
TEXAS	ANDERSON COUNTY	ELKHART, CITY OF	480002	760622
TEXAS	ELLIS COUNTY	FERRIS, CITY OF	481076	780822
TEXAS	KAUFMAN COUNTY	FORNEY, CITY OF	480410	780808
TEXAS	NAVARRO COUNTY	FROST, CITY OF	480954	780808
TEXAS	SARINE COUNTY	FROST, TOWN OF	480997	790918
TEXAS	KAUFMAN COUNTY	HEMPHILL, CITY OF	480407	780808
TEXAS	HAYS COUNTY	KYLE, CITY OF	481108	781212
TEXAS	MCLENNAN COUNTY	LACY LAKEVIEW, CITY OF	480927	791009
TEXAS	CALDWELL COUNTY	LULING, CITY OF	480096	790116
TEXAS	KAUFMAN COUNTY	MARANK, CITY OF	480414	780808
TEXAS	HENDERSON COUNTY	MALAKOFF, CITY OF	480329	790123
TEXAS	SAN PATRICIO COUNTY	MATHIS, CITY OF	480557	791023
TEXAS	COUNTY	MAUD, CITY OF	480057	781212
TEXAS	ROWIE COUNTY	NAPLES, CITY OF	480494	781121
TEXAS	MORRIS COUNTY	NASH, CITY OF	480058	770622
TEXAS	ROWIE COUNTY	NEW HOUSTON, CITY OF	480059	781121
TEXAS	MONTAGUE COUNTY	NOCONA, CITY OF	480482	781121
TEXAS	EASTLAND COUNTY	ROSTON, CITY OF	480795	790102
TEXAS	LAMAR COUNTY	SANGER, CITY OF	480428	790424
TEXAS	DENTON COUNTY	SMITHVILLE, CITY OF	480786	790116
TEXAS	RASSTROP COUNTY	TRINIDAD, CITY OF	480024	790116
TEXAS	HENDERSON COUNTY	TROUP, CITY OF	480333	790123
TEXAS	SMITH COUNTY	WALLIS, CITY OF	480570	790123
TEXAS	AUSTIN COUNTY	WHITEHOUSE, CITY OF	480018	781023
TEXAS	SMITH COUNTY		480572	790123

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 39

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
UTAH	CACHE COUNTY	AMALGA, TOWN OF	490013	800722
UTAH	SEVIER COUNTY	ANNABELLA, TOWN OF	490123	791030
UTAH	WASATCH COUNTY	ALUPORA, TOWN OF	490125	791030
UTAH	CACHE COUNTY	CHARLESTON, TOWN OF	490165	800805
UTAH	CACHE COUNTY	CLEARFIELD, CITY OF	490014	800819
UTAH	ROX FLDER COUNTY	CORINNE, CITY OF	490041	790220
UTAH	SEVIER COUNTY	ELSLAND, TOWN OF	490127	800715
UTAH	GARFIELD COUNTY	ESCALANTE, TOWN OF	490068	790828
UTAH	GARFIELD COUNTY	HATCH, TOWN OF	490068	790720
UTAH	GARFIELD COUNTY	HENEFER, TOWN OF	490136	800520
UTAH	SUMMIT COUNTY	HENRIEVILLE, TOWN OF	490069	790925
UTAH	ROX FLDER COUNTY	HONEYVILLE, TOWN OF	490008	800729
UTAH	CACHE COUNTY	HYDE PARK, CITY OF	490016	800729
UTAH	SEVIER COUNTY	JOSEPH, CITY OF	490017	800408
UTAH	SEVIER COUNTY	LEWISTON, CITY OF	490127	790829
UTAH	ROX FLDER COUNTY	MANTUA, TOWN OF	490009	800729
UTAH	CACHE COUNTY	MENDON, CITY OF	490020	800722
UTAH	WASATCH COUNTY	MIDWAY, CITY OF	490162	800819
UTAH	SEVIER COUNTY	MONROE, CITY OF	490129	790724
UTAH	SANPETE COUNTY	MORONI, CITY OF	490112	800805
UTAH	CACHE COUNTY	NEWTON, TOWN OF	490022	800722
UTAH	DAVIS COUNTY	NORTH SALT LAKE CITY, CITY OF	490048	780829
UTAH	GARFIELD COUNTY	PANGUITCH, CITY OF	490070	790829
UTAH	ROX FLDER COUNTY	PERRY CITY, CITY OF	490010	800520
UTAH	CACHE COUNTY	RICHMOND, CITY OF	490027	800812
UTAH	WERER COUNTY	ROY, CITY OF	490223	781024
UTAH	DAVIS COUNTY	SOUTH CITY, CITY OF	490049	780912
UTAH	SANPETE COUNTY	SOUTHWING, TOWN OF	490114	800805
UTAH	TOOELE COUNTY	SPRING CITY, TOWN OF	490144	800805
UTAH	DAVIS COUNTY	STOCKTON, CITY OF	490050	781121
UTAH	GARFIELD COUNTY	SUNSET, CITY OF	490071	791204
UTAH	GARFIELD COUNTY	TROPIC, TOWN OF	490031	800729
UTAH	CACHE COUNTY	WELLSVILLE, CITY OF	490222	800819
UTAH	TOOELE COUNTY	WENDOVER, TOWN OF	490101	800722
UTAH	RICH COUNTY	WOODRUFF, TOWN OF	490101	780829
UTAH	DAVIS COUNTY	WOODS CROSS, CITY OF	490054	780829
VERMONT	ORANGE COUNTY	CORINTH, TOWN OF	500071	760630
VERMONT	ADDISON COUNTY	WALTHAM, TOWN OF	500173	780725

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 37

65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
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TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 2

WASHINGTON	KING COUNTY	BLACK DIAMOND, TOWN OF	530272	791030
WASHINGTON	SPOKANE COUNTY	CHENEY, CITY OF	530175	791106
WASHINGTON	WHITMAN COUNTY	COLEFAX, CITY OF	530207	780801
WASHINGTON	SPOKANE COUNTY	DEEP PARK, CITY OF	530176	791226
WASHINGTON	SNOHOMISH COUNTY	EDMONDS, CITY OF	530163	780808
WASHINGTON	SPOKANE COUNTY	FAIRFIELD, TOWN OF	530177	791016
WASHINGTON	GRAYS HARBOR COUNTY	MONTESANO, CITY OF	530063	770510
WASHINGTON	PEND ORFILLE COUNTY	NEWPORT, CITY OF	530137	760630
WASHINGTON	ISLAND COUNTY	OAK HARBOR, CITY OF	530068	800115
WASHINGTON	FRANKLIN COUNTY	PASCO, CITY OF	530046	770510
WASHINGTON	RENTON COUNTY	PROSSER, CITY OF	530012	760630
WASHINGTON	SPOKANE COUNTY	ROCKFORD, TOWN OF	530181	791002
WASHINGTON	KING COUNTY	SEATTLE, CITY OF	530089	770719
WASHINGTON	SPOKANE COUNTY	SPANGLE, TOWN OF	530182	770918
WASHINGTON	YAKIMA COUNTY	SUNNYSIDE, CITY OF	530227	780704
WASHINGTON	YAKIMA COUNTY	ZILLAH, CITY OF	530232	760630

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 16

WEST VIRGINIA	GRANT COUNTY	RAYARD, TOWN OF	540240	790810
WEST VIRGINIA	BROOKF COUNTY	BETHANY, TOWN OF	540012	790928
WEST VIRGINIA	FAYETTE COUNTY	MOUNT HOPE, CITY OF	540280	790810
WEST VIRGINIA	FAYETTE COUNTY	OAK HILL, CITY OF	540031	800118
WEST VIRGINIA	MONONGALIA COUNTY	OSAGE, TOWN OF	540142	790928
WEST VIRGINIA	FAYETTE COUNTY	PAX, TOWN OF	540032	790810
WEST VIRGINIA	OHIO COUNTY	VALLEY GROVE, TOWN OF	540151	790928

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIES FOR THE STATE: 7

WISCONSIN	IOWA COUNTY	CORR, VILLAGE OF	550176	790105
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65.7 LIST OF COMMUNITIES WITH MINIMAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	EFFECTIVE DATE OF FIRM
WISCONSIN	LA CROSSE COUNTY	HOLMEN, VILLAGE OF	550219	790420
WISCONSIN	IOWA COUNTY	LINDEN, VILLAGE OF	550179	790105
WISCONSIN	TOWA COUNTY	RIDGEWAY, VILLAGE OF	5501A1	790105
WISCONSIN	OUTAGAMIE COUNTY	SFYMOUR, CITY OF	550534	791109
WISCONSIN	MILWAUKEE COUNTY	SHOREWOOD, VILLAGE OF	550282	780811
WISCONSIN	TAYLOR COUNTY	STETSONVILLE, CITY OF	550437	790810
WISCONSIN	MILWAUKEE COUNTY	ST. FRANCIS, CITY OF	5502A1	780707

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIFS FOR THF STATE: 8

WYOMING

BIG HORN COUNTY

GREYBULL, TOWN OF

560005

R00219

TOTAL NUMBER OF MINIMAL FLOODING COMMUNITIFS FOR THE STATE: 1

TOTAL NUMRFR OF MINIMAL FLOODING COMMUNITIFS IS 678

65.R LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
ARIZONA	PINAL COUNTY	COOLIDGE, CITY OF	040082	800610
ARIZONA	PINAL COUNTY	FLOY, CITY OF	040083	800805
ARIZONA	YUMA COUNTY	PARKER, TOWN OF	040100	761217
ARIZONA	MARICOPA COUNTY	PEORIA, CITY OF	040050	781117
ARIZONA	PIMA COUNTY	SOUTH TUCSON, TOWN OF	040075	790131
ARIZONA	MARICOPA COUNTY	SURPRISE, TOWN OF	040053	781215
STATE TOTAL OF NSFHA COMMUNITIES: 6				
ARKANSAS	CRAIGHEAD COUNTY	BLACK OAK, TOWN OF	050389	790415
ARKANSAS	ASHLEY COUNTY	CROSSFTT, CITY OF	050471	760611
ARKANSAS	MISSISSIPPI COUNTY	GOSNELL, CITY OF	050144	760611
ARKANSAS	JEFFERSON COUNTY	REDFIELD, TOWN OF	050282	770826
ARKANSAS	LOGAN COUNTY	SURIACO, TOWN OF	050288	780705
ARKANSAS	COLUMBIA COUNTY	TAYLOR, CITY OF	050042	760930
ARKANSAS	POINSETT COUNTY	TRUMANN, CITY OF	050176	790415
STATE TOTAL OF NSFHA COMMUNITIES: 7				
CALIFORNIA	LOS ANGELES COUNTY	ALHAMBRA, CITY OF	060095	791115
CALIFORNIA	LOS ANGELES COUNTY	ARTESIA, CITY OF	060097	790330
CALIFORNIA	SAN MATEO COUNTY	ATHERTON, TOWN OF	060312	771028
CALIFORNIA	MERCED COUNTY	ATWATER, CITY OF	060189	791101
CALIFORNIA	LOS ANGELES COUNTY	BALDWIN PARK, CITY OF	060100	780526
CALIFORNIA	LOS ANGELES COUNTY	RELLFLOWER, CITY OF	060102	790430
CALIFORNIA	LOS ANGELES COUNTY	REVERLY, CITY OF	060101	791130
CALIFORNIA	RIVERSIDE COUNTY	REVERLY, CITY OF	060655	800128
CALIFORNIA	IMPERIAL COUNTY	RLYTHE, CITY OF	060248	760630
CALIFORNIA	COUNTY	BRAWLEY, CITY OF	060066	780804
CALIFORNIA	LOS ANGELES COUNTY	BRENTWOOD, CITY OF	060439	790415
CALIFORNIA	LOS ANGELES COUNTY	CARSON, CITY OF	060107	780929
CALIFORNIA	LOS ANGELES COUNTY	CERRITOS, CITY OF	060108	790220
CALIFORNIA	SAN BERNARDINO COUNTY	CHINO, CITY OF	060272	760630
CALIFORNIA	SAN MATEO COUNTY	COLMA, CITY OF	060316	791101
CALIFORNIA	SAN MATEO COUNTY	COMMERCE, CITY OF	060110	790415
CALIFORNIA	LOS ANGELES COUNTY	COMPTON, CITY OF	060111	790330

65.8 LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
CALIFORNIA	LOS ANGELES COUNTY	COVINA, CITY OF	065024	780529
CALIFORNIA	LOS ANGELES COUNTY	CYPRESS, CITY OF	060217	790209
CALIFORNIA	SAN MATEO COUNTY	DALY CITY, CITY OF	060317	790731
CALIFORNIA	MERCED COUNTY	DOS PALOS, CITY OF	060443	780525
CALIFORNIA	IMPERIAL COUNTY	EL CENTRO, CITY OF	060670	780804
CALIFORNIA	LOS ANGELES COUNTY	EL SEGUNDO, CITY OF	060118	780525
CALIFORNIA	ALAMEDA COUNTY	EMERYVILLE, CITY OF	060005	780421
CALIFORNIA	LOS ANGELES COUNTY	GARDENA, CITY OF	060119	780421
CALIFORNIA	LOS ANGELES COUNTY	GLENDALE, CITY OF	065031	751118
CALIFORNIA	LOS ANGELES COUNTY	HALF MOON BAY, CITY OF	060319	790801
CALIFORNIA	SAN MATEO COUNTY	HAWAIIAN GARDENS, CITY OF	065032	760901
CALIFORNIA	LOS ANGELES COUNTY	IMPERIAL, CITY OF	060071	760630
CALIFORNIA	LOS ANGELES COUNTY	INGLEWOOD, CITY OF	065036	790222
CALIFORNIA	LOS ANGELES COUNTY	IRVINDALE, CITY OF	060129	790212
CALIFORNIA	LOS ANGELES COUNTY	LA PALMA, CITY OF	060225	780721
CALIFORNIA	LOS ANGELES COUNTY	LAKEMOOD, CITY OF	065039	780525
CALIFORNIA	LOS ANGELES COUNTY	LAWNDALE, CITY OF	060130	790415
CALIFORNIA	MERCED COUNTY	LIVINGSTON, CITY OF	060450	781030
CALIFORNIA	LOS ANGELES COUNTY	LIMITA, CITY OF	060135	780525
CALIFORNIA	LOS ANGELES COUNTY	LOS ALTOS, CITY OF	060226	780603
CALIFORNIA	LOS ANGELES COUNTY	MANHATTAN BEACH, CITY OF	060138	790316
CALIFORNIA	LOS ANGELES COUNTY	MONTEREY, CITY OF	065047	780508
CALIFORNIA	LOS ANGELES COUNTY	NORWALK, CITY OF	060652	791130
CALIFORNIA	LOS ANGELES COUNTY	PARAMOUNT, CITY OF	065049	790219
CALIFORNIA	LOS ANGELES COUNTY	PICO RIVERA, CITY OF	060148	720331
CALIFORNIA	ALAMEDA COUNTY	PIEDMONT, CITY OF	060011	790415
CALIFORNIA	SAN BERNARDINO COUNTY	RIALTO, CITY OF	060280	791112
CALIFORNIA	LOS ANGELES COUNTY	ROLLING HILLS ESTATES, CITY OF	065054	791130
CALIFORNIA	LOS ANGELES COUNTY	ROLLING HILLS, CITY OF	060151	780526
CALIFORNIA	LOS ANGELES COUNTY	ROSEMead, CITY OF	060153	790415
CALIFORNIA	LOS ANGELES COUNTY	SAN FERNANDO, CITY OF	060628	760211
CALIFORNIA	LOS ANGELES COUNTY	SAN GABRIEL, CITY OF	065055	731123
CALIFORNIA	LOS ANGELES COUNTY	SAN MARINO, CITY OF	065057	790430
CALIFORNIA	LOS ANGELES COUNTY	SIGNAL HILL, CITY OF	060161	790330
CALIFORNIA	MONTEREY COUNTY	SOLEDAD, CITY OF	060204	781130
CALIFORNIA	TUOLUMNE COUNTY	SONORA, CITY OF	060412	780525
CALIFORNIA	LOS ANGELES COUNTY	SOUTH FL MONTE, CITY OF	060162	751114
CALIFORNIA	LOS ANGELES COUNTY	SOUTH GATE, CITY OF	060163	790415
CALIFORNIA	LOS ANGELES COUNTY	SOUTH PASADENA, CITY OF	065061	751114
CALIFORNIA	LOS ANGELES COUNTY	STANTON, CITY OF	060234	790316
CALIFORNIA	IMPERIAL COUNTY	WESTMORLAND, CITY OF	060072	760630

65.R LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
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STATE TOTAL OF NSFHA COMMUNITIES: 59

COLORADO	WELD COUNTY	AULT, TOWN OF	080179	800610
COLORADO	LARIMER COUNTY	PERTHOUD, TOWN OF	080296	780526
COLORADO	WELD COUNTY	GILCREST, CITY OF	080213	800610
COLORADO	CONJO COUNTY	LA JARA, TOWN OF	080038	760630
COLORADO	WELD COUNTY	LA SALLE, TOWN OF	080186	780525
COLORADO	OTERO COUNTY	MANZANOLA, TOWN OF	080134	760630
COLORADO	WELD COUNTY	PLATTEVILLE, TOWN OF	080190	800229
COLORADO	RACA COUNTY	WALSH, TOWN OF	080021	760630

STATE TOTAL OF NSFHA COMMUNITIES: 8

FLORIDA	DUVAL COUNTY	BALDWIN, TOWN OF	120076	760630
FLORIDA	PALM BEACH COUNTY	GOLF, VILLAGE OF	120201	770826
FLORIDA	PALM BEACH COUNTY	GREENACRES, TOWN OF	120203	770826
FLORIDA	PALM BEACH COUNTY	HAVERTHILL, TOWN OF	120205	770826
FLORIDA	OKFEECHOREE COUNTY	OKFEECHOREE, CITY OF	120178	770826
FLORIDA	PALM BEACH COUNTY	ROYAL PALM, BEACH, VILLAGE OF	120225	770826
FLORIDA	PALM BEACH COUNTY	SOUTH RAY, CITY OF	120226	770826

STATE TOTAL OF NSFHA COMMUNITIES: 7

IDAHO	RONNEVILLE COUNTY	AMMON, CITY OF	160028	760630
IDAHO	GEM COUNTY	EMMETT, CITY OF	160063	760628
IDAHO	RONNEVILLE COUNTY	IONA, CITY OF	160030	760630
IDAHO	ADA COUNTY	KUNA, CITY OF	160174	760211
IDAHO	MINIDOKA COUNTY	PAUL, CITY OF	160100	760620
IDAHO	KOOTENAI COUNTY	SPIRIT LAKE, CITY OF	160084	780526
IDAHO	RONNEVILLE COUNTY	UCON, CITY OF	160194	770826

STATE TOTAL OF NSFHA COMMUNITIES: 7

65.A LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
ILLINOIS	LOGAN COUNTY	ATLANTA, CITY OF	171006	8004223
ILLINOIS	DOUGLAS COUNTY	ATWOOD, VILLAGE OF	170543	7805225
ILLINOIS	COOK COUNTY	BURRANK, CITY OF	170069	7902029
ILLINOIS	KANKAKEE COUNTY	CHERANSF, CITY OF	170288	7805225
ILLINOIS	MCLEAN COUNTY	CHENOA, CITY OF	170492	7606111
ILLINOIS	GRUNDY COUNTY	COAL CITY, VILLAGE OF	170258	7805225
ILLINOIS	MCLEAN COUNTY	COOKSVILLE, VILLAGE OF	170494	7606111
ILLINOIS	DE KALB COUNTY	CORTLAND, VILLAGE OF	170181	7911130
ILLINOIS	MOULTRIE COUNTY	CORTON CITY, VILLAGE OF	170522	7606111
ILLINOIS	GRUNDY COUNTY	DALMOND, VILLAGE OF	170733	7805225
ILLINOIS	COOK COUNTY	DIAMOND, VILLAGE OF	170733	7805225
ILLINOIS	VERMILION COUNTY	EVERGREEN PARK, VILLAGE OF	170665	7805225
ILLINOIS	VERMILION COUNTY	FARMOUNT, VILLAGE OF	170665	7606111
ILLINOIS	VERMILION COUNTY	GEORGETOWN, CITY OF	170101	7606111
ILLINOIS	COOK COUNTY	HARWOOD HEIGHTS, VILLAGE OF	170101	8002229
ILLINOIS	COOK COUNTY	HILLSIDE, VILLAGE OF	170104	7606111
ILLINOIS	MCLEAN COUNTY	HUDSON, VILLAGE OF	170498	7606111
ILLINOIS	PIKE COUNTY	HULL, VILLAGE OF	170553	7606111
ILLINOIS	FULTON COUNTY	IPAVA, VILLAGE OF	170756	7606111
ILLINOIS	COOK COUNTY	LEMONT, VILLAGE OF	170117	7606111
ILLINOIS	COOK COUNTY	LINCOLNWOOD, VILLAGE OF	171001	7606111
ILLINOIS	MCLEAN COUNTY	MCLIFAN, VILLAGE OF	170501	7904230
ILLINOIS	COOK COUNTY	NORRIDGE, VILLAGE OF	170131	7805225
ILLINOIS	VERMILION COUNTY	ONARWOOD, VILLAGE OF	170796	7805225
ILLINOIS	IRROQUOIS COUNTY	ONARGA, VILLAGE OF	170295	7805225
ILLINOIS	COOK COUNTY	PARK RIDGE, CITY OF	170146	790131
ILLINOIS	KENDALL COUNTY	PLANO, CITY OF	170346	7609330
ILLINOIS	OGLE COUNTY	POLO, CITY OF	170531	7609330
ILLINOIS	FRANKLIN COUNTY	SESSER, CITY OF	170868	7805225
ILLINOIS	COOK COUNTY	SKOKIE, VILLAGE OF	171000	790214
ILLINOIS	KANE COUNTY	SUGAR GROVE, VILLAGE OF	170333	7609330
ILLINOIS	WILL COUNTY	SYMERTON, VILLAGE OF	170714	7609330
ILLINOIS	MENARD COUNTY	TALLULA, VILLAGE OF	170803	7805225
ILLINOIS	GRUNDY COUNTY	VERONA, VILLAGE OF	170264	7805225
ILLINOIS	MACOUPIN COUNTY	VIRDEN, CITY OF	170435	7805225
ILLINOIS	FRANKLIN COUNTY	WEST CITY, VILLAGE OF	170472	7805225

STATE TOTAL OF NSFHA COMMUNITIES: 35

INDIANA	JOHNSON COUNTY	BARGERSVILLE, TOWN OF	180112	7807221
INDIANA	WHITE COUNTY	CHALMERS, TOWN OF	180297	7805225
INDIANA	WHITLEY COUNTY	CHURUBUSCO, TOWN OF	180299	7805225
INDIANA	VERMILION COUNTY	DANA, TOWN OF	180260	7606111

65.A LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	IN#	DATE OF CONVERSION TO REGULAR PROGRAM
INDIANA	MONTGOMERY COUNTY	DARLINGTON, TOWN OF	180321	780525
INDIANA	JASPER COUNTY	DEMOTT, TOWN OF	180100	760901
INDIANA	KNOX COUNTY	EDWARDSPORT, TOWN OF	180324	760930
INDIANA	CLINTON COUNTY	FRANKFORD, CITY OF	180330	760610
INDIANA	CASS COUNTY	GALVESTON, CITY OF	180356	781108
INDIANA	DE KALB COUNTY	GARRETT, CITY OF	180048	760211
INDIANA	POSEY COUNTY	GRIFFIN, TOWN OF	180305	760930
INDIANA	JEFFERSON COUNTY	HANOVER, TOWN OF	180326	760930
INDIANA	RAPTHOLOMEW COUNTY	JONESVILLE, TOWN OF	180354	780525
INDIANA	LA PORTE COUNTY	LACROSSE, TOWN OF	180145	780525
INDIANA	JOSEPH COUNTY	LAKEVILLE, TOWN OF	180226	760930
INDIANA	WHITE COUNTY	MONON, TOWN OF	180295	780705
INDIANA	WHITE COUNTY	MONTICELLO, CITY OF	180294	780525
INDIANA	MORGAN COUNTY	MORGANTOWN, TOWN OF	180178	780525
INDIANA	SHELBY COUNTY	MORRISTOWN, TOWN OF	180393	780525
INDIANA	WELLS COUNTY	OSSIAN, TOWN OF	180290	780525
INDIANA	DAVIESS COUNTY	PLAINVILLE, TOWN OF	180359	780601
INDIANA	WELLS COUNTY	PONETO, TOWN OF	180291	780525
INDIANA	VIGO COUNTY	SEELYVILLE, TOWN OF	180310	780525
INDIANA	MADISON COUNTY	SUMMITVILLE, TOWN OF	180157	780721
INDIANA	ROOPE COUNTY	THORNTON, TOWN OF	180114	780525
INDIANA	WELLS COUNTY	UNIONDALE, TOWN OF	180292	780525
INDIANA	CASS COUNTY	WALTON, TOWN OF	180024	781108
INDIANA	DAVIESS COUNTY	WASHINGTON, CITY OF	180037	790808
INDIANA	WHITE COUNTY	WOLCOTT, TOWN OF	180296	780525

STATE TOTAL OF NSFHA COMMUNITIES: 29

TOWA	ADAIR COUNTY	ADAIR, CITY OF	190537	800610
TOWA	WAPARILL COUNTY	AGENCY, CITY OF	190539	800630
TOWA	MONROE COUNTY	ALBIA, CITY OF	190541	800610
TOWA	CARROLL COUNTY	ARCADIA, CITY OF	190594	800610
TOWA	CASCADINE COUNTY	ATALISSA, CITY OF	190211	800630
TOWA	CENAR COUNTY	DUPART, CITY OF	190922	760610
TOWA	CLAY COUNTY	FVERLY, CITY OF	190356	791130
TOWA	MUSCATINE COUNTY	FRUITLAND, CITY OF	190212	800610
TOWA	CARROLL COUNTY	GLINDEN, CITY OF	190244	800610
TOWA	STOLUX COUNTY	GRANVILLE, CITY OF	190737	800425
TOWA	DELAWARE COUNTY	GRFELLY, CITY OF	190739	800610
TOWA	O'BRIEN COUNTY	HARTLEY, CITY OF	190590	800610
TOWA	WARREN COUNTY	INDIANOLA, CITY OF	190275	790731
TOWA	MARION COUNTY	KNOXVILLE, CITY OF	190260	771216

65.A LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
IOWA	LYON COUNTY	LARCHWOOD, CITY OF	190605	8006130
IOWA	CASS COUNTY	LEWIS, CITY OF	190347	770826
IOWA	LINN COUNTY	LISHON, CITY OF	190607	8006110
IOWA	BOONE COUNTY	MADRID, CITY OF	190325	8006110
IOWA	HARRISON COUNTY	MONDAMIN, CITY OF	190149	8006110
IOWA	LINN COUNTY	MOUNT VERNON, CITY OF	190192	8006110
IOWA	JASPER COUNTY	NEWTON, CITY OF	190621	8006110
IOWA	MONONA COUNTY	RODNEY, CITY OF	190921	8006110
IOWA	WOODRURY COUNTY	SALIX, CITY OF	190299	8006110
IOWA	WOODRURY COUNTY	STANWOOD, CITY OF	190056	791101
IOWA	CFDAR COUNTY	TEMPLETON, CITY OF	190056	8006110
IOWA	CARROLL COUNTY	TERRIL, CITY OF	190056	8006110
IOWA	DICKINSON COUNTY	WAUKON, CITY OF	190056	8006110
IOWA	ALLAMAKEE COUNTY	WEST POINT, CITY OF	190056	790615
IOWA	LEFF COUNTY		190683	

STATE TOTAL OF NSFHA COMMUNITIES: 29

KANSAS	RICE COUNTY	ALDEN, CITY OF	200291	791101
KANSAS	SFDGWICK COUNTY	ANDALE, CITY OF	200327	7606115
KANSAS	HARPER COUNTY	ATTICA, CITY OF	200127	7904158
KANSAS	DONIPHAN COUNTY	ELWOOD, CITY OF	200080	7807210
KANSAS	SFDGWICK COUNTY	GODDARD, CITY OF	200050	8006110
KANSAS	JACKSON COUNTY	HOYT, CITY OF	200142	7903330
KANSAS	KEARNY COUNTY	LAKIN, CITY OF	200143	7805215
KANSAS	JACKSON COUNTY	MAYETTA, CITY OF	200143	8006110
KANSAS	RUTLER COUNTY	TOWANDA, CITY OF	200534	771028
KANSAS	DONIPHAN COUNTY	WATHENA, CITY OF	200085	

STATE TOTAL OF NSFHA COMMUNITIES: 10

KENTUCKY	HOPKINS COUNTY	MORTONS GAP, CITY OF	210116	760930
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STATE TOTAL OF NSFHA COMMUNITIES: 1

65.A LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
LOUISIANA	TANGIPAHOA PARISH	AMITE CITY, TOWN OF	220207	760630
LOUISIANA	WEST BATON ROUGE PAR	ARIUSLY, TOWN OF	220241	770815
LOUISIANA	AVOYELLES PARISH	COTTONPORT, TOWN OF	220021	760619
LOUISIANA	WERSTER PARISH	CULLEN, TOWN OF	220235	790212
LOUISIANA	POINTE COUPEE PARISH	FORDOCHE, VILLAGE OF	220141	780525
LOUISIANA	VERMILION PARISH	GUEYDAN, TOWN OF	220225	771216
LOUISIANA	LIVINGSTON PARISH	LIVINGSTON, TOWN OF	220118	790415
LOUISIANA	POINTE COUPEE PARISH	LIVONIA, VILLAGE OF	220142	780525
LOUISIANA	IBERIA PARISH	LOREAUVILLE, VILLAGE OF	220081	780525
LOUISIANA	POINTE COUPEE PARISH	MORGANZA, VILLAGE OF	220143	780525
LOUISIANA	ASSUMPTION PARISH	NAPOLEONVILLE, TOWN OF	220018	760620
LOUISIANA	LA SALLE PARISH	OLLA, VILLAGE OF	220343	790808
LOUISIANA	TERREVILLE PARISH	PLAQUEMINE, CITY OF	220086	770826
LOUISIANA	CADDO PARISH	RODESSA, VILLAGE OF	220308	770826
LOUISIANA	TENSAS PARISH	ST. JOSEPH, TOWN OF	220217	770826
LOUISIANA	IBERVILLE PARISH	WHITE CASTLE, TOWN OF	220088	771216
LOUISIANA	RAPIDS PARISH	WOODWORTH, VILLAGE OF	220260	791025
STATE TOTAL OF NSFHA COMMUNITIES: 17				
MARYLAND	CECIL COUNTY	CECILTON, TOWN OF	240020	771028
MARYLAND	CAROLINE COUNTY	PRESTON, TOWN OF	240163	771028
STATE TOTAL OF NSFHA COMMUNITIES: 2				
MASSACHUSETTS	FRANKLIN COUNTY	HEATH, TOWN OF	250350	760930
STATE TOTAL OF NSFHA COMMUNITIES: 1				
MICHIGAN	OAKLAND COUNTY	BERKLEY, CITY OF	260292	800229

65.R LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
MICHIGAN	EATON COUNTY	CARMEL, TOWNSHIP OF	260682	790131
MICHIGAN	OAKLAND COUNTY	CLAWSON, CITY OF	260170	760619
MICHIGAN	CASS COUNTY	DOWAGIAC, CITY OF	260055	780525
MICHIGAN	GENESEE COUNTY	GAINES, VILLAGE OF	260294	780721
MICHIGAN	WAYNE COUNTY	GROSSF POINT, CITY OF	260235	781229
MICHIGAN	OAKLAND COUNTY	HAZELRIP PARK, CITY OF	260231	760630
MICHIGAN	OAKLAND COUNTY	LATHRUP VILLAGE, CITY OF	260289	781130
MICHIGAN	OAKLAND COUNTY	MADISON HEIGHTS, CITY OF	260297	760619
MICHIGAN	OAKLAND COUNTY	OAK PARK, CITY OF	260174	780525
MICHIGAN	OAKLAND COUNTY	PLEASANT RIDGE, CITY OF	260323	780928
MICHIGAN	OAKLAND COUNTY	ROYAL OAK, CITY OF	260606	781130
MICHIGAN	OAKLAND COUNTY		260178	780525

STATE TOTAL OF NSFHA COMMUNITIES: 13

MINNESOTA	LAC QUI PARLE COUNTY	BELLINGHAM, CITY OF	270679	790330
MINNESOTA	SHERBURN COUNTY	HIG LAKE, CITY OF	270663	781226
MINNESOTA	LE SUEUR COUNTY	CLFVELAND, CITY OF	270560	790907
MINNESOTA	CARLTON COUNTY	CROMWELL, CITY OF	270043	780601
MINNESOTA	HENNEPIN COUNTY	DEEPHAVEN, CITY OF	270158	781226
MINNESOTA	WASHINGTON COUNTY	DELLWOOD, CITY OF	270694	781226
MINNESOTA	DODGE COUNTY	DODGE COUNTY, CITY OF	270548	790415
MINNESOTA	HENNEPIN COUNTY	GREENWOOD, CITY OF	270164	781226
MINNESOTA	RAMSEY COUNTY	LAUDERDALE, CITY OF	270376	781226
MINNESOTA	ANOKA COUNTY	LEXINGTON, CITY OF	270014	790312
MINNESOTA	DAKOTA COUNTY	MIESVILLE, CITY OF	270111	781226
MINNESOTA	WASHINGTON COUNTY	OAKDALF, CITY OF	270511	781226
MINNESOTA	HENNEPIN COUNTY	OSSEO, CITY OF	270658	781226
MINNESOTA	HENNEPIN COUNTY	ST. BONIFACIUS, CITY OF	270183	781226
MINNESOTA	CARVER COUNTY	YOUNG AMERICA, CITY OF	270656	781226

STATE TOTAL OF NSFHA COMMUNITIES: 15

MISSISSIPPI	PANOLA COUNTY	RATESVILLE, TOWNSHIP OF	280126	760630
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65.8 LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
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STATE TOTAL OF NSFHA COMMUNITIES: 1

MISSOURI	ST. LOUIS COUNTY	REL-NOR, VILLAGE OF	290332	770826
MISSOURI	LAFALETTE COUNTY	CONCORDIA, CITY OF	290745	790209
MISSOURI	PEMISCOT COUNTY	COOTER, TOWN OF	290603	760630
MISSOURI	ST. LOUIS COUNTY	COUNTRY CLUB HILLS, CITY OF	290746	780525
MISSOURI	CASS COUNTY	CREIGHTON, CITY OF	290063	800630
MISSOURI	ST. LOUIS COUNTY	FLORELL HILLS, CITY OF	290457	800610
MISSOURI	SCOTT COUNTY	HAYWOOD CITY, CITY OF	290598	760211
MISSOURI	STONE COUNTY	KIMBERLING, CITY OF	290432	790415
MISSOURI	ST. LOUIS COUNTY	NORMANDY, CITY OF	290371	790411
MISSOURI	LAFALETTE COUNTY	ODESSA, CITY OF	290669	780603
MISSOURI	GASCONADE COUNTY	OWENSVILLE, CITY OF	290143	790903
MISSOURI	STODDARD COUNTY	PENNERMAN, CITY OF	290427	781221
MISSOURI	ANDREW COUNTY	SAVANNAH, CITY OF	290664	791101
MISSOURI	MARIES COUNTY	VIENNA, CITY OF	290647	791101
MISSOURI	ST. LOUIS COUNTY	WARSON WOODS, TOWN OF	290393	780728
MISSOURI	ST. CHARLES COUNTY	WENTZVILLE, CITY OF	290320	760930
MISSOURI	ST. LOUIS COUNTY	WINCHESTER, CITY OF	290397	760620
MISSOURI	ST. LOUIS COUNTY	WOODSON TERRACE, CITY OF	290398	

STATE TOTAL OF NSFHA COMMUNITIES: 18

NEBRASKA	GAGE COUNTY	CORTLAND, VILLAGE OF	310264	770826
NEBRASKA	DAWSON COUNTY	COZAD, CITY OF	310059	760630
NEBRASKA	CASS COUNTY	EAGLE, VILLAGE OF	310274	770826
NEBRASKA	CHEYENNE COUNTY	GURLEY, VILLAGE OF	310490	780714
NEBRASKA	HURT COUNTY	OAKLAND, CITY OF	310023	790507
NEBRASKA	MERRICK COUNTY	SILVER CREEK, VILLAGE OF	310150	770826

STATE TOTAL OF NSFHA COMMUNITIES: 6

NEW HAMPSHIRE	CHEFSHIRE COUNTY	RINDGE, TOWN OF	330189	780721
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65.A LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD APFAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
STATE TOTAL OF NSFHA COMMUNITIES: 1				
NEW JERSEY	BURLINGTON COUNTY	EDGEWATER PARK, TOWNSHIP OF	340096	780525
NEW JERSEY	UNION COUNTY	FANWOOD, BOROUGH OF	340463	771028
NEW JERSEY	REGEN COUNTY	FORT LEE, BOROUGH OF	340035	771028
NEW JERSEY	CAMDEN COUNTY	HADDON HEIGHTS, BOROUGH OF	340136	770826
NEW JERSEY	MONMOUTH COUNTY	MERCHANTVILLE, BOROUGH OF	340569	780525
NEW JERSEY		ROOSEVELT, BOROUGH OF	340322	780525
STATE TOTAL OF NSFHA COMMUNITIES: 6				
NEW MEXICO	LUNA COUNTY	DEMING, CITY OF	350038	790615
NEW MEXICO	GRANT COUNTY	HURLEY, TOWN OF	350021	771028
NEW MEXICO	QUAY COUNTY	LOGAN, VILLAGE OF	350105	790626
STATE TOTAL OF NSFHA COMMUNITIES: 3				
NEW YORK	LEWIS COUNTY	CASTORLAND, VILLAGE OF	360359	760930
NEW YORK	ERIE COUNTY	FARNHAM, VILLAGE OF	361588	780526
NEW YORK	ESSEX COUNTY	KENMORE, VILLAGE OF	361590	780526
NEW YORK	NASSAU COUNTY	LAKE PLACID, VILLAGE OF	361492	760630
NEW YORK	FULTON COUNTY	LAKE SUCCESS, VILLAGE OF	361582	780526
NEW YORK	ROCKLAND COUNTY	NORTHVILLE, VILLAGE OF	361484	760630
NEW YORK	NASSAU COUNTY	NYACK, VILLAGE OF	360685	780525
NEW YORK	ULSTER COUNTY	PLANDOME, VILLAGE OF	360484	780525
NEW YORK	SCHUYLER COUNTY	PLATICKILL, TOWN OF	361221	780929
NEW YORK	SUFFOLK COUNTY	READING, TOWN OF	361205	760930
NEW YORK	ERIE COUNTY	SHOREHAM, VILLAGE OF	361506	780526
NEW YORK	ROCKLAND COUNTY	SLOAN, VILLAGE OF	361589	780526
NEW YORK		UPPER NYACK, VILLAGE OF	360695	771028

STATE TOTAL OF NSFHA COMMUNITIES: 13

65.A LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
NORTH CAROLINA	CARRIUS COUNTY	HARRISBURG, TOWN OF	37003A	760630
NORTH CAROLINA	HALIFAX COUNTY	SCOTLAND NECK, TOWN OF	37011A	77102A
NORTH CAROLINA	RUTHERFORD COUNTY	SPINDALE, TOWN OF	370356	790604
STATE TOTAL OF NSFHA COMMUNITIES: 3				
NORTH DAKOTA	BEENSON COUNTY	ESMOND, CITY OF	380167	780801
NORTH DAKOTA	LOGAN COUNTY	GACKLE, CITY OF	380334	800229
NORTH DAKOTA	BEENSON COUNTY	MOHALL, CITY OF	380241	791115
NORTH DAKOTA	DICKEY COUNTY	OAKES, CITY OF	380246	791101
NORTH DAKOTA	HURKE COUNTY	POWERS LAKE, CITY OF	380016	760630
STATE TOTAL OF NSFHA COMMUNITIES: 5				
OHIO	ROSS COUNTY	BAINBRIDGE, VILLAGE OF	390481	780922
OHIO	SHELBY COUNTY	ROTKINS, VILLAGE OF	390504	780525
OHIO	MAHONING COUNTY	CADIZ, VILLAGE OF	390258	780903
OHIO	MAHONING COUNTY	CAMPBELL, CITY OF	390368	780525
OHIO	ERIE COUNTY	CASTALIA, VILLAGE OF	390653	780525
OHIO	ROSS COUNTY	CLARKSBURG, VILLAGE OF	390483	781115
OHIO	BROWN COUNTY	CLARKSVILLE, VILLAGE OF	390676	780525
OHIO	LUCAS COUNTY	HARBORVIEW, VILLAGE OF	390702	780922
OHIO	HENRY COUNTY	HIGHLAND, VILLAGE OF	390268	790525
OHIO	SUMMIT COUNTY	HOLGATE, VILLAGE OF	390265	780525
OHIO	MAHONING COUNTY	LAKEMORE, VILLAGE OF	390222	790903
OHIO	MAHONING COUNTY	LINCOLN HEIGHTS, CITY OF	390220	780525
OHIO	CUYAHOGA COUNTY	LOWELLVILLE, VILLAGE OF	390115	790610
OHIO	CUYAHOGA COUNTY	MAYFIELD HEIGHTS, CITY OF	390791	790610
OHIO	FRANKLIN COUNTY	MINECREEK PARK, VILLAGE OF	390528	780721
OHIO	PORTAGE COUNTY	MORGAN, VILLAGE OF	390370	780721
OHIO	MAHONING COUNTY	POLAND, VILLAGE OF	390357	780721
OHIO	VAN WERT COUNTY	SCOTT, VILLAGE OF	390151	780525
OHIO	DELAWARE COUNTY	SHAWNEE HILLS, VILLAGE OF	390125	780525
OHIO	JEFFERSON COUNTY	SMITHFIELD, VILLAGE OF	390047	790903
OHIO	CHAMPLAIN COUNTY	ST. PARIS, CITY OF	390047	790610
OHIO	CHITLER COUNTY	TRENTON, CITY OF	390402	790610
OHIO	MIAMI COUNTY	TROY, CITY OF	390133	790731
OHIO	CUYAHOGA COUNTY	UNIVERSITY HEIGHTS, CITY OF		

65.9 LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
OHIO	LOGAN COUNTY	WEST MANSFIELD, VILLAGE OF	390344	780929
OHIO	MIAMI COUNTY	WEST MILTON, VILLAGE OF	390403	790615
OHIO	MONROE COUNTY	WOODSFIELD, VILLAGE OF	390406	780525
OHIO	LOGAN COUNTY	ZANESFIELD, VILLAGE OF	390345	790611

STATE TOTAL OF NSFHA COMMUNITIES: 28

OKLAHOMA	WOODS COUNTY	ALVA, CITY OF	400341	790330
OKLAHOMA	OKLAHOMA COUNTY	ARETHANY, CITY OF	400254	790731
OKLAHOMA	MUSKOGEE COUNTY	HRAGGS, TOWN OF	400121	780525
OKLAHOMA	RYAN COUNTY	CADDO, TOWN OF	400121	780525
OKLAHOMA	TILLMAN COUNTY	FREDERICK, CITY OF	400305	780525
OKLAHOMA	GREER COUNTY	GRANITE, TOWN OF	400066	780525
OKLAHOMA	CHOCTAW COUNTY	HUGO, CITY OF	400040	790521
OKLAHOMA	GARFIELD COUNTY	HUNTER, TOWN OF	400286	780525
OKLAHOMA	ROGERS COUNTY	INOLA, TOWN OF	400456	780705
OKLAHOMA	DELAWARE COUNTY	JAY, TOWN OF	400057	780525
OKLAHOMA	GARFIELD COUNTY	KREMLIN, CITY OF	400293	780705
OKLAHOMA	HARPER COUNTY	LAVERNE, TOWN OF	400069	780525
OKLAHOMA	MAYES COUNTY	LOCUST GROVE, TOWN OF	400116	780911
OKLAHOMA	GREER COUNTY	MANGUM, CITY OF	400067	790523
OKLAHOMA	NORFOLK COUNTY	MORRISON, TOWN OF	400133	760620
OKLAHOMA	MUSKOGEE COUNTY	OKTAHA, TOWN OF	400136	780525
OKLAHOMA	NORFOLK COUNTY	RED ROCK, CITY OF	400135	780705
OKLAHOMA	COMANCHE COUNTY	STERLING, TOWN OF	400414	780525
OKLAHOMA	DEWEY COUNTY	TALOGA, TOWN OF	400059	780525
OKLAHOMA	SEQUOYAH COUNTY	VIAN, TOWN OF	400200	780525
OKLAHOMA	MUSKOGEE COUNTY	WARNER, TOWN OF	400130	780525

STATE TOTAL OF NSFHA COMMUNITIES: 21

OREGON	MARION COUNTY	AUPORA, CITY OF	410156	760630
OREGON	MORROW COUNTY	BOARDMAN, CITY OF	410174	780525
OREGON	JOSEPHINE COUNTY	CAVE JUNCTION, CITY OF	410107	800610
OREGON	LINN COUNTY	HAILEY, CITY OF	410139	780721
OREGON	UMATILLA COUNTY	HERMISTON, CITY OF	410209	771028
OREGON	MORROW COUNTY	IRRIGON, CITY OF	410177	770826
OREGON	WASHINGTON COUNTY	KING CITY, CITY OF	410269	760211

65.8 LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
OREGON	CLACKAMAS COUNTY	MOLALLA, CITY OF	410020	790615
OREGON	MAHUR COUNTY	VALE, CITY OF	410153	770826
OREGON	LINN COUNTY	WATERLOO, CITY OF	410148	780525
OREGON	DOUGLAS COUNTY	YONCALLA, CITY OF	410069	780821

STATE TOTAL OF NSFHA COMMUNITIES: 11

PENNSYLVANIA	ARMSTRONG COUNTY	APOLLO, BOROUGH OF	420092	800610
PENNSYLVANIA	ALLEGHENY COUNTY	BALWIN, TOWNSHIP OF	422650	781030
PENNSYLVANIA	ALLEGHENY COUNTY	REN AVON HEIGHTS, BOROUGH OF	420011	780929
PENNSYLVANIA	ADAMS COUNTY	RIGLERVILLE, BOROUGH OF	422649	780928
PENNSYLVANIA	CRAWFORD COUNTY	BLOOMING VALLEY, BOROUGH OF	421559	781117
PENNSYLVANIA	HUNTINGDON COUNTY	BROAD TOP CITY, BOROUGH OF	420483	780721
PENNSYLVANIA	CAMBRIA COUNTY	BROWNSTOWN, BOROUGH OF	422654	781030
PENNSYLVANIA	CAMBRIA COUNTY	CARROLL TOWN, BOROUGH OF	422267	760630
PENNSYLVANIA	ALLEGHENY COUNTY	CASTLE SHANNON, BOROUGH OF	420020	790330
PENNSYLVANIA	ALLEGHENY COUNTY	CHALFANT, BOROUGH OF	420021	781030
PENNSYLVANIA	SCHUYLKILL COUNTY	COALDALE, BOROUGH OF	420768	781226
PENNSYLVANIA	CAMBRIA COUNTY	CRESSON, BOROUGH OF	422644	780529
PENNSYLVANIA	WESTMORELAND COUNTY	DELMONT, BOROUGH OF	422177	780929
PENNSYLVANIA	WASHINGTON COUNTY	DONORA, BOROUGH OF	420851	800610
PENNSYLVANIA	ALLEGHENY COUNTY	DORMONT, BOROUGH OF	422630	790330
PENNSYLVANIA	CLARION COUNTY	EAST BRADY, BOROUGH OF	421501	760630
PENNSYLVANIA	WESTMORELAND COUNTY	EAST VANDERGRIFT, BOROUGH OF	420875	790529
PENNSYLVANIA	WASHINGTON COUNTY	EAST WASHINGTON, BOROUGH OF	422134	781030
PENNSYLVANIA	LAWRENCE COUNTY	ELLIPORT, BOROUGH OF	422462	781117
PENNSYLVANIA	LUZERNE COUNTY	FREDONIA, BOROUGH OF	422477	781117
PENNSYLVANIA	LUZERNE COUNTY	GREENCASTLE, BOROUGH OF	422637	780526
PENNSYLVANIA	FRANKLIN COUNTY	HAZLETON, CITY OF	420470	760930
PENNSYLVANIA	LUZERNE COUNTY	HOMESTEAD, CITY OF	421203	780731
PENNSYLVANIA	ALLEGHENY COUNTY	HUGHESSTOWN, BOROUGH OF	420044	780044
PENNSYLVANIA	LUZERNE COUNTY	HUNKER, BOROUGH OF	422626	780731
PENNSYLVANIA	WESTMORELAND COUNTY	HUNKER, BOROUGH OF	420880	800805
PENNSYLVANIA	ALLEGHENY COUNTY	INGRAM, BOROUGH OF	420045	790330
PENNSYLVANIA	LUZERNE COUNTY	JENNDO, BOROUGH OF	422269	780731
PENNSYLVANIA	BERKS COUNTY	LAURELDALE, BOROUGH OF	422646	781130
PENNSYLVANIA	CAMBRIA COUNTY	LORETT, BOROUGH OF	421431	780731
PENNSYLVANIA	LEBANON COUNTY	MOUNT GREINA, BOROUGH OF	421851	781130

65.8 LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
PENNSYLVANIA	MCKEAN COUNTY	MOUNT JFWFTT, BOROUGH OF	420670	760630
PENNSYLVANIA	ALLEGHENY COUNTY	MOUNT OLIVER, BOROUGH OF	420055	780526
PENNSYLVANIA	BERKS COUNTY	MT. PENN, BOROUGH OF	420143	780731
PENNSYLVANIA	SOMERSET COUNTY	NEW CENTERVILLE, BOROUGH OF	422653	790220
PENNSYLVANIA	REDFORD COUNTY	NEW PAPIS, BOROUGH OF	421326	780721
PENNSYLVANIA	WESTMORELAND COUNTY	NORTH IRWIN, BOROUGH OF	422641	781117
PENNSYLVANIA	LEFRANCON COUNTY	PALMYRA, BOROUGH OF	420578	780526
PENNSYLVANIA	DAUPHIN COUNTY	PENARROOK, BOROUGH OF	420391	780721
PENNSYLVANIA	ALLEGHENY COUNTY	PLEASANT HILLS, BOROUGH OF	420064	780929
PENNSYLVANIA	LEFRANCON COUNTY	RICHLAND, BOROUGH OF	420579	771028
PENNSYLVANIA	MONTGOMERY COUNTY	ROCKLEFGE, BOROUGH OF	420706	771028
PENNSYLVANIA	REDFORD COUNTY	SCHELLESRURG, BOROUGH OF	421329	760630
PENNSYLVANIA	MERCER COUNTY	SHARPSVILLE, BOROUGH OF	420682	780525
PENNSYLVANIA	RUTLER COUNTY	SLIPPERY ROCK, BOROUGH OF	421414	781130
PENNSYLVANIA	MONTGOMERY COUNTY	SOUDERTON, BOROUGH OF	421906	780525
PENNSYLVANIA	LAWRENCE COUNTY	SOUTH NEW CASTLE, BOROUGH OF	422467	780731
PENNSYLVANIA	LUZERNE COUNTY	SUGAR NOTCH, BOROUGH OF	421820	760630
PENNSYLVANIA	LUZERNE COUNTY	WEST HAZLETON, BOROUGH OF	421821	780731
PENNSYLVANIA	YORK COUNTY	WEST YORK, BOROUGH OF	420941	790731
PENNSYLVANIA	ALLEGHENY COUNTY	WHITEKFR, BOROUGH OF	420087	780525
PENNSYLVANIA	ALLEGHENY COUNTY	WHITEHALL, BOROUGH OF	420088	771028
PENNSYLVANIA	LUZERNE COUNTY	YATESVILLE, BOROUGH OF	420634	780731
STATE TOTAL OF NSFHA COMMUNITIES: 53				
SOUTH CAROLINA	GEORGETOWN COUNTY	ANDREWS, TOWN OF	450086	760930
SOUTH CAROLINA	KERSHAW COUNTY	KERSHAW, TOWN OF	450119	760930
SOUTH CAROLINA	OCONEE COUNTY	WESTMINSTER, TOWN OF	450223	790731
STATE TOTAL OF NSFHA COMMUNITIES: 3				
SOUTH DAKOTA	FALL RIVER COUNTY	HOT SPRINGS, CITY OF	460027	760630
SOUTH DAKOTA	DAVISON COUNTY	MOUNT VERNON, CITY OF	460022	760611
STATE TOTAL OF NSFHA COMMUNITIES: 2				

65.A LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	IN#	DATE OF CONVERSION TO REGULAR PROGRAM
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TENNESSEE
TENNESSEE
TENNESSEE

GIRSON COUNTY
LAKE COUNTY
HAMILTON COUNTY

DYER, TOWN OF
RIDGELEY, TOWN OF
SIGNAL MOUNTAIN, TOWN OF

470058
470338
470078

760930
771028
790628

STATE TOTAL OF NSFHA COMMUNITIES: 3

TEXAS
TEXAS
TEXAS
TEXAS

JONES COUNTY
REAGAN COUNTY
CALLAHAN COUNTY
HIDALGO COUNTY
HIDALGO COUNTY
FORT BEND COUNTY

ANSON, CITY OF
RIG LAKE, CITY OF
CLYDE, CITY OF
EDCOUCH, CITY OF
ELSA, CITY OF
FT. BEND CO. WATER CONT. &

480401
480534
480721
480337
480339
481299

780525
780721
780525
780525
780525
790330

TEXAS
TEXAS
TEXAS
TEXAS
TEXAS
TEXAS
TEXAS

EASTLAND COUNTY
HARRIS COUNTY
HARRIS COUNTY
NAVARRO COUNTY
COLLINS COUNTY
TRAVIS COUNTY
PRESIDIO COUNTY
FORT BEND COUNTY

IMPROV. DIST. 4
GORMAN, CITY OF
HEDWIG VILLAGE, CITY OF
HILSHIRE VILLAGE, CITY OF
KREFENS, CITY OF
LUCAS, CITY OF
MANOR, CITY OF
MARFA, CITY OF
MEADOWS, MUNICIPAL UTILITY
DISTRICT

481103
480294
480295
480955
481545
481027
481493
481563

780525
780526
790628
780525
790703
780525
780526
791217

TEXAS
TEXAS
TEXAS
TEXAS
TEXAS
TEXAS
TEXAS
TEXAS
TEXAS
TEXAS
TEXAS

GONZALES COUNTY
JIM WELLS COUNTY
MONTAGUE COUNTY
HIDALGO COUNTY
FANNIN COUNTY
MONTGOMERY COUNTY
HARDIN COUNTY
HARRIS COUNTY
JONES COUNTY
FREDSTONF COUNTY
HARRISON COUNTY
HARRIS COUNTY
RUNNELS COUNTY

NIXON, CITY OF
ORANGE GROVE, CITY OF
SAINT JO, CITY OF
SAVON, CITY OF
SHENANDOAH, TOWN OF
SOUTH LAKE, CITY OF
SOUTHSHORE, CITY OF
STAMFORD, CITY OF
TEAGUE, CITY OF
UNCERTAIN, TOWN OF
WEST UNIVERSITY, CITY OF
WINTERS, CITY OF

481114
480395
480940
480348
480813
481256
480286
480312
480403
480236
481559
480318
480550

770826
790330
780525
780721
770826
780526
771028
760211
780525
771028
790821
780526
780525

STATE TOTAL OF NSFHA COMMUNITIES: 27

65.A LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
UTAH	UTAH COUNTY	ALPINE, CITY OF	490228	760211
UTAH	DAVIS COUNTY	CLINTON, CITY OF	490042	780721
UTAH	DAVIS COUNTY	EMERY, TOWN OF	490060	780911
UTAH	DAVIS COUNTY	SYRACUSE, CITY OF	490051	780601
STATE TOTAL OF NSFHA COMMUNITIES: 4				
VIRGINIA	HANOVER COUNTY	ASHLAND, TOWN OF	510075	780526
VIRGINIA	SOUTHAMPTON COUNTY	BRANCHVILLE, TOWN OF	510296	790330
VIRGINIA	SCOTT COUNTY	DUFFIELD, TOWN OF	510240	780525
VIRGINIA	APPOMATTOX COUNTY	PAMPLIN, TOWN OF	510228	760212
VIRGINIA	GREENE COUNTY	STANDARDSVILLE, TOWN OF	510251	781226
VIRGINIA	SHEPHERD COUNTY	STRASBURG, TOWN OF	510149	781226
STATE TOTAL OF NSFHA COMMUNITIES: 6				
WASHINGTON	WALLA WALLA COUNTY	COLLEGE PLACE, CITY OF	530195	780526
WASHINGTON	GRANT COUNTY	COULEE CITY, TOWN OF	530050	790615
WASHINGTON	KING COUNTY	MEDINA, CITY OF	530315	790315
WASHINGTON	SPOKANE COUNTY	MILLWOOD, TOWN OF	530180	790615
WASHINGTON	OKANOGAN COUNTY	PATEROS, TOWN OF	530258	760212
WASHINGTON	GRANT COUNTY	QUINCY, CITY OF	530054	760630
WASHINGTON	CLALLAM COUNTY	SEQUIM, CITY OF	530301	760211
WASHINGTON	GRAYS HARBOR COUNTY	WARDEN, TOWN OF	530304	790529
WASHINGTON	GRAYS HARBOR COUNTY	WESTPORT, CITY OF	530067	790806
STATE TOTAL OF NSFHA COMMUNITIES: 9				
VIRGINIA	OHIO COUNTY	RETHLEHEM, VILLAGE OF	540275	770826
WEST VIRGINIA	MONONGALIA COUNTY	BLACKSVILLE, CITY OF	540140	781226
WEST VIRGINIA	MERCER COUNTY	BLUFFFIELD, CITY OF	540285	780526
WEST VIRGINIA	BRAXTON COUNTY	FLATWOODS, TOWN OF	540235	780929
WEST VIRGINIA	TAYLOR COUNTY	ELFINGTON, TOWN OF	540189	781226

65.8 LIST OF COMMUNITIES WITH NO SPECIAL FLOOD HAZARD AREAS

STATE	COUNTY	COMMUNITY NAME	ID#	DATE OF CONVERSION TO REGULAR PROGRAM
WEST VIRGINIA	GREENBRIER COUNTY	LEWISBURG, CITY OF	540281	780929

STATE TOTAL OF NSFHA COMMUNITIES: 6

WISCONSIN	PRICE COUNTY	CATAWBA, VILLAGE OF	550527	790628
WISCONSIN	MILWAUKEE COUNTY	CINDAHY, CITY OF	550272	781215
WISCONSIN	PRICE COUNTY	KENNAN, VILLAGE OF	550531	790628
WISCONSIN	GRANT COUNTY	LIVINGSTON, VILLAGE OF	550151	780525
WISCONSIN	FOND DU LAC COUNTY	MT. CALVARY, VILLAGE OF	550137	760930
WISCONSIN	MILWAUKEE COUNTY	WEST MILWAUKEE, VILLAGE OF	550561	780928

STATE TOTAL OF NSFHA COMMUNITIES: 6

TOTAL NUMBER OF NO SPECIAL FLOOD HAZARD AREA COMMUNITIES IS 480

BILLING CODE 4210-23-C

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

Issued: September 19, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-30638 Filed 10-3-80; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Part 385

Research and Development Grant and Cooperative Agreements Regulations

AGENCY: Maritime Administration, Commerce.

ACTION: Final regulations.

SUMMARY: The new Part 385 sets forth regulations governing research and development grant and cooperative agreements by the Maritime Administration (MarAd). It implements MarAd's authority to use financial assistance instruments; implements final Office of Management and Budget (OMB) guidance on implementation of the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95-224), 43 FR 36860, and OMB Circular Nos. A-102 and A-110; enunciates policy for providing financial assistance to individuals and to nonprofit and profitmaking organizations; and establishes a coherent regulatory basis for MarAd's use of financial assistance instruments in the research and development program.

The effect of this rule will be to establish an administrative basis for the application for, and award and administration of, MarAd financial assistance in its research and development program.

DATES: Effective date: October 6, 1980. Comment date: Comments are due on or before December 5, 1980.

ADDRESS: Send comments to: Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th & E Sts., NW., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

John J. Roche, Office of Commercial Development (M-900.2), Maritime Administration, Room 4885, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: (202) 377-4113.

SUPPLEMENTARY INFORMATION:

I. Regulatory Requirements

The MarAd assistance regulations are published in their entirety, as final regulations in this issue of the **Federal Register**, in accordance with the requirements of the Administrative Procedure Act, as amended, (5 U.S.C. 551 *et seq.*). Under section 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)), the Secretary of Commerce is authorized to prescribe such procedural and administrative rules and regulations as he may determine necessary or appropriate to administer and manage the functions vested in him. This authority has been delegated to MarAd for the program at hand.

Note.—MarAd has determined that this proposed regulation does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107. MarAd also has determined that the regulation will not affect the quality of the environment.

II. Background

MarAd has numerous and broad statutory authority to undertake: research, development, fabrication and test operation of experimental facilities and equipment; collection and dissemination of maritime technical and engineering information; and studies to improve water transportation systems.

The Merchant Marine Act, 1936, as amended (46 U.S.C. 1101-1294), read in conjunction with the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95-224) and other applicable authorities authorize MarAd to use grant and cooperative agreements.

Office of Management and Budget Circular Nos. A-102 and A-110 established uniform administrative guidelines for grant and cooperative agreements with State and local governments, federally recognized Indian tribal governments and public and private institutions of higher education, public and private hospitals, and other quasi-public and private nonprofit organizations. In these circulars, OMB requires that Federal agencies issue appropriate implementing regulations.

Providing certain forms of financial assistance to profitmaking organizations is part of MarAd's statutory mission. OMB has provided policy through Circular Nos. A-102 and A-110 for public and nonprofit recipients of Federal financial assistance. OMB has not issued policy regarding Federal financial assistance to profitmaking organizations. Section 3(3) of Pub. L. 95-224 allows profitmaking organizations to receive Federal financial assistance to

accomplish a public purpose of support and stimulation authorized by statute.

There is no comprehensive Federal-wide regulation giving coherent guidance for the conduct of Federal assistance activities. These MarAd regulations will implement and establish uniform administrative requirements for MarAd grant and cooperative agreements in furtherance of its research and development program. To the extent provided in these regulations, this administrative standard will be implemented in program solicitations and program regulations which use financial assistance instruments.

In summary, these MarAd regulations are needed to: implement MarAd's authority to use financial assistance instruments in its research and development program; implement OMB Circular Nos. A-102 and A-110; set policy for providing financial assistance to profitmaking organizations; and establish a coherent regulatory basis for MarAd's use of financial assistance instruments in its research and development program.

III. Approach

These MarAd regulations are intended to contain regulatory material concerning administrative and other Federal requirements applicable to recipients of financial assistance instruments, particularly with respect to grant and cooperative agreements. Nonregulatory administrative requirements necessary for MarAd's internal management of financial assistance instruments will be developed in an internal MarAd Financial Assistance Manual available to the public upon request.

The MarAd regulations represent the minimum beginning of an assistance regulatory system for MarAd's research and development program. Additional policies will be added and modifications adopted as needed.

IV. Effect on Existing Policies

Prior research and development activities had been conducted with standard procurement forms and policies contained in the Federal Procurement Regulations. No grant or cooperative agreements policies existed.

V. General

MarAd has determined that this rule does not involve a substantial issue of fact or law, that it is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, and that preparation of a regulatory analysis is not required. This determination is based on the fact that this rule in major part implements

financial assistance guideline policies which have been published by OMB and does not, in its own right, establish eligibility for MarAd assistance programs.

While these regulations are significant within the meaning of E.O. 12044, as implemented by Department of Commerce and MarAd procedures (44 FR 2084, January 9, 1979), they are being issued on an interim basis, effective immediately, because MarAd finds that the need to have regulations in place to implement the Federal Grant and Cooperative Agreement Act of 1977 makes it impracticable to publish in proposed form. However, MarAd requests and encourages the submission of data, views and comments with respect to these regulations within 60 days of publication. All comments will be available for inspection during normal working hours in Room 3099B, Department of Commerce Building. After evaluating the information received, MarAd will make any appropriate revisions to these regulations.

Accordingly, a new "Part 385—Research and Development Grant and Cooperative Agreements Regulations" is added to "Chapter II—Maritime Administration, Department of Commerce," "Title 46—Shipping," of the Code of Federal Regulations.

PART 385—RESEARCH AND DEVELOPMENT GRANT AND COOPERATIVE AGREEMENTS REGULATIONS

General

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Regulation System

385.2 Scope.

385.3 Purpose.

385.4 Authority.

385.5 Applicability.

385.6 Exclusions.

385.7 Issuance.

385.8 Arrangement.

385.9 Exceptions, deviations, or waivers.

Definition of Terms

385.20 Scope.

385.21 Definitions.

General Policies

385.31 Scope.

385.32 Selection of award instrument.

385.33 Unsolicited applications and proposals for financial assistance awards.

385.34 Responsibility for issuing solicitations for proposals or applications.

385.35 Program opportunity notices.

385.36 Public notice of availability of assistance awards.

Sec.

385.37 Requirement for unrestricted solicitations for discretionary assistance awards.

385.38 Joint funding.

385.39 Socio-economic and environmental policies.

385.40 Disputes.

Criteria for Award

385.50 Scope.

385.51 Criteria: projects.

385.52 Criteria: applicant.

Forms of Agreement

385.60 Scope.

385.61 Grant and cooperative agreements: Special provisions.

385.62 Grant and cooperative agreements: Standard general provisions.

Authority: Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)); Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469 (84 Stat. 1036); Department of Commerce Organization Order 10-8 (36 FR 19707, July 23, 1973); and Secretary's Circular 30 (November 5, 1979).

General

§ 385.1 Scope.

This part sets forth information about the Maritime Administration (MarAd) assistance regulations: Their purpose, authority, applicability, issuance, arrangement, implementation, and exception procedure; definitions of terms; and general MarAd assistance policies.

Regulation System

§ 385.2 Scope.

Sections 385.2 through 385.9 set forth introductory information pertaining to the MarAd assistance regulations: Their purpose, authority, applicability, exclusions, issuance, arrangement, publication, and exceptions.

§ 385.3 Purpose.

Sections 385.2 through 385.9 establish the MarAd assistance regulations which codify, implement, and publish uniform assistance policies and selected procedures applicable to MarAd and recipients of MarAd assistance awards. The MarAd assistance regulations do not, in and of themselves, provide authority for the use of assistance instruments nor the making of assistance awards where statutory authority has not been otherwise provided. Generic authority to award grants and cooperative agreements is provided in Pub. L. 95-224, the Federal Grant and Cooperative Agreement Act of 1977. The assistance regulations are distinct from the Federal and MarAd and Department of Commerce procurement regulations.

§ 385.4 Authority.

The MarAd assistance regulations are issued pursuant to Section 204(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)), and pursuant to delegation of authority by the Secretary of Commerce to the Assistant Secretary for Maritime Affairs.

§ 385.5 Applicability.

The MarAd assistance regulations apply to all MarAd research and development programs which will result in assistance awards, and to all recipients eligible for MarAd assistance awards such as state and local governments, institutions of higher education, hospitals, other nonprofit organizations, individuals, profitmaking organizations, and foreign organizations. The provisions of this part govern the award and administration of all such financial assistance matters, including resolutions and guidelines issued by MarAd except:

(a) As otherwise required by statute; and,

(b) As otherwise provided by specific program regulations.

§ 385.6 Exclusions.

Excluded from this part are requirements pertaining to procurement contracts subject to the Federal Property and Administrative Services Act of 1949 and the Federal and MarAd procurement regulations, interagency agreements, memorandums of understanding and programs or projects which directly disseminate technical information, or provide consultation, technical service, information, and data counseling to recipients without the use of an assistance instrument. Also excluded is the sale, lease, license, or other authorization to use Federal property, when such use is not incidental to the purpose of stimulation or support.

§ 385.7 Issuance.

The MarAd assistance regulations are issued in the Code of Federal Regulations as Part 385, Chapter II, of Title 46, Shipping, after publication in the **Federal Register**. Copies of the MarAd assistance regulations in the **Federal Register** and Code of Federal Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 385.8 Arrangement.

(a) *General Plan.* The general format, numbering system, and nomenclature used in this part conform with **Federal Register** standards.

(b) *Citation.* The MarAd assistance regulations will be cited in accordance with **Federal Register** standards. Thus, this paragraph, when referred to within divisions of the MarAd assistance regulations, should be cited as "§ 385.8(b)." When this section is referred to formally in other documents outside of this part, it should be cited as "46 CFR 385.8(b)."

(c) *Implementation.* Instructions and procedures needed by MarAd to internally implement this part will be contained in a separate MarAd Financial Assistance Manual, which will be available to the public upon request.

§ 385.9 Exceptions, deviations, or waivers.

Requests for exceptions, deviations, or waivers from the requirements of this part, unless exceptions are required by program legislation or program regulations, shall be submitted to the Grants Officer. Exceptions may be approved by the Grants Officer on matters within the scope of his authority, or obtained by said Grants Officer from higher authority within the Department of Commerce or from the Office of Management and Budget when required by law or other applicable Federal requirement.

Definition of Terms

§ 385.20 Scope.

Only those definitions needed to understand this part will be defined. Generally, terms defined elsewhere in statutes, OMB circulars, and other Federal requirements will not be restated. Special attention is directed to the definitions in the Standard General Provisions of MarAd's grant and cooperative agreements (See § 385.62).

§ 385.21 Definitions.

(a) "Assistance" is where the principal purpose of the relationship is the transfer of money, property, services or anything of value to a recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute rather than of acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government.

(b) "Assistance instrument" is a general term which identifies a class of instruments used to award assistance. These instruments include grant and cooperative agreements, as defined in § 385.32 (c) and (d) below.

(c) "Act" means the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95-224).

(d) "MarAd" means the Maritime Administration within the Department of Commerce.

(e) "Secretary" means the Secretary of Commerce.

(f) "Assistant Secretary" means the Assistant Secretary of Commerce for Maritime Affairs to whom the Secretary has delegated authority to administer within MarAd the provisions of the Act.

(g) "Grants Officer" means the primary delegate of the Assistant Secretary responsible for administration of grants and cooperative agreements for research and development within MarAd.

(h) "Awards Officer" means the principal executive subordinate to the Grants Officer responsible for the day-to-day administration of grants and cooperative agreements for research and development.

General Policies

§ 385.31 Scope.

Sections 385.31 through 385.62 set forth the regulations applicable to all assistance instruments as defined herein.

§ 385.32 Selection of award instrument.

(a) *General.* This section provides guidance on the appropriate use of award instruments consistent with the Act and the supplementary interpretative guidelines required by Section 9 of the Act, which were published by the OMB in the **Federal Register** of August 18, 1978 (41 FR 36860), and are incorporated by reference herein. This section applies to all program and individual transactions where the choice of award instruments is within the administrative discretion of MarAd and is not otherwise prescribed or limited by law. A variety of award instruments is available as the means for defining the terms and conditions and the nature of the relationship between MarAd and eligible recipients. The award instruments are intended to be different in purpose, application, content, and nature. When properly employed, they create different relationships between the parties. Because of these differences, the decision to use a particular instrument must be made deliberately. The determination of whether a program, to be implemented through individual transactions, is principally one of acquisition or assistance will be made by the Grants Officer. MarAd generally will employ the cooperative agreement form of assistance instrument but will employ the grant form where deemed appropriate.

(b) *Procurement contract.* A procurement contract shall be used as the legal instrument to reflect a relationship between the Federal

Government and a state or local government or other recipient whenever (1) the principal purpose of the instrument is the acquisition by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government; or (2) whenever MarAd determines in a specific instance that the use of a type of procurement contract is appropriate.

(c) *Grant agreement.* A type of grant agreement shall be used as the legal instrument to reflect a relationship between the Federal Government and a state or local government or other recipient whenever the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the state or local government or other recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government; and no substantial involvement is anticipated between MarAd, acting for the Federal Government, and the state or local government or other recipient during performance of the contemplated activity.

(d) *Cooperative agreement.* A type of cooperative agreement shall be used as the legal instrument to reflect a relationship between the Federal Government and a state or local government or other recipient whenever the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the state or local government or other recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government; and substantial involvement is anticipated between MarAd, acting for the Federal Government, and the state or local government or other recipient during performance of the contemplated activity.

§ 385.33 Unsolicited applications and proposals for financial assistance awards.

(a) *Policy.* Although it is MarAd policy to solicit applications and proposals for assistance awards where possible, MarAd also values obtaining innovative ideas, methods, and approaches in maritime transportation areas offered by the public through unsolicited applications and proposals. It is the policy of the Government to foster and encourage the submission of unsolicited proposals. This § 385.33 is

designed to encourage the submission of unsolicited proposals relating to MarAd's mission and to eliminate restraints which discourage the generation and acceptance of innovative ideas through unsolicited proposals.

(b) *Scope.* This section applies to unsolicited proposals being considered for support through an assistance instrument. This section does not apply when a procurement contract is the appropriate award instrument in accordance with § 385.32(b).

(c) *Definition of unsolicited proposal.* The term "unsolicited proposal" means a written offer to perform a proposed task or effort, initiated and submitted to MarAd by a prospective recipient (offeror) without solicitation by MarAd, and with the objective of obtaining an award. The term may include both requests for support of a new project and requests for additional support of a previously funded project (renewals).

(d) *Advance consultation.* Organizations or individuals who are interested in submitting an unsolicited proposal are encouraged, before expending extensive effort in preparing a detailed unsolicited proposal or submitting any proprietary information to the Government, to make preliminary inquiries of MarAd program staff as to the general interest in the type of project contemplated. Prior contact with agency technical personnel is permissible and is encouraged, with the limited objectives of conveying to the prospective recipient an understanding of the agency mission and interest relative to the type of project contemplated. The project officer shall not indicate or imply in discussions with the potential proposer that a proposal will result in an award. Nothing is to be suggested to encourage or authorize the potential proposer to perform any work at MarAd expense in anticipation of support or an award. If there have been prior discussions with a particular MarAd program office, a statement of this fact should be stated on the face of the proposal.

(e) *Guides.* Guides for preparing the content of unsolicited proposals are available from the Awards Officer (M-900), Maritime Administration, Room 4885, U.S. Department of Commerce, Washington, D.C. 20230. Notwithstanding these guides, state and local governments may submit unsolicited applications or proposals using the application forms authorized by OMB Circular No. A-102, Attachment M.

(f) *Submission point.* All unsolicited proposals for new or renewals of financial assistance awards shall be submitted to Awards Officer (M-900), Maritime Administration, Room 4885,

U.S. Department of Commerce, Washington, D.C. 20230.

(g) *Receipt and review.* (1) Receipt of unsolicited proposals will be acknowledged promptly by the Awards Officer and then forwarded expeditiously to potentially interested program offices for comment. Each unsolicited proposal that is circulated for a comprehensive evaluation shall have a legend attached or imprinted on it by the Awards Officer, identifying it as an unsolicited proposal and stating that it shall be used only for purposes of evaluation.

(2) The responsible program officials shall evaluate the proposal fairly and objectively using the criteria in §§ 385.50 through 385.52.

(3) An unsolicited proposal may include data which the proposer does not want disclosed for purposes other than the evaluation of the proposal. In such case, the proposer should mark each page containing such data with the words "Proprietary Data—Restricted Use" at the top of the page. In the event that an unsolicited proposal, in whole or in part, indicates that the proposer wishes to impose restrictions on the use or disclosure of the data contained in the proposal, MarAd personnel handling the proposal will take care to ensure that the information in the proposal is not disclosed outside of MarAd. The Awards Officer has responsibility for ensuring that proposal reviewers are free of any direct affiliation with the individual(s) or institution submitting the proposal. MarAd policy on the use of information contained in proposals is to use such information only for evaluation purposes, except to the extent such information is generally available to the public, is already the property of the Government, or is available to the Government without restriction. Accordingly, if a proposal contains information the proposer wishes to protect, the proposer shall mark the cover page of the proposal with the following Notice:

Notice: The data contained in pages — of this proposal have been submitted in confidence and contain trade secrets and/or privileged or confidential commercial or financial information, and such data shall be used or disclosed only for evaluation purposes: *Provided*, That if this proposer receives an award as a result of or in connection with the submission of this proposal the Government shall have the right to use or disclose the data herein to the extent provided in the award. This restriction does not limit the Government's right to use or disclose data obtained without restriction from any source, including the proposer.

MarAd shall ensure that all copies of the proposal carry the above Notice, and

that it is not disclosed outside MarAd, except with the consent of the proposer.

(h) *Criteria* for acceptance of an unsolicited proposal are those listed in §§ 385.50 through 385.52. If an unsolicited proposal fails to meet any of the criteria, the proposer will be notified by the Awards Officer in accordance with paragraph (j) of this section.

(i) *Funding determination.* The responsibility for deciding funding availability rests solely with the Grants Officer and will not be considered by the proposal reviewers.

(j) *Nonsupport of proposal.* If the proposal does not offer sufficient technical merit or program value; is not relevant to the accomplishment of a public purpose authorized by MarAd program legislation; or if funds are not available; the proposal will be returned to the proposer, if the proposer so requests. The Awards Officer shall prepare a letter to the proposer which sets forth the basis for rejection of the unsolicited proposal or application.

(k) *Support of proposal.* There is no prescribed format for the program documentation necessary to justify providing assistance. The minimum requirements are that: there be a reasonable basis for acceptance based on the criteria set forth in §§ 385.50 through 385.52; the rationale for providing support be written, and approvals be obtained as required by MarAd; and, that a copy of the documentation be included in the assistance instrument award file. The rationale for providing assistance may be included in documents required for project approval.

§ 385.34 Responsibility for issuing solicitations for proposals or applications.

(a) It is MarAd policy to favor solicitation of proposals or applications, where discretionary assistance awards are available, in preference to relying on unsolicited proposals, in order to maximize opportunities for open participation by the public in MarAd assistance awards.

(b) The Awards Officer shall be responsible for issuing solicitations, announcements, or the like, which call for the submission of proposals and applications by a certain due date which, if favorably acted upon by MarAd, may result in assistance awards.

§ 385.35 Program opportunity notices.

(a) A program opportunity notice can be used to stimulate the flow of unsolicited proposals or applications when the program objectives cannot be defined sufficiently to prepare a program solicitation.

(b) The program opportunity notice will contain the following, at a minimum:

(1) A number assigned for control and reference purposes;

(2) A brief description of the broad, general technical program or areas needing investigation (generally 50 words or less);

(3) A statement of the principal program objective in possibly funding unsolicited proposals as either:

(i) The acquisition of concepts, property, or services for the direct benefit or use of the Federal Government; or

(ii) The transfer of money, property, or services to a recipient for support or stimulation authorized by Federal statute;

(4) A statement about how unsolicited proposals will be evaluated and accepted:

(i) If the principal program objective is to accomplish a public purpose of support or stimulation, the criteria in §§ 385.50 through 385.52 shall be applied;

(ii) If the principal program objective is the acquisition of concepts, property, or services for the direct benefit or use of the Federal Government (*i.e.*, procurement), the policy regarding evaluation and acceptance of unsolicited proposals in 41 CFR 9-4.9 shall apply;

(5) Restrictions, if any, as to who may submit proposals;

(6) A contact where additional information may be obtained;

(7) An expiration date which identifies when the program opportunity notice will no longer be current. This date shall not be used as a required common due date for submission of proposals;

(8) A statement that MarAd reserves the right to support or not support, in whole or in part, any or all proposals received;

(9) A statement that MarAd assumes no responsibility for any costs associated with specific proposal preparation if no award is made; but that if an award is made, MarAd will pay its allocable share of bid and proposal expenses as provided for in applicable Federal cost principles;

(10) A statement that proposals submitted pursuant to the notice shall be mailed to the Awards Officer (M-900), Maritime Administration, Room 4885, U.S. Department of Commerce, Washington, D.C. 20230.

(11) A reference that detailed information concerning assistance policy and procedures is contained in these assistance regulations, 46 CFR Part 385;

(12) As much information as possible as to how proposals and applications will be evaluated;

(13) Policies and procedures for patents, data, and copyrights. Proposers have the right to request in advance of or within thirty (30) days after the effective date of award a waiver of all or any part of the United States rights in subject inventions.

(c) The program opportunity notice shall be in a format that best reflects the needs of the specific program, for example, letter, booklet, bulletin, or other documents.

(d) The program opportunity notice shall be distributed widely. It may be distributed to industry associations, including small business associations; schools, colleges, and universities; appropriate professional and scientific journals; state, local, and regional governmental organizations; the Commerce Business Daily; other MarAd offices; and individuals and organizations who request copies on a one-time basis.

(e) The submission of innovative methods, approaches or ideas will not be restricted to those problems or technical areas published in the program opportunity notice. Alternatives will be eligible for consideration.

§ 385.36 Public notice of availability of assistance awards.

(a) In order to maximize involvement of prospective recipients in MarAd assistance programs, it is MarAd's policy, wherever possible, to provide timely notice to the public as to the availability of assistance awards.

(b) Early notice regarding legislated grant or other assistance programs will be provided by MarAd to the Office of Management and Budget for publication in the Catalog of Federal Domestic Assistance pursuant to Office of Management and Budget Circular No. A-89. When legislated assistance programs or program objectives which are to be implemented through assistance instruments reach the point where applications or proposals need to be obtained, timely notice of such solicitations will be published in the *Federal Register*, Commerce Business Daily, trade and professional journals which are widely circulated to state and local governments, and news media, as appropriate to communicate with potentially interested applicants.

(c) When a MarAd assistance project involves making assistance available through prime recipients to subrecipients, such as through states to local governments, prime recipients should provide timely advance notice to subrecipients as to the availability of

such assistance, and provide a reasonable time period for subrecipients to prepare applications and secure prerequisite local approvals.

§ 385.37 Requirement for unrestricted solicitations for discretionary assistance awards.

(a) *Policy.* It is MarAd policy to maximize the opportunity for prospective recipients to be considered for assistance awards where eligibility is not prescribed by law. Therefore, when eligibility is not prescribed by law or a final program regulation, and when discretionary assistance awards are selected to accomplish a program objective, applications or proposals will be obtained, wherever practicable, by issuance of a written solicitation. When MarAd initiates the solicitation of applications or proposals, eligibility to be considered for discretionary awards will not be restricted by MarAd to one category of recipients or to a single recipient without adequate basis.

(b) *Justification of restricted eligibility.* Where program legislation explicitly restricts eligibility, *e.g.*, to state governments, no justification is required. When program regulations restrict eligibility beyond the restrictions required by the program legislation, the basis for the restriction shall be set forth in the program rulemaking.

41 CFR 9-3.805-51 shall be used as a guide in preparing the "justification for restricting eligibility." The reasons offered will be evaluated for consistency with the policy in paragraph (a) of this section, MarAd's overall mission, and the objective of maintaining an open and fair system of making assistance awards.

(c) *Approvals.* Justifications of restricted eligibility will be signed by the Grants Officer and will be reviewed by Office of General Counsel for legal sufficiency prior to issuance of the restricted solicitation. The signed justification will be filed in official award file.

§ 385.38 Joint funding.

(a) Pursuant to Section 10(c) of the Act, MarAd is authorized to participate in joint funded projects with other Federal agencies in any funding relationship which will serve the best interest of all of the participating agencies' program. Such joint funding project may include more than one type of assistance relationship, *e.g.*, some components of project may be funded by grants and other components of the project may be funded by cooperative agreements.

(b) It is MarAd's positive policy, further, to encourage cost-sharing on the

part of applicants for financial assistance. The willingness of applicants to cost-share is a primary factor in making, or not making, an assistance award.

§ 385.39 Socio-Economic and environmental policies.

A number of socio-economic and environmental policies of the Federal Government are incorporated into the standard general provisions of the grant agreement and cooperative agreements, and are identified as explicit criteria in §§ 385.51 and 385.52.

§ 385.40 Disputes.

Procedures for resolution of disputes between a recipient and MarAd appear in the standard general provisions of the grant and cooperative agreements referenced in § 385.62, below.

Criteria for Award

§ 385.50 Scope.

Sections 385.51 and 385.52 set forth the criteria to be used by MarAd in evaluating all projects and all potential recipients prior to award of a grant or cooperative agreement.

§ 385.51 Criteria: Projects.

The criteria to be used by MarAd in evaluating all projects prior to award of a grant or cooperative agreement are as follows:

(a) In terms of the accomplishment of a public purpose—

(1) The potential contribution which the proposed work is expected to make to the MarAd assistance mission;

(2) The economic, environmental, and societal significance which a successful demonstration or project may have for the nation, and in particular the national merchant marine program;

(3) the relationship of the proposal to:

(i) The public need for the potential results of the research, development, or demonstration effort, and whether it is unlikely that similar results would be achieved in a timely manner in the absence of Federal assistance;

(ii) Whether the potential opportunities for non-Federal interests to recapture the investment in the undertaking through the normal commercial utilization of proprietary knowledge appear inadequate to encourage timely results;

(iii) The extent of the problems treated and whether the objectives sought by the undertaking are national, widespread, or regional in their significance;

(iv) The extent of opportunities to induce non-Federal support of the undertaking;

(v) The degree of risk of loss of the investment inherent in the research, and the availability of risk capital to the non-Federal entities which might otherwise engage in the field of the research so as to further timely development of the technology; and,

(vi) The availability of appropriations to MarAd.

(b) In terms of the particular objectives of the project, whether the project has:

(1) High technical merit which promises or represents an innovative idea, method, or approach;

(2) Program value not previously recognized or pursued by MarAd; and,

(3) A reasonable degree of probability of achieving the stated objectives.

§ 385.52 Criteria: Applicant.

The criteria to be used by MarAd in evaluating all applicants prior to award of a grant or cooperative agreement are as follows:

(a) The qualifications, capabilities, resources (both financial and technical) and experience of the applicant;

(b) The facilities or techniques which the proposer possesses and offers which are considered to be integral factors for achieving the objectives of the proposal;

(c) The qualifications, capabilities, and experiences of the proposed investigator, team leader, or key personnel, who are considered to be critical in achieving the objectives of the proposal;

(d) The precision and detail with which the applicant states its plan to further the formally adopted socioeconomic and environmental policies of the United States (e.g., the encouragement of minority business enterprises); and,

(e) The extent to which the applicant will share the total estimated cost of the project.

Forms of Agreements

§ 385.60 Scope.

Sections 385.61 through 385.62 describe the form and content of the two parts which comprise a grant agreement or a cooperative agreement which will be executed by MarAd and a recipient of financial assistance.

§ 385.61 Grant and cooperative agreements: Special provisions.

(a) MarAd has adopted two format matrices, one for grant agreements and one for cooperative agreements, to accommodate the variables inherent in undertaking a project with a particular recipient. These variables include, for example, identity of the recipient, scope of work, schedule of performance and obligations assumed by both parties.

(b) The format matrices are available on request from the Awards Officer, and a copy of each is included in the information kit provided to all potential recipients of financial assistance.¹

(c) MarAd will adapt the appropriate format matrix to the extent deemed necessary when drafting the particular agreement to be executed by MarAd and a recipient of financial assistance for a specific project.

§ 385.62 Grant and cooperative agreements: Standard general provisions.

(a) MarAd has adopted two standard general provisions which apply to grant and cooperative agreements, respectively, and said provisions are hereby incorporated by reference into these regulations.²

(b) MarAd reserves the right to amend or to render inapplicable any portion of the particular standard general provisions required for any particular grant or cooperative agreement: *Provided*, That such modification shall be accomplished only by means of an explicit statement in the special provisions executed by MarAd and a particular recipient.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

(Catalog of Federal Domestic Assistance No. 11.511, Research and Commercial Development Assistance)

Dated: September 26, 1980.

Robert J. Patton, Jr.,
Secretary.

[FR Doc. 80-31082 Filed 10-3-80; 8:45 am]

BILLING CODE 3510-15-M

¹ An informational copy of both format matrices accompany this regulation as filed in the Office of the Federal Register.

² A copy of both such incorporated provisions accompany this regulation and are on file in the Office of the Federal Register.

Proposed Rules

Federal Register

Vol. 45, No. 195

Monday, October 6, 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 JUSTICE

Immigration and Naturalization Service

8 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Semiannual Regulatory Agenda is a semiannual summary of each proposed and each final regulation that the Immigration and Naturalization Service expects to publish in the Federal Register during the succeeding 12

months or such longer projected period as may be anticipated. The agenda also includes a semiannual summary of the existing regulations that the Immigration and Naturalization Service has selected for review and possible revocation or revision. The Semiannual Regulatory Agenda provides the public with information about the Service's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it more effectively to participate in, the Service's regulatory activity.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Semiannual Regulatory Agenda, in general, contact: Stanley J. Kieszkil, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633-3048.

Specific

For further information about any

particular item on the agenda contact the individual listed in the column headed "Contact" for that item.

SUPPLEMENTARY INFORMATION:

Purpose

The Immigration and Naturalization Service is publishing this Semiannual Regulatory Agenda in the Federal Register to share with the public the Service's anticipated future regulatory activity. Knowledge of the nature and scope of this activity, as well as specific proposals and reviews being considered, should result in more effective public participation in the Service's regulatory actions.

This publication in the Federal Register does not impose any binding obligation on the Service with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

Issued in Washington, DC on September 4, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

Semiannual Regulatory Agenda Immigration and Naturalization Service Significant Regulations

Title	Summary	Contact	Decision date
Refugee and Asylum Procedures.....	A. <i>Description:</i> The interim regulations implement the Refugee Act of 1980. They contain procedures for the admission of refugees and asylees, and for the adjustment of status to permanent resident of refugees and asylees. B. <i>Why Significant:</i> The regulations serve to implement a major departure from prior legislation which provided relief for refugees. There now exists a permanent and systematic procedure for meeting these humanitarian needs. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> The Refugee Act of 1980 mandated that appropriate regulations be promulgated by the Attorney General to fully implement the law within a short time frame. E. <i>Legal Basis:</i> Refugee Act of 1980, Pub. L. 96-212, 94 Stat. 102. F. <i>Chronology:</i> The Refugee Act of 1980 was enacted into law on March 17, 1980, with numerous amendments taking effect shortly thereafter. Interim regulations were published on June 2, 1980 (45 FR 37392) to be effective June 1, 1980. Public provided with a comment period of 60 days ending July 31, 1980. G. <i>Citations:</i> 8 CFR 207.1-7, 8 CFR 208.1-15, 8 CFR 209.1-2, 8 CFR 245.1, and 8 CFR 245.4.	John L. Rebsamen (202) 633-2361.	Interim regulations June 1980.
Effect of Labor Strikes on Employment of Nonimmigrants.	A. <i>Description:</i> The proposed rules set forth the restrictions on admission and continuous employment of nonimmigrant temporary workers, intra-company transferees, and students in occupations and at places of labor strikes in the U.S. B. <i>Why Significant:</i> The proposal impacts on the labor market in the U.S. as it affects H nonimmigrants seeking employment in the U.S. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> The proposal seeks to protect U.S. labor from the effects of nonimmigrant labor during a labor strike by suspending employment authorizations of H nonimmigrants at a labor strike site. E. <i>Legal Basis:</i> Secs. 103, and 214, 8 U.S.C. 1103 and 1184. F. <i>Chronology:</i> Published as a proposal on May 6, 1980 at 45 FR 29848 with comment period ending July 7, 1980. G. <i>Citations:</i> 8 CFR 214.2 and 211.5.	Paul Schmidt (202) 633-2895.	NPRM May 1980.
Nonimmigrant "F-1" Students; Proposed Annual Reporting.	A. <i>Description:</i> This revision proposes elimination of the duration of status for nonimmigrant students; annual reporting requirement; and uniform criteria for reinstatement of status. B. <i>Why Significant:</i> Imposes an additional reporting burden upon nonimmigrant students and schools. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> Will provide the Attorney General with the information he needs to fulfill his statutory responsibilities, and to provide a uniform method by which students may apply for and be granted reinstatement of status by Service district directors. E. <i>Legal Basis:</i> Secs. 103, and 214, 8 U.S.C. 1103 and 1184. F. <i>Chronology:</i> Published as a Notice of Proposed Rule Making in 45 FR 17590 on March 19, 1980. Comments received from the public are being evaluated by the operating unit. G. <i>Citations:</i> 8 CFR 214.2(f)	R. E. Coughlon (202) 633-3946.	NPRM March 1980.

Semiannual Regulatory Agenda Immigration and Naturalization Service Significant Regulations—Continued

Title	Summary	Contact	Decision date
Factors to be Considered in the Exercise of Administrative Discretion.	A. <i>Description</i>: This revision would amend numerous sections of the regulations by setting forth criteria and factors to be considered by Service officers in the exercise of administrative discretion. B. <i>Why Significant</i>: Involves a matter of significant interest to the public seeking a benefit from the Service by informing the public of the criteria used by the Service for granting such benefits. C. <i>Regulatory Analysis</i>: Not required. D. <i>Need</i>: Clearly defined criteria for Service officers in the exercise of administrative discretion ensure uniformity and consistency in either granting or denying benefits to the public. E. <i>Legal Basis</i>: Sec. 103; 8 U.S.C. 1103. Interpret or apply secs. 205, 211, 212, 214, 223, 235, 243, 245, 248, 249, 250, 252, 256, 271, and 336; 8 U.S.C. 1155, 1181, 1182, 1184, 1203, 1225, 1253, 1255, 1258, 1259, 1260, 1282, 1284, 1286, 1321, and 1447. F. <i>Chronology</i>: Published as a proposed rule at 44 FR 36187 dated June 21, 1979. Comments referred to the operating unit on September 7, 1979, for analysis. The revisions are currently under study.	R. E. Coughlon (202) 633-3946.	Target date January 1981.
G. <i>Citations</i> : 8 CFR 103.2(b)(2); 103.6(a)(2); 103.7(c)(1); 108.2; 205.1(a)(3); 211.1(b)(3); 211.2; 212.1(f); 212.2(j); 212.3; 212.4 (h), (i); 212.5(a); 212.5(b); 212.6; 212.7 (a), (b), (c-1); 214.1(a); 223.1; 235.9(c); 243.4; 243.8; 245.4; 245.8; 248.3 (c), (d), (e); 249.3; 249.4; 250.1; 252.1(d); 252.2; 254.1; 256.1; 271.1; and 336.16.			

Nonsignificant Regulations

Title	Summary	Contact	Decision date
Proposed Rules for Employment Authorization for Certain Aliens.	This action would codify various Service Operations Instructions, policy statements, and other memoranda directed at Service field offices about procedures and criteria for granting employment authorization to aliens in the United States. (8 CFR Part 109.) Published as a proposed rule in 44 FR 43480 dated July 25, 1979, and republished in 45 FR 19563 dated March 26, 1980. Comments received from the public are being evaluated.	H. F. Klajbor (202) 633-3229.	Target date January 1981.
Special Requirements for Admission, Extension and Maintenance of Status.	This action amends 8 CFR 214.2(h)(2)(v) to clarify criteria for determining if accompanying aliens such as managers, trainers, musical accompanists and other persons are essential to the successful performances of beneficiaries and may also be classified as H-1 aliens. Published as a proposed rule on August 4, 1980 (45 FR 51580). Public comments period ending on October 3, 1980. (8 CFR Part 214.)	R. E. Coughlon (202) 633-3946.	Target date December 1980.
Review: To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant.	Review of § 204.1 Petition, concerning relatives, orphans, labor certification, filing dates, with preference petition for members of the professions and discretionary interview procedure. (8 CFR 204.1.)	H. F. Klajbor (202) 633-3229.	Target date February 1981.
Review: Nonimmigrant Classes	Review of the special requirements for admission, extension, and maintenance of status of nonimmigrant classes. (8 CFR 214.2.)	H. F. Klajbor (202) 633-3229.	Target date October 1980.
Review: Petitions for Approval of Schools	Review of the procedures for petitions for approval of schools including filing, supporting documents, interview of petitioner, approval of petition, denial of petition, reporting requirements, review of school approvals, enforcement of student regulations, and issuance of certificates of eligibility. (8 CFR 214.3.)	H. F. Klajbor (202) 633-3229.	Target date January 1981.
Review: Withdrawal of School Approval	Review of the grounds and procedural requirements for withdrawal of school approval, including notice, hearing, pleading, order, appeal and reopening by motion. (8 CFR 214.4.)	H. F. Klajbor (202) 633-3229.	Target date January 1981.
Review: Inspection of Persons Applying for Admission.	Up-date of existing regulations to reflect current statutory and case law if required. (8 CFR Part 235.)	T. C. Leupp (202) 633-3078.	Target date October 1980.
Review: Landing of Alien Seamen	Up-date of existing regulation to reflect current statutory and case law if required. (8 CFR Part 252.)	T. C. Leupp (202) 633-3078.	Target date October 1980.
Review: Naturalization and Citizenship	Revision of existing regulations to conform to efficiency legislation, if enacted. (8 CFR Parts 301, 315, 316, 329, 334, 335, 336, 349, and 104.)	Keith C. Williams (202) 633-3320.	October 1980.
Review: Inspection of Persons Applying for Admission.	Mexican Border Visitor Permit. (8 CFR 235.1(g).)	James Lounsbury (202) 633-4033.	Target date Sept. 30, 1980.
Review: Designation of Ports of Entry for Aliens Arriving by Aircraft.	Definitions, landing requirements. (8 CFR Part 239.)	James Lounsbury (202) 633-4033.	Target date Nov. 30, 1980.
Review: Contracts with Transportation Lines	Contracts, foreign contiguous, preinspection, immediate and continuous. (8 CFR Part 238.)	James Lounsbury (202) 633-4033.	Target date Oct. 31, 1980.
Review: Documentary Requirements, Immigrants; Waivers.	Documents, General and Specific. (8 CFR Part 211.)	James Lounsbury (202) 633-4033.	Target date Dec. 31, 1980.
Review: Documentary Requirements, Nonimmigrants.	Nonresident alien border crossing cards. (8 CFR 212.6.)	Leon Jennings (202) 633-2694.	Target date Dec. 31, 1980.
Review	Imposition and Collection of Fines. (8 CFR Part 280.)	Charles C. Sava (202) 633-3032.	Target date February 1981.

[FR Doc. 80-30985 Filed 10-3-80; 8:45 am]

BILLING CODE 4410-10-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Proposed Business Loan Policy

AGENCY: Small Business Administration.**ACTION:** Proposed rule.**SUMMARY:** The proposed changes to Part

120 will extend the relationship that creates an actual or apparent conflict of interest throughout the life of the loan. To avoid preferential treatment and to make independent, impartial and objective decisions is just as important when servicing an approved loan as it is when approving a loan. These changes also permit exceptions to the present retroactive feature that applies the

relationship for six months before the date of an application for a loan.

The proposed regulations will also require that both the lender and the small business fully disclose all relationships discussed in 120.1(d) and allow the district office to evaluate whether the relationship that exists is too insignificant to constitute a conflict

of interest as long as the relationship is terminated. This will allow approval of some loans that are unnecessarily delayed for six months under the present rule. A new paragraph also allows SBA to require repayment of the loan or take other action if an associate relationship is created during the life of the loan.

DATE: Comments must be received on or before December 5, 1980.

ADDRESS: Written comments, in duplicate, are to be addressed to the Associate Administrator for Financial Assistance, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Questions regarding these proposed changes can be directed to: Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653-6470.

SUPPLEMENTARY INFORMATION: The present regulations do not address the situation where a lender or its principals obtain a substantial interest in the borrowing concern more than six months after disbursement. All of the lender's objectivity regarding loan servicing/liquidation actions can be lost when its servicing actions affect profits of its associate. Further, the Agency is not consistent in its handling of conflict of interest involving its personnel and the lender's personnel. These changes address these situations.

Section 120.5(a)(1)(iv) gives some criteria the District Offices are to use before allowing the lender to take corrective action.

These criteria relate to the significance of the relationship. For instance, it would be significant if a person owned a controlling interest in both the lender and the small business but insignificant if a director of the lender who has a large personal net worth made a \$500 personal loan to the small business concern. It does not appear logical to treat both situations as equally important.

Several lenders that have branch operations or are part of a holding company have indicated that the personnel in one unit are not knowledgeable about the personal investments and associations of all the personnel in the other units. This change recognizes this fact and requires that the lender disclose all relationships to the best of its knowledge. It also requires a similar disclosure from the small business concern. Such a concern is more likely to have knowledge of the personal situation of its owners and creditors. Between the two disclosure statements, it is less likely that an

unknown conflict of interest could occur in connection with an SBA loan or loan guarantee.

Accordingly, notice is hereby given that pursuant to the authority contained in section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, it is proposed to amend Part 120, Chapter 1, Title 13 of the Code of Federal Regulations, to read as follows:

1. Section 120.1(d)(3)(ii) would be amended to read as follows:

§ 120.1 Introduction.

* * * * *

(d) * * *

(3) * * *

(ii) *Period of relationship.* For the purpose of this definition, any person or entity in any of the relationships described in paragraphs (d)(1), (2) and (3) of this section within six months prior to the date of the lender's application or at any time thereafter while such loan is outstanding will be deemed to have been in such relationship at the time of application.

2. Section 120.5(a) would be amended by adding paragraphs (1)(iv) and (v) and adding a new paragraph (5) to read as follows:

§ 120.5 Operations or eligible participants.

(a) *General.*—(1) *Conflicts.* Without the prior written approval of the responsible SBA district office, SBA will not participate in any loan to a small business concern in which the lender has, or acquires while the loan is outstanding, a direct or indirect interest. For example:

* * * * *

(iv) When the lender's application to SBA for an immediate participation or loan guarantee does not contain a full disclosure statement, including negative statements, from the lender and from the small business concern relative, to the best of their knowledge, to all relationships discussed in section 120.1(d) of this Part that exist or have existed within six months prior to the date of the lender's application and an undertaking that no such relationship shall be created as long as the loan is outstanding.

(v) In reviewing requests for prior written approval under sub-paragraph (1) of this section the district office will determine whether a conflict of interest exists or appears to exist because of preferential treatment or the loss of independent, impartial and objective decisions and to determine the corrective action, if any, that will eliminate the actual or apparent conflict and allow immediate processing of the application. Determination will be based on such factors as: (a) the nature of the

relationship between the lender and its "associate," (b) the significance of an "associate's" influence on the actions or decisions of the lender and the associate, (c) the nature of the relationship with a close relative (e.g. would it tend to prejudice and objective decision), and (d) any other factors that may, directly or indirectly, contribute to or negate a conflict of interest.

(5) *Prohibited relationship.* The "Associate" relationship defined in paragraph (d)(1)(2) and (3) of 120.1 is prohibited during the life of any loan made by the lender in which SBA participates. A violation of such prohibition may result, in SBA's discretion, in the requirement for immediate repayment of such loan, or other appropriate action.

Dated: September 26, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-31039 Filed 10-3-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-GL-17-AD]

Dowty Rotol Type R175/4-30-4/13E Propellers; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require an inspection for cracks in the hub and driving center assembly P/Ns 601022104 and 601022420 of certain Dowty Rotol Root 30 propellers, replacement of the hub if cracks are found, and repetitive inspections of the hub and driving center assembly until a modified hub and driving center assembly is incorporated. The proposed AD is needed to prevent failures of the propeller hub which could occur if cracks are not detected before the hub strength is reduced to an unsafe level.

DATE: Comments must be received on or before November 28, 1980.

ADDRESSES: Send written comments in duplicate to the Office of Regional Counsel, Federal Aviation Administration, Attn: Rules Docket (AGL-7), Docket No. 80-GL-17-AD, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The applicable service bulletin may be obtained from: Dowty Rotol, Inc.,

Staverton West, Sully Road, Box 5000, Sterling, VA 22170 or Dowty Rotol Ltd., Cheltenham Road, Gloucester, England GL29QH.

A copy of the service bulletin is contained in the Rules Docket, Room 405, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Bob Alpiser, Engineering and Manufacturing Branch, AGL-214, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-4500, extension 308.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is requested. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of cracks occurring in the radius between the front wall and the snout of the hub on certain Dowty Rotol Root 30 propellers (Type R175/4-30-4/13E), with hub and driving center assembly P/Ns 601022104 or 601022420 that do not have Dowty Rotol Service Bulletin 61-604 (Mod. No. (c) VP2388) incorporated. This can seriously reduce the structural integrity of the propeller hub, and if undetected could cause a propeller to fail. Since this condition is likely to exist on other propellers of the same type design, the proposed AD would require repetitive inspections on these propellers until modified by Service Bulletin 61-604.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Dowty Rotol Ltd. Applies to Dowty Rotol propellers Type R175/4-30-4/13E with

hub and driving assembly P/Ns 601022104 or 601022420 which do not have Dowty Rotol Service Bulletin 61-604 (Mod. No. (c) VP2388) incorporated, as installed on, but not limited to Fairchild F-27, F-27B, and Fokker F-27 Mk 100, 300, and 700 airplanes.

Compliance is required as indicated, unless already accomplished.

To prevent propeller failure due to cracking of the propeller hub, accomplish the following:

(a) Propeller hubs with less than 20,000 total hours time in service, inspect in accordance with paragraph (c) at next overhaul or prior to accumulating 22,000 total hours, whichever occurs first, and reinspect in accordance with paragraph (c) at each subsequent overhaul. If an operator finds a cracked hub in his fleet, the reinspection interval must not exceed 2,000 operating hours on all of his propellers that exceed 20,000 total hours.

(b) Propeller hubs with 20,000 or more total hours time in service, inspect as follows:

(1) Hubs with more than 1,400 hours since last inspection or overhaul, inspect in accordance with paragraph (c) prior to accumulating 600 additional operating hours and reinspect in accordance with paragraph (c) at each subsequent overhaul. If an operator finds a cracked hub in his fleet, the reinspection interval must not exceed 2,000 operating hours on all of his propellers that exceed 20,000 total hours.

(2) Hubs with less than 1,400 hours since last inspection or overhaul, inspect in accordance with paragraph (c) prior to accumulating 2,000 hours since last inspection or overhaul and reinspect at each subsequent overhaul. If an operator finds a cracked hub in his fleet, the reinspection interval must not exceed 2,000 operating hours on all of his propellers that exceed 20,000 total hours.

(c) Required Action:

(1) During overhaul or propeller disassembly, crack test the hub front wall to snout radius in accordance with Part 2A of Dowty Rotol Service Bulletin No. 61-909 dated September 19, 1978, as revised March 12, 1979, or FAA approved equivalent. If cracks are found, replace the cracked hub with a hub known to be free of cracks.

(2) For propellers between overhauls, remove, disassemble, inspect, reassemble and reinstall in accordance with Part 2B of Dowty Rotol Service Bulletin No. 61-909 dated September 19, 1978, as revised March 12, 1979, or FAA approved equivalent. If cracks are found during inspection, additional propeller disassembly is necessary to replace the cracked hub with a hub known to be free of cracks, and testing and rebalancing and resetting blade angles is necessary.

(d) The inspections required by this AD may be discontinued when propellers are modified by Dowty Rotol Service Bulletin 61-604 (Mod. No. (c) VP2388).

(e) Upon request of an operator, the Chief, Engineering and Manufacturing Branch, AGL-210, Federal Aviation Administration, Great Lakes Region, may adjust the compliance time specified in paragraph (a) of this AD provided such requests are made

through an FAA Maintenance Inspector and the request contains substantiating data to justify the request for that operator.

(f) For purposes of this AD, an FAA-approved equivalent must be approved by the Chief, Engineering and Manufacturing Branch, AGL-210, Federal Aviation Administration, Great Lakes Region. (Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.85))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A draft regulatory evaluation prepared for this document is contained in the public docket, and a copy may be obtained by writing Engineering and Manufacturing Branch, AGL-214, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Illinois, on September 25, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-30791 Filed 10-3-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-NE-38]

Amend the Description of the Portsmouth, N.H. (Pease AFB) 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to amend the Portsmouth, New Hampshire, 700-foot transition area so as to provide additional airspace for helicopters executing the RNAV-066 Standard Instrument Approach Procedure (SIAP), Tyco Heliport, Exeter, New Hampshire.

DATES: Comments must be received on or before November 30, 1980.

ADDRESS: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 80-NE-38.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic

Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 80-NE-38, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before November 30, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8085. Communications must identify the number of this NPRM.

Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of

the Federal Aviation Regulations (14 CFR Part 71) to amend the description of the Portsmouth, New Hampshire (Pease AFB) 700-foot transition area. The amended description will provide additional airspace for helicopters executing the RNAV-066 SIAP, Tyco Heliport, Exeter, New Hampshire.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of the Federal Aviation Regulations by deleting in its entirety the description of the Portsmouth, New Hampshire (Pease AFB) 700-foot transition area and substituting:

That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°-23'-00"N., 71°-11'-50"W., 43°-23'-00"N., 70°-47'-00"W., 43°-14'-00"N., 70°-36'-00"W., 42°-50'-00"N., 70°-36'-00"W., 42°-50'-00"N., 71°-05'-00"W., 43°-03'-00"N., 71°-05'-00"W., 43°-09'-00"N., 71°-11'-50"W., to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Interim Department of Transportation guidelines (43 FR 9582; March 8, 1978). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Mass., on September 25, 1980.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 80-30990 Filed 10-3-80; 8:45 am]

BILLING CODE 4910-13-M

National Aeronautics and Space Administration Semiannual Agenda of Significant Regulations

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Improving Government Regulations; Semiannual Agenda of Significant Regulations

AGENCY: National Aeronautics and Space Administration.

ACTION: Semiannual agenda of significant regulations.

SUMMARY: This semiannual agenda describes the significant regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

DATE: October 6, 1980.

ADDRESS: Director, Information Systems Division (Code NSM-12), Office of Management Operations, NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202-755-3140.

SUPPLEMENTARY INFORMATION: Executive Order 12044, "Improving Government Regulations," and NASA Management Instruction 1410.10C. "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require that a semiannual agenda of significant regulations under development and review be published in the Federal Register on the first Monday in April and the first Monday in October.

A. M. Lovelace,
Acting Administrator.

Title	Description	Legal citation	Status	Contact	Regulatory analysis required
Space Transportation System (STS) Insurance Indemnification Requirements.	Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users.	Pub. L. 96-48...	Proposed rule	Robert J. Wojtal, Office of General Counsel, NASA Headquarters, Washington, DC 20546, 202/755-3169.	No.
STS Services for Users of Small Self-Contained Payloads.	Describes the policy for services provided by NASA to users of small self-contained payloads and the implementation of the policy.	42 U.S.C. 2473.	Final rule in NASA management concurrence cycle.	Donna J. Miller, Manager, Small Self-Contained Payloads Program, Office of Space Transportation Operations, NASA Headquarters, Washington, DC 20546, 202/755-2427.	No.

This appeared in the *Federal Register*, Vol. 45, No. 34, Tuesday, February 19, 1980, as an Advanced Notice of Proposed Rulemaking. Comments were due by March 21, 1980, and were received by two individuals. A Proposed Rule is being prepared for publication in the *Federal Register* within the next 6 months.

This Proposed Rule appeared in the *Federal Register*, Vol. 44, No. 247, Friday, December 21, 1979. Comments were received by 21 individuals. These comments were reviewed and recommendations for revisions to this Proposed Rule were presented to NASA top management. Final concurrence and signature by the Administrator should be obtained by mid-October.

[FR Doc. 80-30920 Filed 10-3-80; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 761

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Reopening for public comment.

SUMMARY: OSM is reopening for ten (10) days the public comment period on the proposed amendment to 30 CFR 761.5 (the definition of public road) to afford the public an opportunity to comment on two items of technical literature.

DATE: All comments must be received on or before 5:00 p.m. on or before October 16, 1980, to become part of the administrative record.

ADDRESS: Copies of the proposed amendments of February 6, 1980, and all comments received and the technical literature are available for inspection during normal business hours at OSM Headquarters, Department of the Interior, South Building, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

Written comments must be delivered to the above address by 5:00 p.m. on or before October 16, 1980.

FOR FURTHER INFORMATION CONTACT:

Mary Crouter, Division of State Programs, OSM, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. Telephone: 202-343-5335.

SUPPLEMENTARY INFORMATION:

Public Meetings. Representatives of OSM will be available for the meetings during this comment period, at the request of the public, State and Federal government representatives, and industry organizations to receive their advice and recommendation concerning the contents of this notice. Persons wishing to meet with an OSM representative should contact Ms. Mary Crouter (202-343-5335) to arrange an appointment.

OSM published rulemaking on February 6, 1980 (45 FR 8240), proposing

amendments to certain regulations in 30 CFR Chapter VII. The purpose of this notice is to afford the public an opportunity to comment on two items of literature. This literature has been brought to the Secretary's attention and may be used as a basis for the final regulation on the definition of "public road." These sources are as follows:

References

1. U.S. Department of Transportation, 1978. Transporting the Nation's Coal—A Preliminary Assessment (Report to the Secretary of Transportation from the Coal Transportation Task Force).

2. Library of Congress, 1978. National Energy Transportation, Issues and Problems, Volume III (Committee Report prepared by the Congressional Research Service), U.S. Government Printing Office, Washington, D.C.

Dated September 10, 1980.

Paul L. Reeves,

Acting Director, Office of Surface Mining.

[FR Doc. 80-30986 Filed 10-3-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-123]

Drawbridge Operation Regulations; Sheepscot River, Maine

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Maine Department of Transportation and the Maine Central Railroad Company, the Coast Guard is considering amending existing regulations to permit the closure of the drawspan in the U.S. Route No. 1 Highway Bridge at mile 14.0 and the Railroad Company bridge at mile 15.0. The amendment is being considered because the drawspan of each bridge is seldom used. Neither drawspan has been opened since 1975.

DATE: Comments must be received on or before November 10, 1980.

ADDRESS: Comments should be submitted to and will be available for examination at the office of the

Commander (obr), First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT:

William J. Naulty, Chief, Bridge Branch, First Coast Guard District, 150 Causeway Street, Boston Massachusetts 02114 (617-223-0645).

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge and give reasons for concurrence with or any recommended change in the proposal.

The Commander, First Coast Guard District will evaluate all comments received and decide on the final course of action. The proposed regulations may be changed in light of comments received.

Drafting Information

The principal persons involved in drafting this proposed are: William J. Naulty, Chief Bridge Branch, First Coast Guard District, and Lieutenant William B. O'Leary, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of the Proposed Regulation

The draws of these bridges are presently required to open on 4 to 24 hours notice depending on the month. The proposed amendment is being considered because neither draw has opened since 1975. Vessels which anchor above the bridges can and do pass under the bridges. At mean high tide, the vertical clearance under the highway bridge is ten feet and under the railroad bridge it is eight feet. The tidal difference at each bridge is nine feet.

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33 of the Code of Federal Regulations by revising § 117.5a to read as follows:

§ 117.5a Sheepscot River, Maine; U.S. Route 1 highway bridge, mile 14.0 and the Maine Central Railroad Company bridge, mile 15.0

(a) The draws need not open for the passage of vessels.

(b) The drawspans of these bridges, either or both, shall be returned to operable condition within six months after notification from the Commandant to take such action.

(Sec. 5, 28 Stat. 362, as amended; sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499; 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: October 1, 1980.

R. H. Wood,

Rear Admiral, U.S. Coast Guard, Commander,
First Coast Guard District.

[FR Doc. 80-30998 Filed 10-3-80; 8:45 am]

BILLING CODE: 4910-14-M

DEPARTMENT OF INTERIOR

Heritage Conservation and Recreation Service

36 CFR Part 1228

Energy Conservation by Recipients of Federal Assistance

AGENCY: Heritage Conservation and Recreation Service (HCERS), Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Heritage Conservation and Recreation Service is making available for public review and comment the procedures it proposes to use to implement Executive Order 12185, Conservation of Petroleum and Natural Gas. Specifically, comments are requested from the public through this notice on (1) the effectiveness of saving petroleum or natural gas through amendment to the Urban Park and Recreation Recovery (UPARR) Program, (2) other actions in this financial assistance program that could conserve significant amounts of energy, (3) means of implementing the actions likely to be most cost beneficial in terms of all major impacts, (4) data and other information that could help identify the best options to encourage petroleum and natural gas conservation through the UPARR Program, and (5) other activities, possible actions, expected outcomes of actions, costs or benefits, or other legal or technical requirements that should be considered by Heritage Conservation and Recreation Service.

DATE: Comments must be received by December 5, 1980.

ADDRESS: Comments should be directed to the Division of Urban Programs, Heritage Conservation and Recreation Service, U.S. Department of the Interior, 440 G ST. NW., Washington, D.C. 20243.

FOR FURTHER INFORMATION CONTACT: Carrolena Key, Program Liaison Specialist, Division of Environment and Compliance Review, Heritage

Conservation and Recreation Service, U.S. Department of the Interior, 440 G St. NW., Washington, D.C. 20243, phone (202) 343-5711.

SUPPLEMENTARY INFORMATION: In the Federal Register of Thursday, February 7, 1980, the Department of Energy (DOE) published a list of financial assistance programs administered by agencies in the Executive Branch which are most likely to offer opportunities for significant conservation of petroleum and natural gas by recipients of such assistance. The list responds to Executive Order 12185, Conservation of Petroleum and Natural Gas (December 17, 1979), which implemented Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1979 (Public Law 95-620; 92 Stat. 3318). The Act and the Order require Federal agencies which administer programs of financial assistance to take actions which maximize the efficient use of energy and conserve petroleum and natural gas in programs funded by those agencies. Included among those actions are identification of those financial assistance programs which offer opportunities for significant conservation of petroleum and natural gas by recipients of the assistance and issuance of regulations imposing conservation requirements as a condition to continuing to receive the assistance.

The Federal Register notice of February 7, 1980, listed the Federal financial assistance programs being considered under Executive Order 12185 in the following groups: Planning and Technical Assistance; Community/Economic Development; Housing; Transportation; Public Facilities; Energy; and Labor/Human Resources/Education. This notice presents proposed amendment and administrative action to be taken relative to 36 CFR 1228, Urban Park and Recreation Recovery Program Grant Procedure Regulations which will implement Executive Order 12185.

Note.—The Department of the Interior has determined that these amendments are not significant and do not require a regulatory analysis under Executive Order 12044 and 43 CFR 14.

(Catalog of Federal Domestic Assistance No. 15.417)

Statement of Applicability

This amendment does not affect the existing A-95 review procedure for the Urban Park and Recreation Recovery Program as outlined in OMB Circular No. A-95 Administrative Note No. 10.

Authorship Statement

This document was prepared by James R. Gasser, (202) 343-5971, Division of Urban Programs, and Carrolena Key, (202) 343-5711, Division of Environmental and Compliance Review, Heritage Conservation and Recreation Service, U.S. Department of the Interior.

Heritage Conservation and Recreation Service Compliance With Executive Order 12185 (Conservation of Petroleum and Natural Gas)

The Heritage Conservation and Recreation Service has examined its procedures, regulations and policies as required by Executive Order 12185. The following regulatory amendments are proposed to assure that all of the Agency's actions relative to the administration of the Urban Park and Recreation Recovery Program are in compliance with the Order.

Urban Park and Recreation Recovery Program. The Urban Park and Recreation Recovery (UPARR) Act of 1978 (Title X of Pub. L. 95-625) established a grant program to assist physically and economically distressed urban areas improve recreation opportunities for their residents. This program provides grants to local governments to rehabilitate existing indoor and outdoor recreation facilities; to demonstrate innovative ways to enhance park and recreation opportunities at the neighborhood level; and to develop local Recovery Action Programs that identify community needs, objectives, action priorities and strategies for revitalization of the total, public and private, recreation system. UPARR grants are administered by the Heritage Conservation and Recreation Service (HCERS) of the U.S. Department of the Interior. The major thrust of the UPARR program is for the rehabilitation of close to home recreation opportunities which makes the program's basis very much one of energy conservation.

§ 1228.44 [Amended]

a. HCERS proposes to amend 36 CFR 1228, "Grant Procedure Regulations" Section 1228.4, by adding the following paragraphs at the end of 36 CFR 1228.44(b)(1):

* * * * *

(b) * * *

(1) * * * The following elements shall be observed to increase energy conservation in both rehabilitation and innovation proposals:

(i) It shall be required of any grantee requesting funds for outdoor lighting of playing fields, courts and parks that they utilize high pressure sodium vapor

lights as the most energy efficient means of evening illumination; unless it can be demonstrated that such utilization would lead to significantly higher costs of operation or hamper programmed recreational activities.

(ii) Any project requesting funding for expansion or rehabilitation of existing roadways, parking lots and other motorized vehicle elements shall not be funded. The funding of paved surfaces used for active recreation by bicyclists, skaters, joggers, walkers, other non-motorized vehicular recreation and areas for use by handicapped individuals shall be exempt from this prohibition.

(iii) All projects requesting funds for new mobile facilities (i.e. vans, maintenance trucks, buses) shall receive consideration only if fueled by propane, ethanol, gasohol or some alternative fuel besides gasoline.

(iv) Where possible and practical all indoor recreational facilities funded shall be heated/cooled by non-petroleum-based fuels unless it can be shown that an alternative source would be cost effective or would result in a saving of petroleum or natural gas over the life of the recreational facility.

(v) All projects involving major rehabilitation and adaptive reuse shall meet the thermal insulation standards of the American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc. Standard 90-75R, Energy Conservation in New Buildings Design or the "Cost Effective Energy Conservation Standards" of HUD or other equivalent standards with a commitment to abide by the Department of Energy's "Building Energy Performance Standards", when published. Particular emphasis should be given to the incorporation of such energy saving/low cost concepts such as passive solar panels in rehabilitated buildings and facilities.

b. Add the following to the end of 36 CFR 1228.44(b)(2):

(2) * * * Each proposed rehabilitation project that involves the use or expansion of non-renewable energy resources in any form shall make every effort to conserve the use of that energy form, particularly the use of petroleum and natural gas. All major rehabilitation projects shall meet the thermal insulation standards of the American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc. Standard 90-75R, Energy Conservation in New Building Design or the "Cost Effective Energy Conservation Standards" of HUD or other equivalent standards with a commitment to abide by the Department of Energy's "Building Energy Performance Standards," when

published. Particular emphasis should be given to the incorporation of such energy saving/low cost concepts such as passive solar panels in rehabilitated buildings and facilities.

§ 1228.45 [Amended]

c. Add the following to the end of 36 CFR 1228.45(b)(3):

* * * * *

(b) * * *

(3) * * * The development of alternative energy uses in urban parks and recreation programs shall be given a high priority in innovative grant proposals.

Dated: September 24, 1980.

Bob Herbst,

Assistant Secretary of the Interior.

[FR Doc. 80-31038 Filed 10-3-80; 8:45 am]

BILLING CODE 4310-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 712

[OPTS 80011, FRL 1622-2]

Manufacturers and Processors of Chemical Substances; Notice of Intent To Develop Exemption Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: EPA plans to develop generic small business standards under section 8(a) of the Toxic Substances Control Act (TSCA, 15 U.S.C. 2601 *et seq.*). The standards would establish exemptions for small manufacturers and processors from recordkeeping and reporting rules under TSCA section 8(a).

ADDRESS: Comments should be addressed to: Document Control Officer, Office of Pesticides and Toxic Substances (TS-793), Environmental Protection Agency, E-447, 401 M St., S.W., Washington, D.C. 20460.

Comments should bear the identifying notation OPTS-8011. All comments received will be available for public inspection in Rm. E-447, 401 M Street, SW, Washington, D.C., from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-429, 401 M St., SW, Washington, D.C. 20460. Call toll free: (800-424-9055); In Washington call: (554-1404).

SUPPLEMENTARY INFORMATION: These standard exemptions would apply for all

future section 8(a) rules unless the chemical substance or mixture in question is the subject of (1) a proposed or promulgated rule under section 4 (testing requirement), section 5(b)(4) (a list of chemicals that may present unreasonable risks), or section 6 (control actions), (2) an order in effect under section 5(e) (new chemical information), or (3) relief granted under civil action brought under section 5 or 7. (See TSCA section 8(a)(3)(A)).

The standard exemptions would take the form of quantitative criteria that a small manufacturer or processor must meet to be excluded from recordkeeping or reporting requirements. Such criteria might include certain maximum net dollar sales, production volume, or number of employees. The Agency requests comment on the criteria that could be used in developing this standard exemption. The annual impact of all the section 8(a) rules and the Agency's need for information will be considered in establishing the exemption.

OPTS will arrange small meetings in Washington, D.C. to obtain the views and suggestions of interested members of the public. These meetings will be arranged, upon request by interested persons, to occur during November 1980. Persons who wish to meet with EPA staff to discuss their views and comments should contact EPA by calling toll-free 800-424-9065 (in Washington, D.C. call 554-1404), or by writing to the address listed in "For Further Information Contact".

Dated: September 25, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-30916 Filed 10-3-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 1300

Social Security Disability Amendments of 1980—Medical and Social Services for Certain Handicapped Persons

AGENCY: Office of Human Development Services (HDS), Department of Health and Human Services (HHS).

ACTION: Notice of decision to develop regulations.

SUMMARY: Section 201(c) of Pub. L. 96-265, the "Social Security Disability Amendments of 1980," amended Part A

of Title XVI, the Supplemental Security Income program (SSI), of the Social Security Act by adding Section 1620, "Medical and Social Services for Certain Handicapped Persons." Section 1620 establishes a State administered 3-year pilot program beginning September 1, 1981, with a total authorization of \$18 million, (matched at the 75% rate), to provide medical and social services to certain severely handicapped individuals.

In accordance with the legislative intent of Section 1620, the Department proposes to develop the regulations so as to allow State the flexibility to determine how their program will be structured, what medical and social services will be provided, and whether or not to target the program to a specific handicapped population. HHS plans to publish a Notice of Proposed Rulemaking in the *Federal Register* in November 1980, and final regulations in March 1981.

FOR FURTHER INFORMATION CONTACT:

Mrs. Johnnie U. Brooks, Room 722-E, HHS Building, Department of HHS, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 472-4415.

SUPPLEMENTARY INFORMATION:

Eligibility for medical and social services under this program is limited to severely handicapped individuals who:

(1) Are employed and whose earnings are above the substantial gainful activity (SGA) limit for continued eligibility under the SSI program;

(2) Are not receiving SSI or Medicaid benefits;

(3) Have been subjected to a State determination that the absence of the services provided under this program would significantly inhibit the individual's ability to continue employment; and

(4) Have been determined to earn an amount that is not sufficient to provide for themselves a reasonable equivalent of the cash and other benefits (SSI, Medicaid, and title XX services) that would be available to them in the absence of those earnings.

States are eligible to participate in this program if they have a State plan approved by the Secretary, either in the form of an amendment to their title XX administrative plan or as a separate State plan. In addition to other plan requirements, the State plan must designate an appropriate State agency to administer or supervise the administration of this program, describe the services to be provided, and mechanisms and procedures for the provision of those services, if they are not to be provided under titles XIX or XX.

Dated: September 25, 1980.

Cesar A. Perales,

Assistant Secretary for Human Development Services.

[FR Doc. 80-30755 Filed 10-3-80; 8:45 am]

BILLING CODE 4110-92-M

Notices

Federal Register

Vol. 45, No. 195

Monday, October 6, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on Thursday, October 16, 1980, at 6:30 p.m., a public information meeting will be held at the Cincinnati Convention Center, 5th and Elm Streets, Room 211, Cincinnati, Ohio.

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 Block D (Hyatt Regency/Saks Urban Development Action Grant (UDAG)) and Block D West (Municipal Parking Facility) projects, an undertaking by the city of Cincinnati that will adversely affect properties within the Central Business District, Cincinnati, Ohio, that are 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 properties by the city of Cincinnati.

III. A statement by the Ohio State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the properties.

V. A general question period.

Speakers should limit their statement 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, Attn: Charlene Dwin, 1522 K Street NW., Suite 530, Washington, D.C. 20005; 202-254-3495.

Dated: September 30, 1980.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 80-31006 Filed 10-3-80; 8:45 am]
BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Agency Geographic Area; Assignment of Geographic Area to the Cairo Grain Inspection Agency, Cairo, Ill.; Correction and Extension of Effective Date

AGENCY: Federal Grain Inspection Service.

ACTION: Notice; correction and extension of effective date.

SUMMARY: This document corrects a Notice published September 5, 1980 (45 FR 59123), by including Obion County, Tennessee, in the geographic area assigned to the Cairo Grain Inspection Agency (Agency), under the U.S. Grain Standards Act. In addition, to afford the Federal Grain Inspection Service (Service) adequate opportunity to consider new information on the recent history of official inspection services in Obion County and Lake County, Tennessee, the effective date of the final assignment of geographic area is extended from October 6, to November 21, 1980.

EFFECTIVE DATE: November 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8262.

SUPPLEMENTARY INFORMATION: On September 5, 1980, the Service took final action to assign a geographic area to the Agency, under Section 7 of the U.S. Grain Standards Act (7 U.S.C. 71, *et seq.*, at § 79) (hereafter referenced as the Act). The final action was based on a proposed assignment of geographic area to the Agency, published on January 12, 1979 (44 FR 2637).

It has come to the attention of the Service that Obion County, Tennessee, was not included in the final assignment of geographic area to the Agency. This was an inadvertent omission by the Service, since the proposed assignment listed Obion County as part of the geographic area to be officially serviced by the Agency. To rectify the omission, the geographic area assigned to the Agency is corrected to include the following counties in Tennessee: Benton, Dickson, Henry, Houston, Humphreys, Lake, Montgomery, Obion, Steward, and Weakley.

Additional information has also come to the attention of the Service regarding the recent history and present status of official inspection in Obion and Lake County, Tennessee. To afford itself adequate opportunity to review and evaluate this information, the Service is extending the effective date of final assignment of geographic area to the Agency from October 6 to November 21, 1980.

Until November 21, 1980, the Agency will continue to exercise the interim authority given to it on January 12, 1979, by the Service to provide official services in the geographic area described at 44 FR 2637. Included as part of the area are both Obion and Lake Counties, Tennessee.

(Sec. 8; Pub. L. 94-582; 90 Stat. 2884 (7 U.S.C. 79))

Done in Washington, D.C. on: October 3, 1980.

J. T. Abshier,
Director, Compliance Division.

[FR Doc. 80-31227 Filed 10-3-80; 11:19 am]
BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

September 26, 1980.

In accordance with Part 291 (14 CFR Part 291) of the Board's Economic Regulations (effective November 8,

1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 38730, from American Eagle Airlines, Inc., P.O. Box 8782, BWI Airport, MD 21240, for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before October 27, 1980. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the positions taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-31018 Filed 10-3-80; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the

Subpart Q Applications

Date filed	Docket No.	Description
Sept. 25, 1980.....	38755	Pacific Southwest Airlines, c/o Dennis C. O'Dell, 3223 North Harbor Drive, San Diego, California 92101. Application of Pacific Southwest Airlines, pursuant to Section 401 of the Act and Subpart Q of the Board's Regulations to remove Lake Tahoe, California, named point on PSA's Certificate of Public Convenience and Necessity for Route 204 as issued by the Board. Conforming Applications and Answers are due October 22, 1980.
Sept. 26, 1980.....	38759	Air Florida, Inc., c/o Robert P. Silverberg, 2020 K Street, NW., Suite 440, Washington, D.C. 20006. Application of Air Florida, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its certificate of public convenience and necessity for Route 197-F authorizing it to engage in air transportation with respect to persons, property and mail as follows: Between the terminal point Miami, Florida and the terminal point Bermuda. Between the terminal point Miami, Florida, the intermediate point Bermuda and the coterminal points Brussels, Belgium and Dusseldorf, Germany. Conforming Applications and Answers are due by October 24, 1980.
Sept. 26, 1980.....	38761	Air California, c/o John W. Simpson, Koteen & Burt, 1150 Connecticut Ave., NW., Washington, D.C. 20036. Application of Air California pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that the Board remove Lake Tahoe, California, as a certificated point from Air California's certificate of public convenience and necessity for Route 196. Conforming Applications and Answers are due by October 24, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-31019 Filed 10-3-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No 37644; Order 80-9-182]

Condor Flugdienst GmbH; Approval of Foreign Air Carrier Permit Application

AGENCY: Civil Aeronautics Board.

week ending September 26, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR Part 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

approve the following application:

Applicant: Condor Flugdienst GmbH.

Application Date: February 11, 1980

Docket: 37644.

Authority Sought: Amendment and reissuance of foreign air carrier permit authorizing passenger charters between the United States and Germany and elimination of certain operating conditions.

Objections: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than October 23, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of the Federal Republic of Germany 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 Board's tentative findings and conclusions and issue the proposed permit.

Addresses for Objections:

Docket 37644, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Applicant: Condor Flugdienst GmbH, c/o Morris R. Garfinkle, Galland, Kharasch, Calkins & Short, 1054 Thirty-first St., NW, Washington, D.C. 20007.

To get a Copy of the Complete Order, request it from the CAB 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 Lee Browne, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5134.

Dated: September 30, 1980.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-31017 Filed 10-3-80; 8:45 am]

BILLING CODE 6320-01-M

ACTION: Notice of order to show cause: Order 80-9-182.

SUMMARY: The Board proposes to

[Docket No. 38703]

Request for Comments: Carrier Practices on Ticket Transferability**AGENCY:** Civil Aeronautics Board.**ACTION:** Order 80-9-76 requesting comments on carrier practices on ticket transferability.

SUMMARY: The Civil Aeronautics Board requests comments on carrier practices on ticket transferability. At the present time, in most cases, an airline passenger may not transfer his or her ticket. The carriers as a common practice include passenger names and preprint nontransferability notices on tickets. These practices are currently governed by common tariff rules to which most carriers subscribe. The Board makes this request as part of its review of air carriers' tariff rules that may impede the transition of the domestic airline industry to a deregulated atmosphere.

DATES: Comments are due November 17, 1980.

Reply comments are due December 29, 1980.

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

ADDRESSES: Twenty copies of comments should be sent to Docket 38703, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

Individuals may submit their views on Docket 38703 as consumers without filing multiple copies.

FOR FURTHER INFORMATION CONTACT:

Barry L. Molar, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. (202) 673-5373.

SUPPLEMENTARY INFORMATION: The Board would find it helpful in evaluating the present non-transferability rule if carriers and other interested persons would respond to the following questions:

1. Is it important for carriers to have a uniform, industry-wide rule on ticket transferability? In particular, we desire discussion of the origins and reasons for the current industry prohibition, and to the extent that the practice was based on accounting or security reasons, we invite the parties to discuss why a policy short of an outright prohibition on transfer cannot achieve these benefits. We also request the carriers to provide evidence on their current efforts to enforce the rule and the effect of these enforcement efforts on achieving the security benefits, if any, that an outright prohibition is capable of producing.

2. What would be the costs and

benefits (advantages and disadvantages) of a secondary market in airline tickets? What effect would transferability have on the refundability of airline tickets? What economic authority would be required for sellers in a secondary market? Under what circumstances, if any, would a person engaged in resale activities be considered an indirect air carrier?

3. Would a secondary market in airline tickets preclude the workability of a two-tier pricing system? Does a tiered system produce greater consumer benefits with or without the ability to resell? How might such a secondary market be accomplished to maximize the associated benefits and minimize the detriments?

4. What effect would freer transferability have on ticket interlining? We note that there are several intercarrier agreements on airline ticketing forms and procedures that reflect the current non-transferability rule. Most of these agreements relate to industry ticket stock that is uniform for the purpose of facilitating settlement of interline or agency sales through the industry's centralized settlement programs. We take this opportunity to advise carriers that at the close of any proceeding we may embark upon concerning transferability, any section 412 agreements reflecting or facilitating Rule 100(D) may be subject to review.

5. Most states have enacted laws prohibiting "scalping" of tickets, which vary depending on the perceived evil. Interested parties are urged to include in their comments a discussion of how these laws might affect carrier policy on ticket transferability and, in particular the significance of differences between the sale of air transportation and the typical situation at which scalping laws are directed, e.g. the sale of tickets to sporting events.

These suggested questions are examples of the types of questions we would like to see addressed and are in no way intended to be all-inclusive. Interested persons are urged to comment on the general question of whether carrier policy on ticket transferability should be established by tariff or by contract.

Dated: September 12, 1980.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-31016 Filed 10-3-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE**Bureau of the Census****Census Advisory Committee of the American Economic Association; Public Meeting**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that the Census Advisory Committee of the American Economic Association will convene on October 23, 1980, at 9:15 a.m. in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Economic Association advises the Director, Bureau of the Census, on Technical matters, accuracy levels, and conceptual problems concerning the economic censuses; reviews major aspects of the Bureau's programs; and advises on the role of analysis within the Bureau and the need for providing data in more detail.

The Committee is composed of 15 members of the American Economic Association.

The agenda for the meeting, which is scheduled to adjourn at 3:45 p.m., is: (1) Introductory remarks by the Director, Bureau of the Census, including staff changes, major budget program developments, and other topics of current interest; (2) election of chairperson-elect; (3) issue of adjustment of 1980 census count; (4) status report on gross-flow data; (5) statistical standards and user needs in presenting Census Bureau data; (6) a review of plans for the 1982 economic and agriculture censuses; and (7) date and plans for the next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Elmer Biles, Senior Economic Advisor, Bureau of the Census, Room 3061, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-7184.

Dated: October 1, 1980.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 80-30993 Filed 10-3-80; 8:45 am]

BILLING CODE 3510-07-M

Urbanized Area Criteria

Introduction

This document contains the final criteria for determining the eligibility and extent of the 1980 urbanized areas. These criteria are the result of the most recent periodic review of the definitional structure under which urbanized areas are identified for statistical purposes. Periodic reviews have been conducted by the Bureau of the Census in connection with each decennial census since urbanized areas were first officially defined in 1950.

These final criteria reflect the public comment received in response to the proposed criteria published in the *Federal Register* on March 25, 1980. They are published here in order to give notice of the criteria which will be used with the results of the 1980 Decennial Census to determine the specific boundary definitions for each urbanized area.

Comments relating to the clarity and understanding of the final criteria are welcome. The comment period will be open until October 31, 1980. Persons wishing to comment or obtain additional information should contact Mr. Robert W. Marx, Geography Division, Bureau of the Census, U.S. Department of Commerce, Washington, D.C. 20233.

The following criteria are used in determining the eligibility and the definition of the 1980 urbanized areas.¹

An urbanized area comprises an incorporated place² and adjacent densely settled surrounding area that together has a minimum population of 50,000.³

The density settled surrounding area consists of:

1. Contiguous incorporated or census designated places having:

a. A population of 2,500 or more; or,
b. A population of less than 2,500 but having either a population density of 1,000 persons per square mile, closely settled area containing a minimum of 50 percent of the population, or a cluster of at least 100 housing units.

2. Contiguous unincorporated area which is connected by road and has a

population density of at least 1,000 persons per square mile.⁴

3. Other contiguous unincorporated area with a density of less than 1,000 persons per square mile, provided that it:

a. Eliminates an enclave of less than 5 square miles which is surrounded by built-up area.

b. Closes an indentation in the boundary of the densely settled area that is no more than 1 mile across the open end and encompasses no more than 5 square miles.

c. Links an outlying area of qualifying density, provided that the outlying area is:

(1) Connected by road to, and is not more than 1½ miles from, the main body of the urbanized area.

(2) Separated from the main body of the urbanized area by water or other undevelopable area; is connected by road to the main body of the urbanized area; and, is not more than 5 miles from the main body of the urbanized area.

4. Large concentrations of nonresidential urban area (such as, industrial parks, office areas, and major airports) which have at least one-quarter of their boundary contiguous area.

Urbanized Area Titles

1. The titles of urbanized areas existing prior to the 1980 Census of Population and Housing are retained unchanged except for possible mergers and those areas meeting titling criteria 4 and/or 5.

2. The titles of new urbanized areas qualifying as the result of the 1980 census will be determined as follows:

a. The name of the incorporated place with the largest population in the urbanized area will always be listed.

b. The names of up to two additional incorporated places may be listed, with eligibility determined as follows:

(1) Those with a population of at least 250,000.

(2) Those with a population of 15,000 to 250,000 provided that they are at least one-third the population of the largest place in the urbanized area.

Area titles that include the names of more than one incorporated place will start with the name of the largest and list the others in descending order of their population.

4. In addition to incorporated place names, the titles contain the name of each State into which the urbanized area extends.

⁴The area of extensive nonresidential urban land uses, such as railroad yards, airports, factories, parks, golf courses, and cemeteries, is excluded in computing the population density.

5. Regional titles may be used to identify urbanized areas with populations over 1 million, in which case only the largest city of the urbanized area is included in the title.

Urbanized Area Central Cities

The central cities of urbanized areas will be those named in the titles except where regional titles are used. In such cases, the central cities will be those that have qualified under items 1 or 2 of the titling criteria.

Dated: October 1, 1980.

Vincent P. Barabba,
Director, Bureau of the Census.

[FR Doc. 80-30985 Filed 10-3-80; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Precipitated Barium Carbonate From the Federal Republic of Germany; Initiation of Antidumping Investigation

AGENCY: U.S. Department of Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: This notice advises the public that on the basis of a petition filed in proper form, the Department of Commerce is initiating an antidumping investigation to determine whether precipitated barium carbonate from the Federal Republic of Germany is being, or is likely to be sold, at less than fair value. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold for consumption in the manufacturer's or exporter's home market or less than the price to countries other than the United States, or less than the constructed value. The Department of Commerce is notifying the International Trade Commission of this action so that, in accordance with the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979, the Commission may determine whether there is a reasonable indication of material injury by reason of imports of this merchandise.

EFFECTIVE DATE: October 6, 1980.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Supervisory Import Administration Specialist, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230 (202-377-3530).

SUPPLEMENTARY INFORMATION: On September 9, 1980, the Department of Commerce ("Department") received a petition that complies with the requirements of §§ 353.36 and 353.37 of

¹All references to population counts and densities relate to data from the 1980 Census of Population and Housing.

²In Hawaii and Puerto Rico, incorporated places do not exist in the sense of functioning local governmental units. In Hawaii, census designated places are used in defining a central place and for applying urbanized area criteria; in Puerto Rico, zonas urbanas and aldeas are used.

³The rural portions of extended cities, as defined in the Census Bureau's extended city criteria, are excluded from the urbanized area. In addition, in order for an urbanized area to be recognized, it must include a population of at least 25,000 that does not reside on a military base.

the Department Regulations (19 CFR 353.36 and 353.37). Filed by the FMC Corporation, Chicago, Illinois; the Chemical Products Corporation, Cartersville, Georgia; and the Sherwin-Williams Company, Cleveland, Ohio, on behalf of the U.S. industry producing precipitated barium carbonate, the petition alleges that precipitated barium carbonate from the Federal Republic of Germany is being or is likely to be sold at less than fair value within the meaning of section 731 of the Tariff Act of 1930 as amended (93 Stat. 162, 19 U.S.C. 1673) ("the Act") and that the U.S. industry is materially injured, or is threatened with material injury because of these sales.

Precipitated barium carbonate is a chemical compound classified under item number 472.06 of the Tariff Schedules of the United States (TSUS). In granular form (glass grade), this product is used in the glass industry. In powder form (ceramic grade), it is used in the ferrite, ceramic and chemical industries. Other applications are in the manufacture of reflective beads and photo paper, in the formulation of brine treatments, and in the production of other barium chemicals.

The petition includes sufficient evidence supporting the allegation of sales at less than fair value on the basis of comparisons between prices in the home market and in the U.S. market and the allegation of material injury.

In accordance with section 732(c) of the Act (93 Stat. 162, 19 U.S.C. 1673a(c)), I hereby determine that the Department will initiate an investigation to determine whether imports of precipitated barium carbonate from the Federal Republic of Germany are being, or are likely to be, sold at less than fair value. Pursuant to section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d)) the Department is notifying the U.S. International Trade Commission (ITC) and providing it with a copy of the information on which I based this determination to initiate an investigation. The International Trade Administration will make available to the ITC all nonprivileged and nonconfidential information. It will also make available all privileged and confidential information in its files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Pursuant to section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673b(a)), the ITC will determine no later than October 21, 1980, whether there is a reasonable indication that an industry in the United

States is materially injured, or threatened with material injury, by reason of imports of precipitated barium carbonate from the Federal Republic of Germany. If that determination is negative, this investigation will be deemed terminated and the International Trade Administration will publish no further notice. Otherwise, the investigation will proceed to its conclusion.

Section 733(b) of the Act (93 Stat. 163, 19 U.S.C. 1673b(b)) requires that, normally no later than 160 days after the date on which the petition was filed, the International Trade Administration make a preliminary determination whether there is a reasonable basis to believe or suspect that merchandise which is the subject of this investigation is being, or is likely to be, sold at less than fair value. Therefore, unless the investigation is terminated or extended, the International Trade Administration will make a preliminary determination not later than February 16, 1981.

This notice is published pursuant to section 732 of the Act (93 Stat. 162, 19 U.S.C. 1673a) and § 353.37(b) of the Department Regulations (19 CFR 353.37(b), 45 FR 8199).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

September 30, 1980.

[FR Doc. 80-31003 Filed 10-3-80; 8:45 am]

BILLING CODE 3510-25-M

Precipitated Strontium Carbonate From the Federal Republic of Germany; Initiation of Antidumping Investigation

AGENCY: U.S. Department of Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: This notice advises the public that on the basis of a petition filed in proper form, the Department of Commerce is initiating an antidumping investigation to determine whether precipitated strontium carbonate from the Federal Republic of Germany is being, or is likely to be, sold at less than fair value. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold for consumption in the manufacturer's or exporter's home market or are less than the prices to countries other than the United States, or less than the constructed value. The Department of Commerce is notifying the International Trade Commission of this action so that, in accordance with the Tariff Act of 1930, as amended by the Trade

Agreements Act of 1979, the Commission may determine whether there is a reasonable indication of material injury by reasons of imports of this merchandise.

EFFECTIVE DATE: October 6, 1980.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Supervisory Import Administration Specialist, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (202-377-5496).

SUPPLEMENTARY INFORMATION: On September 9, 1980, the Department of Commerce ("Department") received a petition that complies with the requirements of §§ 353.36 and 353.37 of the Department Regulations (19 CFR 353.36 and 353.37). Filed by the FMC Corporation, Chicago, Illinois and the Chemical Products Corporation, Cartersville, Georgia on behalf of the U.S. industry producing precipitated strontium carbonate, the petition alleges that precipitated strontium carbonate from the Federal Republic of Germany is being, or is likely to be, sold at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended. (93 Stat. 162, 19 U.S.C. 1673) ("the Act") and that the U.S. industry is materially injured or is threatened with material injury because of these sales.

Precipitated strontium carbonate is a chemical compound classified under item number 421.72 of the Tariff Schedules of the United States (TSUS). In granular form (glass grade) this product is used in the television glass industry. In powder form (ceramic grade) it is used in the ferrite, ceramic, and chemical industries. Other uses include ferrite magnets used in stereo speakers, food processors and lawn care equipment. It is also used, to a small degree, in the manufacture of certain pigments.

The petition includes sufficient evidence supporting both the allegation of sales at less than fair value on the basis of comparisons between prices in the home market and in the U.S. market and the allegation of material injury.

In accordance with section 732(c) of the Act (93 Stat. 162, 19 U.S.C. 1673a(c)), I hereby determine that the Department will initiate an investigation to determine whether imports of precipitated strontium carbonate from the Federal Republic of Germany are being, or are likely to be, sold at less than fair value.

Pursuant to section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d)) the Department is notifying the U.S. International Trade Commission (ITC) and providing it with a copy of the

information on which I based this determination to initiate an investigation. The International Trade Administration will make available to the ITC all nonprivileged and nonconfidential information. It will also make available all privileged and confidential information in its files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Pursuant to section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673b(a)), the ITC will determine no later than October 21, 1980, whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of precipitated strontium carbonate from the Federal Republic of Germany. If that determination is negative, this investigation will be deemed terminated and the International Trade Administration will publish no further notice. Otherwise, the investigation will proceed to its conclusion.

Section 733(b) of the Act (93 Stat. 163, 19 U.S.C. 1673b(b)) requires that, normally no later than 160 days after the date on which the petition was filed, the International Trade Administration make a preliminary determination whether there is a reasonable basis to believe or suspect that merchandise which is the subject of this investigation is being, or is likely to be sold, at less than fair value. Therefore, unless the investigation is terminated or extended, the International Trade Administration will make a preliminary determination not later than February 16, 1981.

This notice is published pursuant to section 732 of the Act (93 Stat. 162, 19 U.S.C. 1673a) and § 353.37(b) of the Department Regulations, (19 CFR 353.37(b), 45 FR 8199).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

September 30, 1980.

[FR Doc. 80-31005 Filed 10-3-80; 8:45 am]

BILLING CODE 3510-25-M

Strontium Nitrate From Italy; Initiation of Antidumping Investigation

AGENCY: U.S. Department of Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: This notice advises the public that on the basis of a petition filed in

proper form, the Department of Commerce is initiating an antidumping investigation to determine whether strontium nitrate from Italy is being, or is likely to be, sold at less than fair value. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold for consumption in the manufacturer's or exporter's home market or less than the prices to countries other than the United States, or less than the constructed value. The Department of Commerce is notifying the International Trade Commission of this action so that, in accordance with the Tariff Act of 1930 as amended by the Trade Agreements Act of 1979, the Commission may determine whether there is a reasonable indication of material injury by reason of imports of this merchandise.

EFFECTIVE DATE: October 3, 1980.

FOR FURTHER INFORMATION CONTACT: Eileen Doughty, Import Administration Specialist, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (202-377-3530).

SUPPLEMENTARY INFORMATION: On September 9, 1980, the Department of Commerce ("Department") received a petition that complies with the requirements of §§ 353.36 and 353.37 of the Department's regulations (19 CFR 353.36 and 353.37). Filed by the FMC Corporation, Chicago, Illinois, on behalf of the U.S. industry producing strontium nitrate, the petition alleges that strontium nitrate from Italy is being or is likely to be, sold at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1673) ("the Act") and that the U.S. industry is materially injured, or is threatened with material injury because of these sales.

Strontium nitrate is a chemical compound used predominately for producing red colors during combustion of pyrotechnics, such as distress signals, rockets, flares, fuses and fireworks. It is also used in the manufacture of certain pigments. Strontium nitrate is classified under item number 421.74 of the Tariff Schedules of the United States (TSUS).

The petition includes sufficient evidence supporting the allegation of sales at less than fair value on the basis of comparisons between prices in the home market and in the U.S. market and the allegation of material injury.

In accordance with § 732(c) of the Act (93 Stat. 162, 19 U.S.C. 1673a(c)), I hereby determine that the Department

will initiate an investigation to determine whether imports of strontium nitrate from Italy are being, or are likely to be, sold at less than fair value. Pursuant to section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d)) the Department is notifying the U.S. International Trade Commission (ITC) and providing it with a copy of the information on which I based this determination to initiate an investigation. The International Trade Administration will make available to the ITC all nonprivileged and nonconfidential information. It will also make available all privileged and confidential information in its files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Pursuant to section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673b(a)), the ITC will determine no later than October 21, 1980, whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of strontium nitrate from Italy. If that determination is negative, this investigation will be deemed terminated and the International Trade Administration will publish no further notice. Otherwise, the investigation will proceed to its conclusion.

Section 733(b) of the Act (93 Stat. 163, 19 U.S.C. 1673b(b)) requires that, normally no later than 160 days after the date on which the petition was filed, the International Trade Administration make a preliminary determination whether there is a reasonable basis to believe or suspect that merchandise which is the subject of this investigation is being, or is likely to be, sold at less than fair value. Therefore, unless the investigation is terminated or extended, the International Trade Administration will make a preliminary determination not later than February 16, 1981.

This notice is published pursuant to section 732 of the Act (93 Stat. 162, 19 U.S.C. 1673a) and § 353.37(b) of the Department Regulations (19 CFR 353.37(b), 45 FR 8199).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

September 30, 1980.

[FR Doc. 80-31004 Filed 10-3-80; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration**[Docket No. S-675]****Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application by Boston VLCC Tankers, Inc., VI**

Notice is hereby given that an application has been filed by Boston VLCC Tankers, Inc. VI (Boston VI) under section 506 of the Merchant Marine Act, 1936, as amended, to permit the tanker, SS *Maryland*, to carry crude oil in the domestic trade from Alaska to Panama for transshipment to the U.S. Gulf, for a period of six months beginning October 5-15, 1980. The *Maryland*, owned by Boston VI, is a 265,000 DWT tanker built with construction-differential subsidy.

Boston VI advises that *Maryland* Tankers, Inc., time charterer of the *Maryland*, will fulfill the transportation requirements of a contract of affreightment between Pierce Tanker Corp. (Pierce) and Earth Resources, Inc. (Resources). Pierce and Resources have a need to transport approximately 22,000 barrels per day (bpd) of TAPS crude oil to the U.S. Gulf, and Resources has indicated an additional transport requirement of about 3,000 bpd to the U.S. Gulf.

The *Maryland* also will transport TAPS crude oil pursuant to a contract of affreightment with Alaska Consolidated Shipping, Inc. (Alaska), or a joint venture to be formed. Alaska has a contract with Charter Oil to transport 75,000 bpd, the majority of which is being shipped to Panama.

In addition, in October 1980, Resources has a contract with Pierce to move 300,000 additional barrels of crude oil.

Boston VI understands that suitable vessels of a competitor as defined in 46 CFR 250 are not available for the period of time requested in its application.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th and E Streets, NW, Washington, D.C. 20230.

Any person, firm, or corporation who desires to protest such application should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. Protests must be received within five working days after the date of publication of this Notice in the **Federal Register**. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond

in a manner acceptable to the Assistant Secretary for Maritime Affairs. Within five working days after the due date of the applicant's response, the Assistant Secretary will advise the applicant, as well as those submitting protests, of the action, taken, with a concise written explanation of such action. If no protest is received concerning the application, the Assistant Secretary will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance program No. 11.500 Construction-Differential Subsidies (CDS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: September 30, 1980.

Robert J. Patton, Jr.,
Secretary.

[FR Doc. 80-31052 Filed 10-3-80; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration**Membership of National Oceanic and Atmospheric Administration Performance Review Boards****Correction**

In FR Doc. 80-24515 appearing on page 54120 in the issue of Thursday, August 14, 1980, insert the following name in the list of officials in the first column of page 54121.

After Martha O. Blaxall, insert:

"William Mutuszeski—Director, Office of Coastal Zone Management Programs, Office of Coastal Zone Management".

BILLING CODE 1505-01-M

COUNCIL ON WAGE AND PRICE STABILITY**Price Advisory Committee: Postponement of Meeting**

Authority of Committee: The Price Advisory Committee was established by the Council on Wage and Price Stability pursuant to Executive Order 12161 (44 FR 56663).

Time and Place of Meeting: On September 19, 1980, the Council announced in Vol. 45 of the **Federal Register**, No. 184, at pages 62520-21 (FR Doc. 80-29057), that the next meeting of its Price Advisory Committee would be October 8, 1980 at 10:00 a.m. This meeting has now been postponed until after the deadline for filing public comments on the Council's Interim Final Price Standards published in Vol. 45 of the **Federal Register**, No. 187, at pages 63462-74 (FR Doc. 80-29579).

Accordingly, the meeting has been rescheduled for October 29, 1980, at 10:00 a.m. in Room 2008 of the New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20506.

Additional Information: For additional information, please telephone the Office of Public Affairs at (202) 456-6756.

Dated: October 1, 1980.

Sally Katzen,

Advisory Committee Management Officer.

[FR Doc. 80-31043 Filed 10-3-80; 8:45 am]

BILLING CODE 3175-01-M

DEPARTMENT OF ENERGY**Advanced Conservation Technology Subpanel of the Energy Research Advisory Board; Open Meeting**

Notice is hereby given of the following meeting:

Name: Advanced Conservation Technology Subpanel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770).

Date and time: October 14, 1980—9:30 am to 4:00 pm.

Place: Department of Energy, Forrestal Building, Room 4A-104, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building—M.S. 3F-032, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone 202/252-8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda: Assess DOE plans in this area; Assign tasks to Subpanel specialists.

Public participation: The meeting is open to the public. Written statements may be filed with the Subpanel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Subpanel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 5B-180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:00 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 30, 1980.

Edward A. Frieman,

Director of Energy Research.

[FR Doc. 80-29339 Filed 10-3-80; 8:45 a.m.]

BILLING CODE 6450-01-M

National Petroleum Council, Synthetic Fuels Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Synthetic Fuels Task Group of the Committee on Environmental Conservation will meet in October 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Task Group meeting follows:

The Task Group meeting will be on Tuesday, October 21, 1980, starting at 10:00 a.m., in the Executive II Room of the Holiday Inn Dallas/Fort Worth Airport North, State Highway 114 at Esters Road, Irving, Texas.

The tentative agenda for the meeting follows:

1. Review Task Group assignment from the NPC Committee on Environmental Conservation.
2. Discuss Task Group study approach and individual assignments.
3. Discuss schedule of Task Group.
4. Discuss any other matters pertinent to the overall assignment of the Synthetic Fuels Task Group.

The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to

make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 5B-180, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 29, 1980.

R. D. Langenkamp,

Deputy Assistant Secretary, Resource Development & Operations Resource Applications.

September 29, 1980.

[FR Doc. 80-31048 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Production Engineering Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Production Engineering Task Group of the Committee on Arctic Oil and Gas Resources will meet in November 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Task Group meeting follows:

The Task Group meeting will be on Thursday, November 20, 1980, starting at 9:00 a.m., Conference Room 5168, Atlantic Richfield Company, Arco Plaza Building, 515 South Flower Street, Los Angeles, California.

The tentative agenda for the meeting follows:

1. Review Task Group assignment from the NPC Committee on Arctic Oil and Gas Resources.
2. Discuss Task Group study approach and individual assignments.
3. Discuss schedule of Task Group.
4. Discuss any other matters pertinent to the overall assignment of the production Engineering Task Group.

The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a

fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 5B-180, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 29, 1980.

R. D. Langenkamp,

Deputy Assistant Secretary, Resource Development & Operations Resource Applications.

September 29, 1980.

[FR Doc. 80-31050 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Environmental Protection Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Environmental Protection Task Group of the Committee on Arctic Oil and Gas Resources will meet in October 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Task Group meeting follows:

The Task Group meeting will be on Thursday, October 23, 1980, starting at 9:00 a.m., the Seventy-Six Room, Union Oil Center, 461 South Boylston Street, Los Angeles, California.

The tentative agenda for the meeting follows:

1. Review Task Group Assignment from the NPC Committee on Arctic Oil and Gas Resources.
2. Discuss Task Group study approach and individual assignments.
3. Discuss schedule of Task Group.

4. Discuss any other matters pertinent to the overall assignment of the Environmental Protection Task Group.

The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 5B-180, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 25, 1980.

R. D. Langenkamp,

Deputy Assistant Secretary, Resource Development & Operations Resource Applications.

September 25, 1980.

[FR Doc. 80-31049 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Production Engineering Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Production Engineering Task Group of the Committee on Arctic Oil and Gas Resources will meet in October 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Task Group meeting follows:

The Task Group meeting will be on Tuesday, October 28, 1980, starting at 9:00 a.m., Conference Room 1401, Shell Oil Company, Two Shell Plaza, 777 Walter Street, Houston, Texas.

The tentative agenda for the meeting follows:

1. Review Task Group assignment from the NPC Committee on Arctic Oil and Gas Resources.
2. Discuss Task Group study approach and individual assignments.
3. Discuss schedule of Task Group.
4. Discuss any other matters pertinent to the overall assignment of the production Engineering Task Group.

The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 5B-180, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 29, 1980.

R. D. Langenkamp,

Deputy Assistant Secretary, Resource Development & Operations Resource Applications.

September 29, 1980.

[FR Doc. 80-31046 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Transportation Task Group of the Committee on Arctic Oil Gas Resources; Meeting

Notice is hereby given that the Transportation Task Group of the Committee on Arctic Oil and Gas Resources will meet in October 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Task Group meeting follows:

The Task Group meeting will be on Thursday, October 16, 1980, starting at 9:00 a.m., Room S-353, Exxon Production Research Company, 3120 Buffalo Speedway, Houston, Texas.

The tentative agenda for the meeting follows:

1. Review Task Group assignment from the NPC Committee on Arctic Oil and Gas Resources.
2. Discuss Task Group study approach and individual assignments.
3. Discuss schedule of Task Group.
4. Discuss any other matters pertinent to the overall assignment of the Transportation Task Group.

The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 5B-180, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 29, 1980.

R. D. Langenkamp,

Deputy Assistant Secretary, Resource Development & Operations Resource Applications.

September 29, 1980.

[FR Doc. 80-31047 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Water Quality Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Water Quality Task Group of the Committee on Environmental Conservation will meet in October 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact

of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Task Group meeting follows:

The Task Group meeting will be on Wednesday, October 15, 1980, starting at 10:00 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, N.W., Washington, D.C.

The tentative agenda for the meeting follows:

1. Review Task Group assignment from the NPC Committee on Environmental Conservation.
2. Discuss Task Group study approach and individual assignments.
3. Discuss schedule of Task Group.
4. Discuss any other matters pertinent to the overall assignment of the Water Quality Task Group.

The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 5B-180, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 29, 1980.

R. D. Langenkamp,

Deputy Assistant Secretary, Resource Development and Operations Resource Applications.

September 29, 1980.

[FR Doc. 80-31045 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Dockets Nos. 80 CERT-033 and 80 CERT 032]

Dow Chemical Co. and Public Service Electric & Gas Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On September 18 and September 23, 1980, Public Service Electric and Gas

Company (Public Service), 80 Park Plaza, Newark, New Jersey 07101 and Dow Chemical Company (Louisiana Division) (Dow), P.O. Box 150, Plaquemine, Louisiana 70764, respectively, filed applications with the Administrator of the Economic Regulatory Administration (ERA) for certification of eligible uses of natural gas pursuant to 10 CFR Part 595.

Dow requested certification for an eligible use of gas up to a total volume of 1,500 million cubic feet (MMcf) to displace No. 6 fuel oil (0.7 percent maximum sulfur content). Public Service requested certification for an eligible use of gas of up to 16 MMcf per day to displace No. 6 (0.3 percent maximum sulfur) and middle distillate imported fuel oils.

Both companies are purchasing gas from the same eligible seller, Alabama-Tennessee Natural Gas Company. Dow states in its application and Public Service in an amendment to its application, filed September 26, 1980, that the delivery of the volumes of gas for which certification is requested, must commence as soon as possible, the reason expressed is that the gas will only be available from the seller until October 31, 1980. If the certification is delayed, increasing quantities of fuel oil displacement gas will be lost by both applicants.

The ERA has reviewed both Dow's and Public Service's applications in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979) and has determined that Dow's application satisfies the criteria enumerated in 10 CFR Part 595. We are therefore granting the certification and transmitting that certification to the Federal Energy Regulatory Commission.

These certifications are being issued without a 10-day public comment period prior to certification and being made effective upon issuance since it is in the public interest to maximize the displacement of fuel oil. As the application states, Dow and the eligible seller are in a position to begin immediate use of this natural gas to displace fuel oil and it will be available only until October 31, 1980. Given the limited availability of the gas, it is not in the public interest to permanently lose this limited opportunity to displace fuel oil while public comments are being solicited. Based upon the applicants' representations as to the limited availability of the gas, however, and because they form the basis for our granting immediate relief, the

certificates will expire on October 31, 1980. Public comments will still be accepted by ERA on or before October 16, 1980. The Administrator can terminate a certification for good cause (10 CFR 595.08) and will do so in this instance if the comments show that the certificate was improvidently granted.

More detailed information is contained in the application on file with the ERA and is available for public inspection at Room 7108, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this certification to submit comments in writing to the Economic Regulatory Administration, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Albert F. Bass, on or before October 16, 1980.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this certification may be requested by any interested person in writing on or before October 16, 1980. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Dow or Public Service and any persons filing comments and will be published in the *Federal Register*.

Issued in Washington, D.C., on September 30, 1980.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 80-31053 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Dockets Nos. CP68-139, CP77-525, CP77-529, CP79-175]

B-V Gas Gathering System, Inc., and Delhi Gas Pipeline Corp.; Petition for Declaratory Order and Surrender of Exemption

September 29, 1980.

Take notice that on August 27, 1980, Delhi Gas Pipeline Corporation (Delhi), Fidelity Union Tower, Dallas, Texas

75201, filed in Docket Nos. CP68-139,¹ CP77-525, CP77-529 and CP79-175 a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for a declaratory order declaring that any and all transactions involving the assignment and transportation of natural gas in which Petitioner participated under Sections 311(a)(2) and 312 of the Natural Gas Policy Act of 1978 (NGPA) during the period December 12, 1978, to December 26, 1978, were not violative of the NGPA, or, in the alternative that violation, if any, was *de minimis* in nature not warranting enforcement action, and that, additionally, on the same date B-V Gas Gathering System, Inc., (B-V)², Fidelity Union Tower, Dallas, Texas 75201, filed in the instant dockets a notice of the surrender of its exemption granted pursuant to Section 1(c) of the Natural Gas Act in Docket No. CP68-139 effective as of July 21, 1980, all as more fully set forth in the petition for declaratory order and the notice of surrender of exemption which are on file with the Commission and open to public inspection.

Delhi states that in 1967 it entered into an exchange agreement with Lo-Vaca Gathering Company (Lo-Vaca) to receive interstate natural gas from Transcontinental Gas Pipe Line Corporation (Transco) for Lo-Vaca's account (for redelivery to one of Lo-Vaca's customers) into Delhi's Blessing-Victoria System in the State of Texas. Prior to receipt of this exchange gas, Delhi further states that it applied for and received in Docket No. CP68-139 pursuant to Section 1(c) of the NGA an exemption from the Natural Gas Act relative to its Blessing-Victoria System. It is asserted that the Lo-Vaca gas was not purchased by Delhi nor was any of it commingled with gas in any of Delhi's other intrastate systems. No gas under the arrangement has been received for the past several years, and the Delhi-Lo-Vaca agreement terminated in 1975, it is said.

It is stated that Commission orders issued in Docket Nos. CP77-525 and CP77-529 on December 15, 1977, as amended January 26, 1978, May 9, 1978, and November 19, 1979, authorized United Gas Pipe Line Company (United) and Delhi to enter into a seasonal exchange contemplating deliveries of up to 25,000 Mcf of gas per day. It is submitted that deliveries by Delhi under the exchange commenced on June 6,

1978, and ended on December 8, 1978. Effective December 26, 1978, Delhi assigned the Blessing-Victoria System and the right to receive redelivery from United of the imbalance volumes of gas under the exchange to B-V, it is said.

By order of November 19, 1979, the Commission stated that it would retain a vestige of jurisdiction over the exchange pending redelivery by United of the outstanding imbalance thereunder, would substitute B-V as the exempted person in Docket No. CP68-139, and would recognize B-V as the certificate holder in Docket Nos. CP77-525 and CP77-529, it is stated. Since issuance of the November 1979 Commission order, United has completed redelivery to B-V, it is asserted. In addition, in its notice filed concurrently with Delhi's petition, B-V has surrendered the Section 1(c) exemption status for its Blessing-Victoria System.

Delhi states that pursuant to Sections 311(a)(2) and 312 of the NGPA and the interim regulations thereunder, on December 12, 1978, it made an assignment of rights to surplus natural gas and arranged for the transportation of natural gas under agreement with United. Delhi asserted that these agreements were made in good faith with the understanding that Delhi was an intrastate pipeline that qualified for transactions under Sections 311(a)(2) and 312.

Delhi asserts that in later 1978, it became aware of uncertainty as to whether it was an intrastate pipeline within the meaning of Section 2(16) of the NGPA although only one of Delhi's systems was exempted from Commission jurisdiction under Section 1(c) of the Natural Gas Act and in Delhi's opinion, all of its other operations were and are intrastate. Delhi further asserts that it responded to this uncertainty as to whether it would qualify as an intrastate pipeline under Section 2(16) of the NGPA by transferring its Blessing-Victoria facilities to B-V along with the right to receive the imbalance volumes of natural gas owed to Delhi by United.

Delhi states that on February 5, 1979, it filed a petition with the Commission for an order declaring that Delhi was and had been, as of December 1, 1978, an intrastate pipeline as defined in Section 2(16) of the NGPA, and it asserts that such request was made to resolve uncertainties created by possible interpretations of the statutory definition of an intrastate pipeline.

Delhi states that on November 19, 1979, the Commission issued an order in this docket granting in part and denying in part its request for declaratory order.

It is further stated that the Commission found that Delhi is and was as of December 26, 1978, the date the Blessing-Victoria System was transferred to B-V, an intrastate pipeline as defined by Section 2(16) of the NGPA. However, Delhi states that the Commission denied its requested order covering the period between December 1 and December 26, 1978, pending its ruling on the similar request by Oklahoma Natural Gas Company (ONG) in Docket No. CP79-148 and specifically stated that insofar as Delhi's petition was denied covering the December 1-December 26, 1978, period the action was taken without prejudice to Delhi's refiling for a declaratory order after resolution of the ONG case.

On January 3, 1980, the Commission issued Order No. 63 which permits pipeline companies with facilities excluded from Commission jurisdiction pursuant to Section 1(c) of the Natural Gas Act to apply for blanket certificate authority to permit transportation and sales and assignments of natural gas under the same conditions as those activities may be engaged in by intrastate pipelines under Sections 311 and 312 of the NGPA, it is said. It is further stated that pursuant to this rule, ONG filed an application for a blanket certificate with the Commission in Docket No. CP80-200 and on January 31, 1980, withdrew its petition for declaratory order in Docket No. CP79-148 leaving the question raised in that docket unresolved.

Accordingly, Delhi requests that the Commission issue a declaratory order declaring that the transactions Delhi entered into on December 12, 1978, under Sections 311(a)(2) and 312 of the NGPA were not violative of the NGPA during the period December 12, 1978, to December 26, 1978, or, in the alternative, that violation if any, was *de minimis* in nature and constituted harmless error which would not subject Delhi to any enforcement action by the Commission.

Any person desiring to be heard or to make any protest with reference to said petition or notice of surrender should on or before October 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

¹ This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

² B-V is the successor in interest to Delhi in the Blessing-Victoria System.

any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31031 Filed 10-3-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER80-574]

Nantahala Power & Light Co.; Order Accepting for Filing and Suspending Proposed Rates, Denying Motion for Summary Judgment, Denying Motion To Reject, Denying Motion To Join Non-Party, Granting Intervention, Initiating Hearing, and Establishing Procedures

Issued September 29, 1980.

On July 31, 1980, Nantahala Power & Light Company (NP&L) submitted for filing a proposed change in rates¹ to its three wholesale customers.² NP&L proposes an increase in annual revenues of approximately \$24,558 (2.56 percent) based on the twelve month period ending December 31, 1979. NP&L indicates in its transmittal letter that it is filing both proposed changes in its FERC Electric Rate Schedule PL and a new optional cost-of-service Rate Schedule PL (COSAC). NP&L requests an effective date of September 1, 1980, for two proposed schedules.

Notice of the filing was issued on August 6, 1980, with comments, protests, or petitions to intervene due on or before August 27, 1980. On August 27, 1980, Highlands protested, petitioned to intervene, requested a five month suspension and expedited conference, moved to joint Tapoco as a party, moved for summary judgment by rejection of the filing, and moved alternatively for rejection of the filing because it violates terms of a contract with the Tennessee Valley Authority (TVA). In support of its petition, Highlands states that the proposed increase is far greater to the Customers as a class than the \$24,558 stated by NP&L, that it is generally excessive, and that NP&L's purchased power arrangement with TNA and Tapoco, Inc., results in excessive purchased power costs.³ Highlands also contends

that NP&L's base allotment is insufficient, given the amount of power that NP&L delivers annually to TVA. Moreover, since Tapoco and NP&L are wholly owned by Alcoa and are operated on an integrated basis, Highlands states that Tapoco and NP&L should be treated as a combined utility and that NP&L's rates should be developed on the basis of the costs of the combined systems.⁴ Highlands requests that an expedited settlement conference be convened for purposes of simplifying the issues through stipulation and reducing NP&L's regulatory commission expense (\$102,000). In the event that the parties are unable to agree, Highlands requests that the Commission grant summary judgment by rejecting NP&L's filing on the grounds that the claimed regulatory expense exceeds the requested increase. Highlands moves alternatively for rejection of the filing on the grounds that Paragraph 9 of the NP&L-TVA contract requires TVA consent prior to any NP&L filing with a regulatory authority.⁵ Such consent has not been obtained.

On September 5, 1980, Haywood submitted an untimely notice of intention to file a petition to intervene and a request that NP&L's filing be suspended for the maximum period if the Commission establishes a procedural schedule prior to Haywood's anticipated filing. On September 11, 1980, Tapoco responded to Highlands' motion to join Tapoco as a party. Tapoco states that the reasonableness of the various agreements between Tapoco, NP&L, and TVA has been litigated extensively before the Commission in consolidated Docket Nos. ER76-828 and EL78-18. Tapoco also points out that the statements proffered by Highlands as justification for its motion to join Tapoco as a party to Docket No. ER80-574 are the same allegations which have been litigated in the consolidated dockets. According to Tapoco, there is no need to litigate the same issues again in the instant proceeding.

On September 11, 1980, NP&L filed a motion for an extension of time in which to answer Highlands' protest and petition to intervene, citing delay in receiving Highlands' filing and the complicated nature of Highlands'

expensive fossil generation ultimately passed on to NP&L's customers.

⁴The issue of the reasonableness of NP&L's purchased power arrangements and of the treatment of Tapoco and NP&L as a single entity for rate development is currently the subject of investigation in Docket No. ER76-828, awaiting opinion.

⁵Highlands requests that action on this motion for rejection be withheld pending the outcome of an expedited settlement conference.

pleading.⁶ On the same date, NP&L also filed a response to Highlands' motion for a maximum suspension of NP&L's proposed rates. NP&L states that it did not address this issue in its original filing because it was not aware of the Commission's policy to suspend all newly filed rates for five months unless a shorter period is warranted because particular circumstances would create harsh and inequitable results from the maximum suspension.⁷ NP&L states that its Purchased Power Adjustment Clause (PPAC) has been the subject of litigation in Docket No. ER76-828, and that due to the consistent opposition of the staff and intervenors in that docket as well as the Commission's rejection of the PPAC in Docket No. E-9181, the company may be forced to refund \$297,000 collected in 1979 under the PPAC.⁸ In response to consistent opposition, NP&L has eliminated the PPAC from its present submittal. However, according to NP&L, if the rates proposed in the instant docket are suspended for the full five months, and the PPAC is thereby continued in effect, NP&L will collect an additional \$226,000 during that period, including additional revenues under the PPAC. NP&L submits that subsequent rejection of the PPAC, coupled with a five month deferral of NP&L's alternative method of recovering purchased power costs, will lead to a harsh and inequitable result. Therefore, NP&L requests that if the proposed rates are suspended, they be suspended for one day, so that NP&L may collect the newly filed rates, which have been designed to terminate reliance on the PPAC.

Discussion

Initially, we find that participation by Highlands in this proceeding may be in the public interest and that good cause exists to grant its petition to intervene.

Highlands has requested that action on its motion for summary disposition or rejection be deferred pending the outcome of an expedited settlement

¹ See Attachment A for rate schedule designations.

² Haywood Electric Membership Corporation (Haywood), Town of Highlands (Highlands), and Western Carolina University.

³ Under an agreement with TVA, all output of NP&L and Tapoco (both wholly-owned subsidiaries of the Aluminum Company of America (Alcoa)) is dispatched by TVA. In return, TVA provides NP&L and Tapoco with fixed annual base entitlements of power. NP&L purchases its additional power requirements from TVA with the cost of this more

⁶ By notice dated September 16, 1980, an extension of time was granted until September 19, 1980. NP&L filed an untimely response on September 22, 1980, together with a motion for further extension of time. The company's response requests that Highlands' motions be denied in their entirety. While the pleading reinforces our belief that the matters raised by Highlands are properly the subjects of an evidentiary hearing, it does not present new information which would suggest conclusions other than those expressed in this order.

⁷ This policy was announced in *Oklahoma Gas and Electric Company*, Docket No. ER80-421, and in *Public Service Company of Colorado*, Docket No. ER80-447, the same day that NP&L made its original filing in the instant docket.

⁸ More than \$800,000 has been collected by NP&L under the PPAC since October 1, 1976.

conference. In lieu of such deferral, we shall reject the motions without prejudice to their renewal following the settlement discussions. Since the reasonableness of NP&L's purchased power arrangements with Tapoco and TVA is being litigated in Docket No. ER76-828, the final decision in that docket will govern the purchased power costs allowed in this proceeding. There is, consequently, no reason to join Tapoco as a party in this docket at this time and we shall not do so. If the presiding judge subsequently determines that joining Tapoco as a party is desirable and necessary, the judge may do so.

Highlands' request that we schedule a conference among the parties prior to preparation of staff's top sheets may have merit. Therefore, we shall order that a prehearing conference be held within thirty days after the issuance of this order for the purposes of defining issues, scheduling discovery, obtaining stipulations, and discussing settlement and other related matters. We shall also order a formal settlement conference to take place within ten days of the issuance of top sheets. However, we leave to the presiding judge's discretion whether such a conference is needed.

While NP&L has proposed to make the COSAC rates generally available, none of its customers is presently being served under these rates. We note that implementation of such rates for any customer will constitute a change in rate necessitating a timely filing of an appropriate service schedule pursuant to the Commission's regulations. Pending the Commission's final disposition of the instant docket, any collection of the COSAC rates shall be subject to refund.

Our analysis of the filing indicates that NP&L's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In a number of suspension orders,⁹ we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of

other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. The elimination of the PPAC clause alone does not constitute good cause to shorten the suspension since the new rate appears to be substantially excessive. Accordingly, we shall suspend the proposed rates for five months permitting the rates to take effect subject to refund thereafter on March 1, 1981.

The Commission orders

(A) Nantahala Power & Light Company's submittal is hereby accepted for filing and suspended for five months to become effective March 1, 1981, subject to refund.

(B) The town of Highlands is hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however*, That participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *provided, further*, That the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(C) Highlands' motions for summary judgment and rejection are hereby denied without prejudice.

(D) Highlands' motion to Tapoco as a party is hereby denied.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly Sections 205 and 206 thereof, and pursuant to the commission's rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed in this docket.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in this proceeding within thirty (30) days of the issuance of this order for the purposes described above in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Subject to the discretion of the presiding judge, a formal settlement conference shall be convened within ten (10) days after the

service of top sheets. the presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The issue of the reasonableness of NP&L's purchased power arrangement with TVA and Tapoco shall be subject to the outcome of Docket Nos. ER76-828 and EL78-18.

(H) Implementation of COSAC rates for any customer shall constitute a change in rate under section 35.13 of the regulations necessitating a timely filing of an appropriate service schedule. Pending the final disposition of this docket, any collection of the COSAC rates shall be subject to refund.

(I) The Commission staff shall serve top sheets in this proceeding on or before December 31, 1980.

(J) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission. Commissioner Sheldon voted present.

Lois D. Cashell,
Acting Secretary.

Attachment A.—Nantahala Power & Light Co.

[Docket No. ER80-574]

Designations	Description
1. 4th Revised Sheet No. 4 to FPC Electric Tariff, Original Vol. No. 1 (Supersedes 3rd Revised Sheet No. 4).	Schedule PL, p. 1 of 2.
2. 5th Revised Sheet No. 5 to FPC Electric Tariff, Original Vol. No. 1 (Supersedes 4th Revised Sheet No. 5).	Schedule PL, p. 2 of 2.
3. Original Sheet No. 20 to FPC Electric Tariff, Original Vol. No. 1.	Fuel Adjustment Clause.
4. Original Sheet No. 21 to FPC Electric Tariff, Original Vol. No. 1.	COSAC Rate, p. 1 of 2.
5. Original Sheet No. 22 to FPC Electric Tariff, Original Vol. No. 1.	COSAC Rate, p. 2 of 2.
6. Original Sheet No. 23 to FPC Electric Tariff, Original Vol. No. 1.	COSAC Adjustment Clause p. 1 of 3.
7. Original Sheet No. 24 to FPC Electric Tariff, Original Vol. No. 1.	COSAC Adjustment Clause p. 2 of 3.
8. Original Sheet No. 25 to FPC Electric Tariff, Original Vol. No. 1.	COSAC Adjustment Clause p. 3 of 3.
9. Original Sheet No. 26 to FPC Electric Tariff, Original Vol. No. 1.	Service Agreement to COSAC p. 1 of 2.
10. Original Sheet No. 27 to FPC Electric Tariff, Original Vol. No. 1.	Service Agreement p. 2 of 2.
11. Original Sheet No. 28 to FPC Electric Tariff, Original Vol. No. 1.	Specification Sheet to COSAC Agreement.
12. Supplement No. 1 to FPC Electric Tariff, Original Vol. No. 1 (Schedule P-7).	COSAC Workpapers.
13. Supplement No. 2 to FPC Electric Tariff, Original Vol. No. 1 (Schedule P-9).	COSAC Workpapers.
14. Supplement No. 3 to FPC Electric Tariff, Original Vol. No. 1 (Schedule P-11).	COSAC Workpapers.

⁹ E.g., *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980), (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, et al. (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

Attachment A.—Nantahala Power & Light Co.—Continued

[Docket No. ER80-574]

Designations	Description
15. Supplement No. 4 to FPC Electric Tariff, Original Vol. No. 1 (Schedule P-12).	COSAC Workpapers.

[FR Doc. 80-31021 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-124]**Northern Border Pipeline Co.; Petition To Amend**

September 29, 1980.

Take notice that on September 18, 1980, Northern Border Pipeline Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP78-124 a petition to amend the order issued in Docket No. CP78-123, *et al.*, on April 28, 1980, as subsequently affirmed, so as to authorize the construction of a 16,000 horsepower compressor station at Site No. 8 on its system and the transportation in interstate commerce of up to 175,000 Mcf of natural gas per day to be imported from Canada by Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) and Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states the order issued April 28, 1980, in consolidated Docket Nos. CP78-123, *et al.*, authorized Petitioner to construct and operate what was commonly called the Eastern Leg Pre-Built portion of the Alaska Natural Gas Transportation System (ANGTS) and authorized certain importations of Canadian natural gas by Northwest Alaskan Pipeline Company for resale to United Gas Pipe Line Company, Northern, and Panhandle Eastern Pipe Line Company and transportation of such gas by Petitioner for such buyers through the pre-built Eastern Leg.

Petitioner asserts that Northern has agreed to receive from Consolidated Natural Gas Limited (Consolidated), a Canadian subsidiary of InterNorth, Inc., at Port of Morgan, Montana, a portion of the volumes to be purchased by it from Consolidated, and Natural has now agreed commencing November 1, 1982, to receive from ProGas, Limited, at Port of Morgan the Canadian gas purchased from ProGas by Natural. It is further asserted that all such volumes of gas received by Petitioner at Port of Morgan from Consolidated and ProGas would be transported to Ventura, Iowa, and

delivered to Northern at that point, and that Northern would redeliver Natural's gas to it at the existing interconnection between the two systems at Glenwood, Iowa.

Petitioner proposes to amend the order issued in Docket No. CP78-123, *et al.* so as to permit it to receive at Port of Morgan and to transport in interstate commerce up to 100,000 Mcf per day of natural gas to be imported from Canada by Northern and up to 75,000 Mcf per day to be imported from Canada by Natural, with the duration of such transportation service per the terms of Petitioner's transportation agreements with the respective parties to be the earlier of the sixth anniversary of their respective billing commencement dates or the Alaskan shipment date.

It is further proposed that each of the companies for whom gas is proposed to be transported would pay Petitioner a monthly charge equal to the maximum contract receipt quantity for each shipper multiplied by the number of days in the billing month multiplied by 43.0 cents; provided, that if the final and total installed capital cost of Petitioner's Phase I line exceeds or is less than \$1,460,000,000 the 43.0 cent rate would be increased or decreased accordingly to reflect the final and installed capital cost.

Petitioner submits that with only the presently authorized Compressor Station No. 4 on its system it does not have the capability to render the proposed service in addition to the transportation services presently provided for other shippers. Accordingly, Petitioner further proposes to construct and operate a 16,000 horsepower compressor station at Compressor Station Site No. 8. It is asserted that with the proposed additional compressor capacity, it would attain a capability for transporting excess gas if such should be tendered by shippers under their applicable rate schedules and it would also provide substantial protection against service curtailments due to loss of one station.

The proposed compressor station is estimated to cost \$10,743,000 in 1979 dollars which cost would be provided from presently authorized financing, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 17, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the

Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31022 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP61-139]**Northern Natural Gas Co., Division of InterNorth, Inc.; Petition To Amend**

September 29, 1980.

Take notice that on September 4, 1980, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 12223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP61-139 a petition to amend the order issued in the instant docket on January 11, 1965,¹ pursuant to Section 7(c) of the Natural Gas Act so as to authorize the establishment of an additional point for delivery of exchange gas to El Paso Natural Gas Company (El Paso), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on January 11, 1965, it and El Paso were authorized to construct and operate facilities for the exchange of natural gas pursuant to the service agreement dated August 17, 1962, between the parties.

It is asserted that Petitioner has facilities connecting Amoco Production Company's Prentice Gasoline Plant with El Paso's 24-inch pipeline in Yoakum County, Texas. Petitioner's facilities, it is stated, consist of a measuring station and 2 miles of 6-inch pipeline through which Petitioner currently delivers residue gas from the Prentice Gasoline Plant to El Paso at a point of delivery in Yoakum County, Texas. Petitioner asserts that Amoco Production Company has expressed to Petitioner its desire to shut down the Prentice Gasoline Plant and make residue deliveries to Petitioner at the Slaughter Gasoline Plant in Hockley County, Texas.

By letter agreement dated July 2, 1980, Petitioner states that it and El Paso agreed to add an additional point of

¹This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

delivery whereby Petitioner would cause delivery to El Paso of residue gas from the Slaughter Gasoline Plant.

Petitioner, therefore, proposes to establish the Slaughter Gasoline Plant as an additional point for delivery of exchange gas volumes to El Paso.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 17, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31023 Filed: 10-3-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP79-432]

Northern Natural Gas Co., Division of InterNorth, Inc.; Petition To Amend

September 29, 1980.

Take notice that on September 4, 1980, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79-432 a petition to amend the order issued in the instant docket on December 3, 1979, pursuant to Section 7 of the Natural Gas Act so as to delete authorization to construct and operate the proposed Gomez No. 2 Compressor Station, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on December 3, 1979, it was authorized *inter alia*, to construct and operate two 1,080 horsepower turbine drive compressor units at its proposed Gomez No. 2 Compressor Station and was granted permission and approval to abandon two surplus compressor units at its Redfield, Iowa, storage field which surplus units were to be utilized at the Gomez No. 2 Compressor Station. The proposed compressor facilities were to effectuate the receipt of gas from Oasis Pipeline Company (Oasis) in Pecos,

Texas, under a transportation agreement between Petitioner and Oasis dated April 25, 1979, it is said.

Subsequently, it is stated, Petitioner was granted authority in Docket No. CP79-396 for the transportation of and exchange by displacement of certain volumes of gas with United Gas Pipe Line Company (United) and Panhandle Eastern Pipe Line Company (Panhandle). The three companies have executed contracts with Northwest Alaska Pipeline Company for the purchase of up to 800,000 Mcf of gas per day, it is stated. Petitioner further states that this gas would be transported and delivered into Applicant's system by Northern Border Pipeline Company (Northern Border).

Petitioner asserts that with its receipt of gas from Northern Border, it would begin exchanging up to 450,000 Mcf per day of its Gulf Coast volumes for those received from Northern Border for United's account at the Ventura, Iowa, interconnect. Petitioner further asserts that it would deliver or cause delivery of its exchange gas to United in the Gulf Coast Area.

It is asserted that the Gomez No. 2 Compressor Station was necessary to ensure the receipt of gas from Oasis into Petitioner's higher pressure transmission line. However, with the approval of the United exchange, Petitioner submits that it may in fact be required to deliver volumes to Oasis for transportation by Oasis and Houston Pipe Line Company to the Gulf Coast Area for delivery to United to make up any deficiency incurred in the exchange with United. Therefore, the Gomez No. 2 Compressor Station would only be utilized until the projected Northern Border in-service date, but Petitioner asserts that it can allow input from Oasis until that time by maintaining a lower pressure in the interconnection line and thus eliminate the need for construction of said compressor station.

Inasmuch as the two compressors from the Redfield, Iowa, storage field were to be abandoned specifically for the purpose of installation at the Gomez No. 2 Compressor Station which is no longer needed, Petitioner now proposes to abandon these units to stock.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 17, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with

the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31032 Filed 10-3-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-537]

Northwest Pipeline Corp.; Application

September 29, 1980.

Take notice that on September 5, 1980, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP80-537 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the calendar year 1981, and operation of various filed compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of proposed construction and abandonment would not exceed \$3,000,000. However, Applicant requests a waiver of Section 157.7(g)(iii) of the Commission's Regulations to permit the single project cost limitation to be raised from \$500,000 to \$1,000,000. Applicant asserts that site considerations and inflation have contributed to an increased cost per installed horsepower of compressor capacity and have limited its flexibility to adjust timely its budget-type facilities under the present \$500,000 limit.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules

of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31024 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP79-57 Reserve Issue]

Northwest Pipeline Corp.; Rate Change

September 29, 1980.

Take notice that on September 19, 1980, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following revised tariff sheets as part of its FERC Gas Tariff, Original Volume No. 2:

Second Revised Sheet No. 2
Fifth Revised Sheet No. 56
First Revised Sheet No. 196
Fifth Revised Sheet No. 283
Third Revised Sheet No. 462
Fourth Revised Sheet No. 629
Third Revised Sheet No. 682
Fourth Revised Sheet No. 708
First Revised Sheet No. 762
First Revised Sheet No. 772
First Revised Sheet No. 808
Third Revised Sheet No. 832
Original Sheet No. 2-A
Fifth Revised Sheet No. 195

Sixth Revised Sheet No. 243
Fifth Revised Sheet No. 309
First Revised Sheet No. 502
Fourth Revised Sheet No. 658
Third Revised Sheet No. 704
First Revised Sheet No. 722
First Revised Sheet No. 763
First Revised Sheet No. 807
First Revised Sheet No. 817
Second Revised Sheet No. 851

As more fully explained in the instant filing, the tariff sheets incorporate the changes and current transportation rates for each related rate schedule as accepted by the Commission in its letter order of September 11, 1980 approving a "Stipulation and Agreement in Settlement of Reserved Issue" at Docket No. RP79-57.

Pursuant to the Commission Order dated September 11, 1980 and Article II of the aforementioned Stipulation and Agreement the proposed effective date of the tendered tariff sheets is October 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31025 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP67-383, et al.]

Peoples Natural Gas Co., Division of InterNorth, Inc.; Redesignation

September 29, 1980.

By a Certificate of Amendment to a Certificate of Incorporation, dated March 28, 1980, filed with the Commission on July 10, 1980, Northern Natural Gas Company (Northern) has changed its corporate name to InterNorth, Inc. and its natural gas operations are to be conducted under the name of Peoples Natural Gas Company, Division of InterNorth, Inc. Accordingly, the authorizations issued by this Commission and by the Federal

Power Commission,¹ the FERC Gas Tariff on file, and any other records or proceedings relating to Northern, operating as Peoples Natural Gas Division, are redesignated as those of Peoples Natural Gas Company, Division of InterNorth, Inc.

This action is taken pursuant to 18 CFR 375.302(s) of the Commission's rules.

Lois D. Cashell,
Acting Secretary.

Appendix.—Peoples Natural Gas Co., Division of InterNorth, Inc.

*Certificate Applications by Docket Number
Docket No. and date of commission order*

CP67-383, Aug. 4, 1967.
CP69-277, July 28, 1969.
CP70-88, Apr. 30, 1970.
CP70-132, Feb. 24, 1970.
CP72-225, Sept. 22, 1972.
CP75-365, Jan. 8, 1976.
CP76-385, Oct. 27, 1976.
CP76-456, Jan. 19, 1977.
CP76-533, Feb. 2, 1977.
CP77-84, May 24, 1977.
CP77-173, Sept. 30, 1977.
CP79-420, Oct. 24, 1979.

[FR Doc. 80-31026 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. ER78-337, ER78-338 (Phase II) and ER77-464]

Public Service Co. of New Mexico; Order Denying Petition for Waiver of Initial Decision and Consolidation in Dockets Nos. ER78-337 and ER78-338; and Severing and Deferring Coal Cost Issue in Docket No. ER77-464

Issued September 24, 1980.

On August 25, 1980, the Cities of Gallup and Farmington, New Mexico, filed a petition seeking a waiver of the initial decision on the coal cost issue in a pending rate proceeding of the Public Service Company of New Mexico (PNM) Docket Nos. ER78-337 and ER78-338 (Phase II) and consolidation of the decision on that issue with the coal cost issue in PNM's Docket No. ER77-464 now pending before the Commission on exceptions.¹

We deny the petition. However, since

¹Set forth in Appendix.

²The petition also sought a waiver of § 1.30(c)(3) of our Rules of Practice and Procedure requiring that requests for waiver be filed within five days of the conclusion of the hearing. The initial decision in Docket No. ER77-464 was issued on January 25, 1980, and related to rates for the locked-in-period of October 1, 1977, to November 30, 1978. (For convenience, this is called the '77 case.) The initial decision for Phase I of Docket Nos. ER78-337 and ER78-338 (the '78 case), was issued on April 2, 1980 (dealing with construction work in progress and rate of return), and is now pending before us on exceptions. The '78 case involves rates for the 14 month period beginning December 1, 1978. The proposed rates in PNM's '79 case took effect subject

Footnotes continued on next page

the coal cost issue in the '77 case is a case of first impression requiring us to establish for electric rate cases the proper standard for evaluating the reasonableness of the costs incurred by a utility in purchasing coal from an affiliated company, we will sever that issue from the '77 case and defer action on it until the same issue is ripe for decision in Phase II of the '78 case.

The Cities of Gallup and Farmington were not parties to the '77 case. They assert that in the hearing on the '78 case they introduced significant evidence on the coal cost issue, not presented in the '77 case.² Although our resolution of that issue in the '77 case will not directly affect Gallup and Farmington, our formulation of the appropriate policy on the issue could properly bear upon our consideration of the same issue in the '78 case. If there is, in fact, significant evidence in the '78 case which might aid us in making our policy determination, we would prefer to have the benefit of reviewing that evidence before making the determination.

The coal cost issue in Docket No. ER77-464 (the '77 case) is severed from the other issues in that proceeding. The coal cost issue is designated Phase II and our decision on that phase will be deferred. The other issues in the '77 case are designated Phase I.

The Commission Orders

(A) The petition filed by the Cities of Gallup and Farmington, New Mexico, on August 25, 1980, is denied.

(B) The coal cost issue in Docket No. ER77-464 is severed from the other issues in that docket and designated Phase II. All of the other issues are designated Phase I of that docket.

By the Commission.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31033 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-565]

Southern Indiana Gas & Electric Corp.; Order Accepting Proposed Rate Changes, Granting Waivers and Directing Compliance

Issued September 29, 1980.

On July 31, 1980, Southern Indiana Gas and Electric Corporation (SIGE)

Footnotes continued from last page to refund on February 1, 1980 (Docket Nos. ER79-478 and ER79-479). PNM's '80 case was filed on March 31, 1980 (Docket No. ER80-313). Proposed rates thereunder, except for Gallup—a proceeding under § 206 of the Federal Power Act—will become effective subject to refund on November 1, 1980.

² All of the wholesale customers in the '77 case—the Department of Energy, Community Public Service Co. and Plains Electric Corp.—were also involved in the '78 case.

tendered for filing proposed rate increases for service to four municipal customers.¹ SIGE proposes to increase the demand charge of its RS rate schedule from \$3.40 to \$4.00/kva/month and the energy charge from 1.08 cents to 2.10 cents/kwh. SIGE also proposes to revise its tax adjustment clause and to increase the base cost of fuel in its fuel adjustment clause from 5.151 mills to 11.986 mills/kwh.

SIGE states that the proposed rates would increase revenues from the affected customers by approximately \$987,694 based on an historical Period I test year ending April 30, 1980. SIGE requests an effective date of September 1, 1980, and states that each customer has agreed to the rate proposal by executing a certificate of concurrence. SIGE requests waiver of the filing of a case-in-chief. See 18 CFR 35.13(b)(5)(ii).

Notice of the proposed rate increase was issued on August 6, 1980, with responses due on or before August 27, 1980. No responses were filed.

Our analysis of the proposed rate changes indicates that SIGE's revenues would increase during the test year by approximately \$1,009,748, rather than by \$987,694, as stated by the company. SIGE's calculation of the revenue increase is improperly based on a comparison of proposed revenues that reflect the synchronization of fuel costs and fuel revenues to eliminate the effects of the two-month billing lag under SIGE's fuel clause, with present revenues computed on a non-synchronized basis. SIGE should have computed proposed and present revenues on a synchronized basis.

Discussion

SIGE's filing was tendered on July 31, 1980, less than sixty days prior to the company's requested effective date of September 1, 1980. However, SIGE did not apply for waiver of the notice requirements of section 35.3 of our regulations. Because SIGE's customers have concurred in the company's rate proposal and have not filed objections to the proposed rates, we shall treat SIGE's filing as impliedly requesting waiver of the notice requirement and we shall grant the waiver.

Our analysis indicates that SIGE's proposed rates have been shown to be cost-justified. Accordingly, we shall accept the proposed rates for filing making them effective as of September 1, 1980.

SIGE's Statement O indicates that it

did not have any energy purchases during the test period that would require the exclusion of other than fuel costs in the fuel adjustment computation, and that the company does not anticipate any such purchases during the 16-month period succeeding the test period. SIGE will be directed that if it does purchase power on other than an economic dispatch basis, it must include in the fuel adjustment computation only the actual identifiable fuel costs associated with such purchases, as provided by § 35.14(a)(2)(ii) of the Commission's regulations.

We shall also grant SIGE's request for a waiver concerning the filing of a case-in-chief, and we shall not require SIGE to file a Period II cost of service study. As previously noted, the proposed rates are cost-justified and SIGE's customers have concurred in the rate increase.

As noted, SIGE also proposes to change the tax adjustment clause in its RS rate schedule. The proposed tax clause provides for upward adjustment of applicable charges to recover any new or increased taxes that may be imposed on SIGE by any local taxing authority after January 1, 1980. The present and proposed rate schedules also provide that, in determining the applicable monthly billing demand, off-peak demands that occur on weekdays between 8 P.M. and 7 A.M., and on Saturdays, Sundays, and holidays designated by SIGE, will be disregarded, provided that the billing demand will not be less than 50% of the maximum demand established during the month regardless of when such demand occurs. The rate schedules further provide that SIGE may, upon 30 days notice, revise the specified off-peak periods when demands will be disregarded. In light of these provisions SIGE is advised that any change in the proposed rate levels or in the terms and conditions of the RS rate schedules, including application of the tax clause and the billing demand provision, will constitute a change in rates requiring timely filing in accordance with section 35.13 of the regulations.

The Commission orders

(A) Waiver of the sixty day notice requirement is hereby granted under section 35.11 of the regulations.

(B) Waiver of the case-in-chief filing requirement under section 35.13(b)(5)(i) is hereby granted.

(C) Waiver of the filing of a Period II cost of service study as required by section 35.13(b)(4)(iii) is hereby granted.

(D) SIGE's proposed rate increase is accepted for filing, the rates to take effect on September 1, 1980. We hereby

¹ Tell City, Huntington, Boonville, and Ferdinand, Indiana. See Attachment A for rate schedule designations.

direct SIGE to include in the fuel adjustment computation only the actual identifiable fuel costs associated with any purchases of power that may be made on other than an economic dispatch basis. Acceptance of SIGE's proposed rates in no way constitutes any waiver of section 35.14 requirements as to SIGE's past or future billing practices under its fuel clause.

(E) SIGE is hereby advised that application of the tax adjustment clause

or billing demand provision in the RS rate schedule will require a timely filing in accordance with the provisions of section 35.13 of the Commission's regulations.

(F) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,
Secretary.

Attachment A.—Southern Indiana Gas & Electric Co.

[Docket No. ER80-565]

Filed: July 31, 1980.

Dated: (1) July 22, 1976; (3) and (5) July 27, 1976; (7) July 26, 1976; Others undated.

Designation	Description	Other party
(1) Rate Schedule FERC No. 39 (Supersedes Rate Schedule FPC No. 34 as supplemented).	Agreement	City of Boonville, Indiana.
(2) Supplement No. 1 to Rate Schedule FERC No. 39	Schedule RS	City of Boonville, Indiana.
(3) Rate Schedule FERC No. 40 (Supersedes Rate Schedule FPC No. 35 as supplemented).	Agreement	City of Huntington, Indiana.
(4) Supplement No. 1 to Rate Schedule FERC No. 40	Schedule RS	City of Huntington, Indiana.
(5) Rate Schedule FERC No. 41	Agreement	City of Ferdinand, Indiana.
(6) Supplement No. 1 to Rate Schedule FERC No. 41	Schedule RS	City of Ferdinand, Indiana.
(7) Rate Schedule FERC No. 42 (Supersedes Rate Schedule FPC No. 37 as supplemented).	Agreement	City of Tell City, Indiana.
(8) Supplement No. 1 to Rate Schedule FERC No. 42	Schedule RS	City of Tell City, Indiana.

[FR Doc. 80-31034 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-1573]

Southwestern Public Service Co; Order Accepting Rates for filing, suspending Rates, Granting Interventions, and Establishing Procedures

Issued September 29, 1980.

On July 31, 1980, Southwestern Public Service Company (SPS) filed a proposed increase in rates for firm power service to two full requirements customers and four partial requirements customers.¹ The proposed rates would result in an increase in revenues for SPS of \$1,810,603 (12.99%) for the twelve months ending September 31, 1981. SPS has proposed to make the revised rates effective beginning with its October, 1980, billings. The billings for October cover the period beginning September 24, 1980 and ending October 25, 1980, except with regard to New Mexico Electric Service Company (NMES) and Lea County Electric Cooperative (LCEC) which are billed on a calendar month basis.

In its filing, SPS has proposed rates based on a two-step decreasing block demand charge and a flat energy charge, subject to fuel adjustment and tax adjustment clauses. An 85% billing demand ratchet is applicable to the full requirements customers. The instant

submittal also proposes to increase the unit charge for both steps of the demand charge and to decrease the energy charge. In addition, the filing calls for the City of Canadian, Texas to pay SPS a wheeling charge equal to the amount paid by SPS to North Plains, Electric Cooperative, Inc., for wheeling SPS power and energy across North Plains system for delivery to Canadian.

Notice of the filing was issued on August 6, 1980, with protests or petitions to intervene due on or before August 27, 1980. On August 22, 1980, the city of Brownfield, Texas (Brownfield), filed a protest and petition to intervene in this docket. In support of its protest and petition, Brownfield states that it is a partial requirements wholesale customer of SPS. Brownfield objects to SPS' proposal to impose the entire rate increase upon the demand component of its two-part rates. Brownfield states that, without any justification, SPS has designed rates which impose substantially greater demand charges and three times as great commodity charges per kWh upon partial requirements customers when compared with the rates for its full requirements customers. SPS also claims that the

¹ See Attachment A for rate schedule designs.

proposed return on equity requested by SPS is unduly excessive. Brownfield points out that the 17.44% claimed return on equity must be contrasted to the 14% return on equity which was part of the settlement of SPS' previous rate increase filing in docket No. ER79-274, accepted by this Commission on June 26, 1980. Accordingly, the City of Brownfield requests that its petition for intervention be granted, that this filing be set for hearing, and that the rates be suspended for five months from the proposed effective date, subject to refund.

On August 26, 1980, Cochran Power and Light Company (Cochran), a full requirements customer, and New Mexico Electric Service Company (NMES), a partial requirements customer, filed separate petitions to intervene. On August 29, 1980, LCEC filed an untimely petition to intervene. All three petitions raise no issues of substance, but merely state that the petitioners are customers who will be affected by this rate filing and request intervention in any proceedings which may be ordered by the Commission.

On August 27, 1980, Community Public Service Company (CPS), a full requirements customer, filed a petition to intervene. CPS does not raise any issues of substance in its petition but indicates that it has not completed its evaluation of SPS' submittal and therefore cannot express any final views on the filing at this time. CPS therefore requests that SPS' filing be suspended and that it be granted intervention.

As noted previously, SPS' tariff contains a tax adjustment clause which provides for an upward adjustment of the charges to cover any new or increase taxes imposed on SPS by governmental authority after September 1, 1978. SPS is hereby advised that implementation of such clause will constitute a change in rate schedule requiring a timely filing in accordance with section 35.13 of the regulations. In addition, SPS is also advised that any change in wheeling charges which result in the use of North Plains' system for delivery of power and energy to the City of Canadian, Texas, will also constitute a change in rate schedule requiring a timely filing in accordance with section 35.13 of the regulations.

Our review of SPS' filing indicates that the Company's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In a number of suspension orders,² we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there we have concluded that rate filings should generally be suspended for the maximum period permitted by statute, where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the rates for a period of five months permitting the rates to take effect subject to refund thereafter on March 1, 1981.

With regard to the issues raised by petitioners in this case, we find that these matters should properly be evaluated during the course of an evidentiary proceeding. We shall therefore set these matters for hearing. We find that the interventions of the various petitioners may be in the public interest. We further find that good cause exists to permit LCEC to intervene out of time. We shall therefore grant the petitions to intervene.

The Commission orders:

(A) SPS' proposed rates are hereby accepted for filing and suspended for five months from the proposed effective date, to become effective March 1, 1981, subject to refund pending a hearing and decision thereon.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, particularly Sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed and filed with this Commission by SPS.

(C) The petitioning customers are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to the

matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and *Provided further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(D) The Commission staff shall serve top sheets in this proceeding on or before December 17, 1980.

(E) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a conference in this proceeding to be held within ten (10) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's rules of practice and procedure.

(F) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission.
Kenneth F. Plumb,
Secretary.

Attachment A.—Southwestern Public Service Co.

Docket No. ER80-573

Rate Schedule Designations

Other Party and Description

Conchron Power and Light Company: Rate Schedule FPC No. 74, Supplement No. 7 (Supersedes Supplement No. 6).
Community Public Service Company: Rate Schedule FPC No. 75, Supplement No. 7 (Supersedes Supplement No. 6).
City of Canadian, Texas: Rate Schedule FPC No. 80, Supplement No. 5 (Supersedes Supplement No. 4).
City of Brownfield, Texas: Rate Schedule FERC No. 81, Supplement No. 3 to Supplement No. 1 (Supersedes Supplement No. 2 to Supplement No. 1).
New Mexico Electric Service Company and Lea County Electric Cooperative, Inc.: Rate Schedule FERC No. 82, Supplement No. 7 (Supersedes Supplement No. 6).
City of Floydada, Texas: Rate Schedule FERC No. 83, Supplement No. 2 to Supplement No. 1 (Supersedes Supplement No. 1 to Supplement No. 1).

[FR Doc. 80-31035 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-571]

Toledo Edison Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Interventions, Denying Motions, and Establishing Hearing Procedures and Phased Price Squeeze Procedures

Issued September 29, 1980.

On July 31, 1980, Toledo Edison Company (TECO) tendered for filing a revised tariff proposed to become effective September 30, 1980, which provides for an increase in jurisdictional revenues of \$6,216,436 based on the twelve month period ending December 31, 1980.¹ In addition, TECO proposed to combine its existing Municipal Resale Service Rate—Small with its existing Rural Electric Cooperative Resale Service Rate creating a new Resale Service Rate—Small. TECO also proposed to modify its Municipal Resale Service Rate—Large and its Retail Service Rate—Small by reducing the two demand blocks associated with the three-part rate structure to a uniform demand charge, by replacing the hours use differential in the energy charge with a uniform rate, by changing the demand ratchet to bring the subject demand provisions into closer accord with retail rates for similar service, by introducing an off-peak demand discount, and, with respect to the Resale Service Rate—Small, by increasing transformer charges.

Notice of the filing was issued August 26, 1980, with responses due on or before August 25, 1980. Protests and petitions to intervene were filed by the Municipal Wholesale Customers of Toledo Edison (Municipalities) on August 25, 1980, and by the City of Bryan (Bryan) on August 25, 1980. Southeastern Michigan Rural Electric Cooperative (Southeastern) filed an untimely petition to intervene on August 27, 1980.²

The Municipalities request that the filing be rejected for failure to provide full explanations of the bases of the estimated figures in the filing, 18 C.F.R. § 35.13(b)(4)(iii). Alternatively, the Municipalities seek a maximum five month suspension and an order instituting a hearing concerning the lawfulness of the proposed rate increase. The municipalities raise a

¹ The proposed rate increase is for firm power service to one cooperative and fourteen municipal wholesale customers. See Attachment for rate schedule designations.

² On September 9, 1980, TECO filed a response to the protests and petitions to intervene filed by the Municipalities and Bryan. We will not address that response separately since the matters raised do not warrant resolution other than that stated in this order.

² E.g., *Boston Edison Co.*, ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, et al. (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

variety of cost of service and rate design issues and also ask that a price squeeze phase be established. Finally, the Municipalities request that the Commission direct TECO to file a wheeling rate and a partial requirements rate as was required by license conditions imposed by the Nuclear Regulatory Commission.

Bryan, likewise, urges the Commission to reject the filing, or, in the alternative, to suspend for five months and to institute a hearing concerning the lawfulness of the proposed rate increase. Southeastern has presented no substantive allegations with respect to the proposed rate increase.

Discussion

Initially, we find that participation in this proceeding by each of the petitioners may be in the public interest. We further find that good cause exists to permit Southeastern to intervene out of time. Consequently, we shall grant all petitions to intervene.

Our review of TECO's submittal indicates that it substantially complies with the filing requirements contained in section 35.13 of the Commission's regulations. Thus, the motions to reject will be denied. Our initial analysis indicates that TECO's proposed rates would not yield excess revenues. However, considering the allegations made by the Municipalities and Bryan, we find that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In a number of suspension orders,³ we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. The Commission notes that a variety of contentions have been raised by the

Municipalities and Bryan, but that preliminary analysis indicates that the proposed rates may not yield excessive revenues. We therefore believe that a five month suspension is unnecessary and maybe inequitable to TECO. However, in order to ensure refund protection to its affected customers pending further review of the proposed rates in light of the allegations made by the Municipalities and Bryan, we believe we should exercise our discretion to suspend the rates for only one day permitting the rates to take effect subject to refund thereafter on October 1, 1980.

TECO's proposed rate schedules contain a tax adjustment clause. The Municipalities object to the automatic tax adjustment and urge its rejection. We shall not reject the tax adjustment clause, but we note that implementation of the clause will constitute a change in rate necessitating a timely filing with the Commission pursuant to section 35.13 of the regulations.

The Municipalities state that under license conditions imposed by the Nuclear Regulatory Commission (NRC), TECO must file a wheeling rate,⁴ and that the Commission should direct TECO to file a wheeling rate and a partial requirements rate. The Commission's authority to order wheeling derives from section 211 of the Federal Power Act⁵ which was added by section 203 of the Public Utility Regulatory Policies Act and which authorizes the Commission to issue an order requiring wheeling only upon application of the party requesting such service and based upon specific findings of fact.⁶ No application for wheeling service has been made in this proceeding. Moreover, the municipalities have, in effect, requested this Commission to use its administrative authority to enforce orders of the NRC by ordering TECO to file a wheeling rate for service that may have been ordered as a license condition by the NRC. This we shall decline to do. This, of course, is without prejudice to any actions by the Municipalities to seek enforcement of NRC conditions by that agency or in the courts. We also note that prior to the commencement of any wheeling service, whether or not it is offered in compliance with an NRC order, TECO must file a rate schedule for such service with this Commission pursuant to the Federal Power Act and our regulations.

Numerous other issues were raised in the protests filed by the Municipalities and Bryan. A full opportunity will be accorded to have these issues explored at the hearing.

The Municipalities also state that they have not had the opportunity to determine whether or not the proposed rate will create a price squeeze, and they request that the Commission establish a price squeeze phase in this proceeding in the event that further study deems such a phase necessary. In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339 (August 6, 1979), we shall phase the price squeeze issue. This will allow a decision to be reached first on cost of service, rate of return, and capitalization issues. If, in the view of the intervenors or staff, a price squeeze exists, a second phase of the proceeding may follow.

The Commission orders:

(A) TECO's proposed rates tendered for filing on July 31, 1980, are hereby accepted for filing and suspended for one day, to become effective on October 1, 1980, subject to refund pending hearing and decision thereon.

(B) The petitions to intervene are hereby granted subject to the rules and regulations of the Commission; *Provided, however*, That participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further*, That the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(C) The motions to reject the filing are hereby denied.

(D) The Municipalities' motion to require TECO to file a wheeling rate and a partial requirements rate is hereby denied, without prejudice to further consideration of the wheeling issue upon an appropriate application.

(e) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of TECO's proposed rates.

(F) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased so that the price squeeze procedures begin after

³ E.g., *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER 80-506, et al. (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

⁴ *Toledo Edison Co.*, NRC Docket Nos. 50-346-A et al. (January 6, 1977 and September 6, 1979).

⁵ 16 U.S.C. § 824j (Supp. III 1979).

⁶ *Cleveland Electric Illuminating Co.*, Docket No. ER78-194 (Initial Decision, April 27, 1979), *aff'd*, *Cleveland Electric Illuminating Co.*, Docket No. ER78-194 (Opinion No. 84, May 5, 1980).

issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in Section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) TECO is hereby advised that implementation of the tax adjustment clause will require timely filing in accordance with the provisions of section 35.13 of the Commission's regulations.

(H) The Commission staff shall serve top sheets in this proceeding on or before December 15, 1980.

(I) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within ten (10) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(J) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31027 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-533]

Transcontinental Gas Pipe Line Corp.; Application

September 29, 1980.

Take notice that on September 3, 1980, Transcontinental Gas Pipe Line Corporation, (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80-533 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 700 horsepower compressor in Nueces County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it and Texas Eastern Transmission Corporation were

interconnection for the receipt of gas imported from Mexico into Applicant's system. Applicant states it is authorized to receive up to 30,000 Mcf per day from Texas Eastern at the first interconnection located on Applicant's Petronilla Lateral in Nueces County, Texas (Petronilla delivery point). Applicant asserts it was unable to receive its full share of the Mexican gas there so a second interconnection on Applicant's main line in Hidalgo County, Texas (Lacy delivery point), was established which received between 7,000 and 10,000 Mcf per day.

Applicant maintains that additional gas reserves are now available in the area of the Lacy delivery point; however, the introduction of such reserves into Applicant's system would create a capacity problem at the Lacy delivery point which would preclude Applicant from receiving the optimum quantity of Mexican gas at that point. Applicant herein proposes as a remedial measure to construct and operate a 700 horsepower compressor at the Petronilla delivery point thereby alleviating the Petronilla Lateral capacity problem and allowing Applicant to receive the total 30,000 Mcf per day of Mexican gas.

Applicant states it does not propose any new sale or service. Applicant estimates that the proposed facility would cost \$683,000 which would be financed initially through short-term loans and available cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if

the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31028 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-535]

United Gas Pipe Line Co.; Application

September 29, 1980.

Take notice that on September 5, 1980, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-535 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, and for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it was authorized to sell to Entex, Inc. (Entex) natural gas for resale in southern Louisiana pursuant to an April 17, 1979, service agreement.

It is stated that Entex has requested Applicant to relocate the New Iberia, Iberia Parish, Louisiana, Town Border Station No. 1 and to install a 4-inch farm tap and an upstream regulator at or near the new location in order to enable Entex to receive its gas supply in a less populated area, to interconnect with a line that has the capacity to deliver gas at a more constant rate, and to operate flexibly in servicing its customers in the area.

Applicant herein proposes to relocate the New Iberian Town Border Station No. 1 from its present location on Applicant's 6-inch lateral line off the Iowa-Franklin 8-inch line to a new location on Applicant's Lafayette-Bayou Sale 12-inch line. Applicant further asserts that it would construct and operate approximately 50 feet of 4-inch line from the new 4-inch tap on Applicant's Lafayette Bayou sale line to the proposed site of the relocated meter station.

Moreover, Applicant proposes to abandon approximately 7,696 feet of 6-inch lateral line extending from the Iowa-Franklin 8-inch line to the existing New Iberia Town Border Station No. 1. Applicant states it would sell Entex the 6-inch lateral line and fee property on which the present station is located and would remove all the other existing facilities. It is stated that Entex would reimburse Applicant for the removal of the existing regulatory station and would construct and operate approximately 1,750 feet of 6-inch line from the outlet side of the new meter station to connect to Applicant's abandoned 6-inch line. Applicant states that it would work with Entex in acquiring the necessary right-of-way for the installation of the 4-inch and 6-inch lines and that Entex would reimburse it for all costs incurred in obtaining said right-of-way.

Applicant asserts that the proposed relocation would not increase the overall maximum daily quantity as set forth in the April 17, 1979, service agreement and that Applicant would not increase deliveries to Entex.

Applicant estimates the cost of relocating the facilities to be \$69,734 which cost would be reimbursed by Entex.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are

required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31029 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-530]

United Gas Pipe Line Co.; Application

September 29, 1980.

Take notice that on September 3, 1980, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-530 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition of a 16.67 percent interest in certain existing pipeline and related facilities from Michigan Wisconsin Pipe Line Company (Mich Wis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Application states that Mich Wis was authorized to construct, own and operate 0.8 mile of 10-inch pipeline and related facilities located at Vermilion Blocks 242 to 241, offshore Louisiana (Vermilion 242 lateral). Pursuant to a June 19, 1980, ownership agreement between Applicant and Mich Wis, Applicant would acquire a 16.67 percent interest in the Vermilion 242 Lateral, it is asserted. Mich Wis, it is stated, would retain an 83.33 percent interest and would continue to operate and maintain the subject pipeline. Applicant states that it and Mich Wis would be entitled to share the effective capacity rights of the lateral pipeline in the same proportion as their individual ownership percentages.

Applicant states that it has acquired a 33.33 percent interest in reserves underlying Vermilion Block 242 attributable to the interest of Getty Oil Company. Applicant asserts that it has made arrangements with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. and Columbia Gulf Transmission Company to transport and exchange the subject gas onshore.

Any person desiring to be heard or to make any protest with reference to said application should on or before October

17, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31030 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-529]

United Gas Pipe Line Co.; Application

September 29, 1980.

Take notice that on September 3, 1980, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-529 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two compressor stations in Custer and McClain Counties, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate two compressor stations to be

located on 20 acre sites in Custer and McClain Counties, Oklahoma. It is stated that the Thomas Station located in Custer County would be operated at 2,500 horsepower consisting of two 1,250 horsepower units and related facilities. The Chandler Station located in McClain County, Applicant asserts, would be operated at 4,000 horsepower consisting of two 2,000 horsepower units and related facilities.

Applicant states that it has acquired from various sources the right to purchase volumes of natural gas produced in areas adjacent to the proposed route of the Trans-Anadarko Pipeline System located in the State of Oklahoma.

It is asserted that the Thomas and Chandler Compressor Stations would facilitate movement of these anticipated volumes through the Transcok Pipe Line System into the proposed Trans-Anadarko Pipeline System for further delivery into the system of Applicant at West Monroe, Louisiana.

The total estimated cost of the proposed construction is \$8,876,798 which Applicant proposes to finance from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31036 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-85-M

Southeastern Power Administration

Jim Woodruff Project; Order Extending Confirmation and Approval of Power Rates on an Interim Basis

AGENCY: Department of Energy, Southeastern Power Administration (SEPA).

ACTION: Extension of approval on interim basis of Jim Woodruff project rates.

SUMMARY: The Federal Energy Regulatory Commission (FERC) has not taken action on the rate schedules for Jim Woodruff Project power approved, on an interim basis, by the Assistant Secretary for Resource Applications and submitted to FERC on August 15, 1979. Since action by FERC is not expected prior to October 19, 1980, when the interim approval expires, the Assistant Secretary has extended the effective period for the applicable rate schedules as provided in Rate Order No. SEPA-10.

FOR FURTHER INFORMATION CONTACT: Leon Jourofmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Elberton, Georgia 30635, (404) 283-3261. Marlene A. Moody, Office of Power Marketing Coordination, Department of Energy, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-8338.

SUPPLEMENTARY INFORMATION: Jim Woodruff Project Rate Schedules JW-1 (Revised) and JW-2-B were previously approved, on an interim basis, by the Assistant Secretary for Resource Applications pursuant to Delegation Order No. 0204-33, 43 FR 60636, for a period beginning October 20, 1979, and ending October 19, 1980. Rate Order No. SEPA-10 provides that the rate schedules shall remain in effect on an interim basis for an additional 12 months unless such period is extended or until these or substitute rates are confirmed and approved by FERC on a final basis.

Issued in Washington, D.C., September 30, 1980.

Ruth M. Davis,
Assistant Secretary, Resource Applications.

Department of Energy, Assistant Secretary for Resource Applications

In the Matter of: Southeastern Power Administration, Jim Woodruff Project Power Rates; Rate Order No. SEPA-10.

Order Extending Confirmation and Approval of Power Rates on an Interim Basis

September 30, 1980.

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95-91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southeastern Power Administration (SEPA) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. This Rate Order is issued pursuant to the delegation to the Assistant Secretary.

Background

On August 15, 1979, the Assistant Secretary for Resource Applications issued Rate Order No. SEPA-6 confirming and approving on an interim basis, effective October 20, 1979, Wholesale Power Rate Schedules JW-1 (Revised) and JW-2-B applicable to power from the Jim Woodruff Project. These rate schedules were to remain in effect on an interim basis through October 19, 1980, unless such period was extended or until FERC confirmed and approved them or substitute rate schedules on a final basis. The rate schedules, together with a May 1979 Repayment Study and other supporting data, copies of a transcript of a Public Comment Forum and applicable power contracts, were submitted to FERC with the request that the rate schedules be confirmed and approved on a final basis.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby extend confirmation and approval on an interim basis, effective October 20, 1980, of attached Rate Schedules J-1 (Revised) and JW-2-B. These rate schedules shall remain in effect on an interim basis through October 19, 1981, unless such period is extended or until the FERC confirms and approves them or substitute rate schedules on a final basis.

Issued at Washington, D.C., this 30th day of September, 1980.

Ruth M. Davis,

Assistant Secretary, Resource Application.

Department of the Interior; Southeastern Power Administration

Wholesale Power Rate Schedule JW-1 (Revised)

Availability: This rate schedule shall be available to public bodies and cooperatives served by the Florida Power Corporation and having points of delivery within 150 miles of Jim Woodruff Project (hereinafter called the Project).

Applicability: This rate schedule shall be applicable to firm power and accompanying energy made available by the Government from the Project and sold in wholesale quantities.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 cycles per second delivered at the delivery points of the customer.

Monthly Rate: The monthly rate for capacity and energy made available or delivered under this rate schedule shall be:

Demand Charge: \$1.50 per kilowatt of monthly billing demand.

Energy Charge: 4.5 mills per kilowatt-hour.

Billing Demand: The monthly billing demand for any billing month shall be the lower of (a) the Customer's contract demand or (b) the sum of the maximum 30-minute integrated demands for the month at each of the Customer's points of delivery; provided, that, if an allocation of contract demand to delivery points has become effective, the 30-minute maximum integrated demand for any point of delivery shall not be considered to be greater than the portion of the Customer's contract demand allocated to that point of delivery.

Capacity Made Available: The capacity which the Government will supply to meet the demand of the Customer in any billing month will be the maximum amount of capacity required for that purpose up to the contract demand. Such maximum amount of capacity required will be determined by adding the maximum 30-minute integrated measured demands at all points of delivery of the Customer located within 150 miles of the Project power station. At such time as the demand of the Customer approximates the contract demand, the Government will allocate the contract demand among the Customer's then existing delivery points on the basis of the demands recorded as of that time at each such point of delivery adjusted to round each point's allocation to the nearest 10 kilowatts. The allocation of contract demand to delivery points shall become effective the billing month that the Customer's total demand at said delivery points exceeds its contract demand.

Energy Made Available: During any billing month in which the Government supplies all the Customer's capacity requirements, the Government will make available such energy as the Customer may require to supply its load. In any billing month when both the Government and the Florida Power Corporation are supply capacity to a delivery

point, each kilowatt of capacity supplied to such point during such month will be considered to be accompanied by an equal quantity of energy.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the 20th day of each calendar month.

Conditions of Service: The customer shall at its own expense provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment, and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Florida Power Corporation on its side of the delivery point.

Service Interruption: When energy delivered to the Customer's system for the account of the Government is reduced or interrupted for 1 hour or longer, and such reduction or interruption is not due to conditions on the Customer's system or has not been planned and agreed to in advance, the demand charge for the month shall be appropriately reduced.

August 19, 1967.

Department of Energy; Southeastern Power Administration

Wholesale Power Rate Schedule JW-2-B

Availability: This rate schedule shall be available to the Florida Power Corporation (hereinafter called the Company).

Applicability: This rate schedule shall be applicable to electric energy generated at the Jim Woodruff Project (hereinafter called the Project) and sold to the Company in wholesale quantities.

Points of Delivery: Power sold to the Company by the Government will be delivered at the connection of the Company's transmission system with the Project bus.

Character of Service: Electric power delivered to the Company will be three-phase alternating current at a nominal frequency of 60 cycles per second.

Monthly Rate: The monthly rate for energy sold under this schedule shall be equal to 60 percent of the calculated saving in the cost of fuel per KWH to the Company determined as follows:

Energy Rate = $60\% \times Fm / Sm$ [Computed to the nearest \$0.00001 (1/100 mill) per KWH]

Where:

Fm = Company fuel cost in the current period as defined in Federal Power Commission Order 517 issued November 13, 1974, Docket No. R-479.

Sm = Company sales in the current period reflecting only losses associated with wholesale sales for resale. Sale shall be equated to the sum of (a) generation, (b) purchases, (c) interchange-in, less (d) intersystem sales, less estimated wholesale losses (based on average transmission loss percentage for preceding calendar year).

Method of Application: The energy rate applied during the current billing month will be based on costs and equated sales for the second month preceding the billing month.

Determination of Energy Sold: Energy will be furnished by the Company to supply any

excess of Project use over Project generation. Energy so supplied by the Company will be deducted from the actual deliveries to the Company's system to determine the net deliveries for energy accounting and billing purposes. Energy for Project use shall consist of energy used for station service, lock operation, Project yard, village lighting, and similar uses.

The on-peak hours shall be the hours between 7:00 a.m. and 11:00 p.m., Monday through Sunday, inclusive. Off-peak hours shall be all other hours.

All energy made available to the Company, exclusive of transfers to the Georgia Power Company for the account of the Government, shall to the extent required be classified as energy transmitted to the Government's preference customers served from the Company's system. All energy made available to the Company from the Project shall be separated on the basis of the metered deliveries to it at the Project during on-peak and off-peak hours, respectively. Such on-peak energy as is made available to the Company at the points of interconnection with Georgia Power Company shall be determined from schedules of deliveries. Deliveries to preference customers of the Government shall be divided on the basis (with allowance for losses) of 77 percent being considered as on-peak energy and 23 percent being off-peak energy. Such percentages may by mutual consent be changed from time to time as further studies show to be appropriate. Deliveries made to the Georgia Power Company shall be on the basis (with allowances for losses) of schedules of deliveries. In the event that in classifying energy there is more than enough on-peak energy available to supply on-peak requirements of the Government's preference customers but less than enough off-peak energy available to supply such customers off-peak requirements, such excess on-peak energy may be applied to the extent necessary to meet off-peak requirements of such customers in lieu of purchasing deficiency energy to meet such off-peak requirements.

Any on-peak and off-peak Project energy made available in any billing month over and above that required for transfers to the Georgia Power Company for the account of the Government and to meet the above requirements of preference customers shall be classified as energy sold under this rate schedule.

The energy requirements of the Government's preference customers shall be the total energy requirements of such customers so long as the Government is supplying the total capacity required. In any month when both the Government and the Company are supplying capacity to a preference customer, each kilowatt of capacity shall be considered to be accompanied by an equal quantity of energy. The energy supplied by the Government shall come from its own resources or from purchases from the Company and shall be accounted for as transmitted for the account of the Government. Energy delivered to preference customers by the Company shall be increased by 7 percent to provide for losses in transmission.

Billing Month: The billing month under this schedule shall end at 12:00 midnight on the 20th day of each calendar month.

Power Factor: The purchaser and seller under this rate schedule agree that they will both so operate their respective systems that neither party will impose an undue reactive burden on the other.

October 20, 1979.

[FR Doc. 80-31054 Filed 10-3-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-18]

AM Broadcast Applications Accepted for Filing and Notification of Cutoff Date

Released: September 30, 1980.

Cutoff Date: November 5, 1980.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after November 5, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on November 5, 1980, which involves a conflict necessitating a hearing with any application on this list must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on November 5, 1980.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on November 5, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BP-20,116 (KDKO), Littleton, Colorado, Sterling Recreation Organization Co., Has: 1510 kHz, 5 kW, 1 kW-LS, DA-2, U, Req: 1510 kHz, 5 kW, DA-2, U

BP-791227AU (New), West Richland, Washington, Gospel West Broadcasting, Inc., Req: 1600 kHz, 2.5 kW, 5 kW-LS, DA-N, U

BP-800108AD (New), Mishawaka, Indiana, Mid-America Broadcasting Company, Inc., Req: 910 kHz, 1 kW, DA-2, U

BP-800115AE (WATS), Sayre, Pennsylvania, WATS Broadcasting, Inc., Has: 960 kHz, 1 kW, D, Req: 960 kHz, 5 kW, D

BP-800116AD (New), West Lake Hills, Texas, Scan Communications Corporation, Req: 1560 kHz, 2.5 kW, DA-2, U

BP-800117AE (WDKN), Dickson, Tennessee, Dickson Communications, Inc., Has: 1260 kHz, 1 kW, D, Req: 1260 kHz, 5 kW, D

BP-800211AA (KEXS), Excelsior Springs, Missouri, Jeffco TV Corp., Has: 1090 kHz, 250 W, D, Req: 1090 kHz, 1 kW, D

BP-800227AH (KEAM), Nederland, Texas, K E Communications, Inc., Has: 1510 kHz, 5 kW, DA-D, Req: 1510 kHz, 10 kW, DA-D

BP-800228AM (WAGY), Forest City, North Carolina, Tri-City Broadcasting Company, Inc., Has: 1320 kHz, 1 kW, D, Req: 1320 kHz, 500 W, 1 kW-LS, DA-N, U

BP-800307AE (New), Brentwood, Tennessee, Brentwood Broadcasting Corporation, Req: 560 kHz, 500 W, D

BP-800318AA (New), Willits, California, Broadcasting Corporation of Mendocino County, Req: 1250 kHz, 2.5 kW, DA-D

BP-800320AA (New), Algood, Tennessee, Dean & Cravens, Req: 1590 kHz, 500 W, D

BP-800328AD (WZUU), Greenfield, Wisconsin, Malrite of Wisconsin, Inc., Has: 1290 kHz, 1 kW, D (Milwaukee), Req: 1290 kHz, 5 kW, DA-2, U (Greenfield)

BP-800331AH (WEED), Rocky Mount, North Carolina, Radio Station WEED, Inc., Has: 1390 kHz, 1 kW, 5 kW-LS, DA-N, U, Req: 1390 kHz, 2.5 kW, 5 kW-LS, DA-N, U

BP-800401AH (New), Quebradillas, Puerto Rico, Jose J. Arzuaga, Req: 960 kHz, 500 W, DA-1, U

BP-800404AG (WAMR), Venice, Florida, Venice-Nokomis Broadcasting Co., Has: 1320 kHz, 500 W, D, Req: 1320 kHz, 1 kW, 5 kW-LS, DA-2, U

BP-800410AA (New), Cobleskill, New York, Schoharie Communications Corporation, Req: 1190 kHz, 500 W, D

BP-800411AA (WSAO), Senatobia, Mississippi, Robin H. Mathis, et al d.b.a. Northwest Mississippi Broadcasting Co., Has: 1550 kHz, 5 kW, D, Req: 1140 kHz, 5 kW, D

BP-800418AK (WKTU), Aiken, South Carolina, Air South Broadcasting Corp., Has: 1300 kHz, 500 W, D, Req: 1300 kHz, 1 kW, D

BP-800424AF (KBCH), Lincoln City, Oregon, Brown Broadcasting Enterprises Inc., Has: 1380 kHz, 1 kW, D, Req: 1380 kHz, 250 W, 1 kW-LS, U

BP-800430AF (WAKK), McComb, Mississippi, HWK Corporation, Has: 1140 kHz, 500 W, D, Req: 1140 kHz, 1 kW, D

BP-800501AH (KURM), Rogers, Arkansas, KERN, Incorporated, Has: 790 kHz, 500 W, D, Req: 790 kHz, 1 kW, D

BP-800515AD (WBZA), Glens Falls, New York, Pathfinder Communications Corporation, Has: 1410 kHz, 1 kW, D, Req: 1230 kHz, 250 W, 1 kW-LS, U

[FR Doc. 80-31007 Filed 10-3-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Arbitration Services Advisory Committee; Meeting

Notice is hereby given that the Federal Mediation and Conciliation Service Arbitration Services Advisory Committee, in accordance with Section 10 of the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), will meet on Friday, October 24, 1980 at 9:00 a.m. in Room 610, 2100 K Street NW., Washington, D.C.

The Agenda is as follows:

1. Update on actions of Arbitrator Review Board
2. Purpose and recommendations of GAO investigation
3. Report on OAS statistics and compilation procedures
4. Discussion on several policy questions
5. Agency action on violations of *Code of Professional Responsibility*
6. Plans for FY 1981 arbitrator symposia and seminars.

This meeting shall be open to the public.

Communications regarding this meeting should be addressed to: Ms. Jewell Myers, Associate Director, Office of Arbitration Services, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

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

Wayne L. Horvitz,
Director.

[FR Doc. 80-30913 Filed 10-3-80; 8:45 am]

BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

Meeting of Consumer Advisory Council

The Consumer Advisory Council will meet on Thursday, October 30, and Friday, October 31. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The October 30 session is expected to begin at 1 p.m. and to continue until 5 p.m. The October 31 session is expected to begin at 9 a.m. and to conclude at 3 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities with regard to consumer credit legislation and regulation. Time permitting, the Council will consider the following topics:

1. *Response of the Board to a Proposed Federal Trade Commission Trade Rule. (Final FTC promulgation is expected sometime in October.)*

A discussion of the FTC's Holder II rule: (1) The issues involved in the FTC's proposal, (2) whether the regulation of banks in this area would be useful and, if so, what form of regulation should be imposed, and (3) how industry and consumers might be affected by such Board actions.

2. *Preemption of Usury Ceilings and the Elimination of Certain Credit Practices.*

A discussion of (1) state usury ceilings and whether they should be preempted by federal law and (2) whether the preemption of usury ceilings should be tied to the elimination of practices such as the Rule of 78's method of rebating, confession of judgment clauses, paperwork fees, etc.

3. *Direct and Indirect Impacts of General Monetary Policy.*

A discussion of how general monetary policy affects consumers by creating changes in interest rates and in prices paid by consumers.

4. *Conflicting, Non-Uniform Enforcement Policies Set by Various Agencies.*

A discussion of current enforcement authority that is spread among various agencies and of the resulting potential for lack of uniformity in federal enforcement of consumer protection statutes. The Council may wish to consider the impact of the present system on consumers and financial institutions, and of methods for enhancing better coordination among agencies to reduce the possibility of overlapping or conflicting supervision.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ms. Kay Oliver, Secretary, Consumer Advisory Council, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Comments must be received no later than close of business Friday, October 24, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, September 29, 1980.

Theodore E. Allison,
Secretary of the Board.

[FR Doc. 80-30949 Filed 10-3-80; 8:45 am]

BILLING CODE 6210-01-M

Crawfordsville Insurance Agency, Inc.; Acquisition of Bank

Crawfordsville Insurance Agency, Inc., Crawfordsville, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain 10.47 percent or more of the voting shares of Peoples Savings Bank, Crawfordsville, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 23, 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 29, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-30946 Filed 10-3-80; 8:45 am]

BILLING CODE 6210-01-M

Crete Investment Corp.; Formation of Bank Holding Company

Crete Investment Corporation, Lincoln, 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 100 per cent (less director's qualifying shares) of the voting shares of City Bank & Trust Co. of Crete, Crete, 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. section 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 27, 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 29, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-30952 Filed 10-3-80; 8:45 am]

BILLING CODE 6210-01-M

Deutsche Bank AG; Bank Holding Company

Deutsche Bank AG, Frankfurt, Germany, a foreign bank subject to section 4 of the Bank Holding Company Act ("Act"), has applied, pursuant to

section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage, through its indirect subsidiary, Fiat Credit Corporation ("Company"), Deerfield, Illinois, (a joint venture with Fiat S.p.A., Turin, Italy) in the following activities: (i) All activities which would be engaged in by a diversified finance company and permitted by § 225.4(a)(1) of Regulation Y, including making or acquiring, for the Company's own account or for the account of others, loans and other extensions of credit, including, without limitation, sales financing and commercial financing of all types, including loans secured by receivables, securities, chattel paper, other personal property or real estate and unsecured loans of all types, including construction, development, working capital and acquisition loans, the purchase of portfolios of such loans from other finance companies and lenders, the purchase and sale of participations in loans, and factoring; (ii) servicing loans and other extensions of credit for any person, including, but not limited to, loans and extensions of credit in connection with wholesale and retail product financing programs of manufacturers and dealers; (iii) leasing personal and real property and acting as agent, broker or adviser in leasing such property, to the extent permitted by § 225.4(a)(6) of Regulation Y, including, without limitation, income producing equipment such as aircraft, machine tools, production equipment, printing equipment, marine and other transportation equipment, mining equipment and office and computer equipment, and the purchase of portfolios of such leases from other finance companies and lenders, such leasing activity to be conducted through a wholly-owned subsidiary of the Company which will operate from the offices of, and in the same service area as, the Company; (iv) providing bookkeeping, data processing and other services relating to the administration of receivables financed by the Company for the subsidiaries in the United States of Fiat S.p.A.; and (v) acting as an insurance agent or broker with respect to insurance that is directly related to loans, extensions of credit or the providing of financial services by the company describes in clauses (i), (ii), and (iii) above, such insurance to consist of credit life, accident, health and physical damage insurance on customers of the Company and on property financed by, or securing, loans of the Company. Company already engages in some of the financial and

insurance activities listed in (i) and (v) above pursuant to prior Board approval. These activities would be performed from offices of Applicant's subsidiary in Bannockburn, Illinois; Pittsburgh, Pennsylvania; Dallas, Texas; Atlanta, Georgia; Walnut Creek, California, and Libertyville, Illinois, and the geographic area to be served is the continental United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 29, 1980.

Board of Governors of the Federal Reserve System, September 29, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-30948 Filed 10-3-80; 8:45 am]

BILLING CODE 6210-01-M

Home State Bancorporation, Inc.; Formation of Bank Holding Company

Home State Bancorporation, Inc., Hobart, Oklahoma, 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 82.63 percent or more the voting shares of Home State Bank, Hobart, Oklahoma. 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 29, 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 29, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-30953 Filed 10-3-80; 8:45 am]

BILLING CODE 6210-01-M

J. D. Meier Agency; Proposed Continuation of General Insurance Agency

J. D. Meier Agency, Linton, North Dakota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in general insurance agency activities.

Applicant states that the proposed subsidiary would continue to engage in the activity of acting as general insurance agent in a community with a population not exceeding 5,000 inhabitants. These activities would be performed from offices of Applicant's subsidiary in Linton, North Dakota, and the geographic area to be served is the community immediately surrounding and including, Linton, North Dakota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing,

identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 29, 1980.

Board of Governors of the Federal Reserve System, September 29, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-30945 Filed 10-3-80; 8:45 am]

BILLING CODE 6210-01-M

Le Roy C. Darby, Inc.; Proposed Continuation of Lending Activities

Le Roy C. Darby, Inc., Monona, Iowa, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in lending activities commenced *de novo*.

The applicant states that the activities include making and servicing of loans which may or may not be insider transactions, i.e. Farm and City Real Estate Loans, Commercial and Industrial Loans, single payment and installment loans for personal expenses, including purchased paper. These activities would be performed from offices of Applicant in Monona, Iowa, and the geographic areas to be served are the town of Monona and surrounding area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of

fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 27, 1980.

Board of Governors of the Federal Reserve System, September 30, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-30951 Filed 10-3-80; 8:45 am]

BILLING CODE 6210-01-M

Plaza Agency, Inc.; Proposal To Continue To Engage in Insurance Activities

Plaza Agency, Inc., Waite Park, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in the activities of general insurance in a town with a population of less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Waite Park, Minnesota, and the geographic areas to be served are the communities of Waite Park, Rockville, St. Joseph and West St. Cloud, Minnesota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 24, 1980.

Board of Governors of the Federal Reserve System, September 29, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-30950 Filed 10-3-80; 8:45 am]

BILLING CODE 6210-01-M

Security State Holding Co. of Fort Scott, Inc.; Formation of Bank Holding Company

Security State Holding Company of Fort Scott, Inc., Fort Scott, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of Security State Bank, Fort Scott, 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 30, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, 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 29, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-30954 Filed 10-3-80; 8:45 am]

BILLING CODE 6210-01-M

State Bancshares, Inc.; Formation of Bank Holding Company

State Bancshares, Inc., Schaller, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of State Bank Schaller, Schaller, Iowa. The factors that

are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 29, 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 29, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-30947 Filed 10-3-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[F-80-18]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Maine Public Utilities Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Maine Public Utilities Commission involving the application of the New England Telephone and Telegraph Company for an increase in its rates for intrastate telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 23, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-30999 Filed 10-3-80; 8:45 am]

BILLING CODE 6620-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: reestablishment of compliance.

SUMMARY: On August 29, 1980, the Office of Health Maintenance Organizations (OHMO) notified Florida Health Care Plan, Inc., (FHCP), 350 North Clyde Morris Boulevard, Daytona Beach, Florida 32014, a federally qualified health maintenance organization (HMO), that as of July 1, 1980, FHCP had successfully reestablished compliance with its assurances to the Secretary that it would maintain a fiscally sound operation and satisfactory administrative and managerial arrangements.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination, and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). Section 1312(b)(1) also provides that the Secretary shall publish in the *Federal Register* notices of determinations made under that section.

On June 22, 1979, FHCP was officially notified that it was not in compliance with the assurances it had given the Secretary that it would maintain a fiscally sound operation and

satisfactory administrative and managerial arrangements as required by section 1301(c)(1)(A) and (B) of the Act. This determination, a notice of which was published at 45 FR 21713 on April 2, 1980, did not affect FHCP's status as a federally qualified HMO. Subsequently, FHCP implemented successfully corrective action to bring it into compliance with its assurances. On August 29, 1980, FHCP was notified by OHMO that, as of July 1, 1980, it had reestablished compliance with its assurances to the Secretary that it would maintain a fiscally sound operation and satisfactory administrative and managerial arrangements.

Dated: September 26, 1980.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 80-30911 Filed 10-3-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Status of Wilderness Review of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of status of wilderness review of public lands.

SUMMARY: This notice summarizes the present status of the wilderness review of roadless public lands and islands required by the Federal Land Policy and Management Act, section 603(a). The purposes of this notice and calendar of events are to provide (1) one source of information summarizing current wilderness review activities, and (2) advance notice of upcoming decisions and public review periods.

DATE: All information in this notice is current through October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Gary G. Marsh, Bureau of Land Management, Division of Wilderness and Environmental Areas, 18th and C Streets, NW., Washington, D.C. 20240, Telephone: (202) 343-6064.

SUPPLEMENTARY INFORMATION: This calendar of events is the ninth in a series whose last notice appeared in the *Federal Register* September 11, 1980, (p. 60024). The calendar of events focuses only on the current status of all ongoing wilderness review activities. Those inventories whose final decisions are in effect, as well as studies or reports not yet initiated, are not reported in this notice. For detailed information regarding each specific activity,

reference is made either to the appropriate notice previously appearing in the *Federal Register*, or to notices which are anticipated to be published in the upcoming 30 days. It must be noted that "anticipated" dates are projected only, and thus are subject to change.

The Bureau of Land Management wilderness review includes (1) an inventory of public lands to identify roadless lands and islands having wilderness characteristics; (2) a study of those areas found to have wilderness characteristics (wilderness study areas or "WSA's"); and (3) a report from the Secretary of the Interior to the President as to whether each WSA is more suitable for wilderness or other resource uses. The President will send his recommendations to Congress. Only Congress can actually designate an area as wilderness.

The inventory process has two stages: (1) An initial inventory designed to quickly identify and release from wilderness review those lands which clearly and obviously lack wilderness characteristics; and (2) an intensive inventory for those lands which may possess wilderness characteristics. The initial inventory process was completed in the contiguous Western States by October 1, 1979. In instances where important resource use decisions are pending, the inventory process may be accelerated in order to reach final decisions as quickly as possible. Such inventories are referred to as "special project inventories" or "accelerated intensive inventories."

The Federal Land Policy and Management Act (FLPMA) also requires early study of 55 natural and primitive areas which were formally identified by the Secretary of the Interior prior to November 1, 1975. They are referred to as "instant study areas" (ISA's). As of October 1, 1980, the reports are under administrative review.

The wilderness inventory deadline for the contiguous Western States has been extended to November 15, 1980, as announced in the *Federal Register* on June 17, 1980 (p. 41074). The statistical summary table reflects both proposed and final intensive inventory decisions in the contiguous Western States, Minnesota, and a special Nonwilderness Assessment in Alaska related to the Alaska Natural Gas Transportation System route. All acreages are presented by State political boundaries and not BLM administrative boundaries. Some final decision listed under the "inventory completed" column may be under protest or appeal. In those instances, decisions are not yet in effect and are subject to interim management requirements as required by the FLPMA.

section 603(c). Any appeals of the State Directors' intensive inventory decisions will be subject to the procedures as outlined in Title 43 *Code of Federal Regulations*, Part 4. This regulation identifies the Interior Board of Land Appeals as the office to hear and evaluate such appeals.

Dated: September 30, 1980.

James W. Monroe,
Director.

Calendar of Events

Arizona

Statewide Intensive Inventory

- 90-day public comment period ended August 28, 1980; public comments being analyzed prior to final decision.

Accelerated Intensive Inventory

- Hualapai-Aquarius final decision anticipated mid-October 1980. Affects units 2-37, 2-43, 2-46, 2-48, 2-50, 2-51 to 2-54, 2-56 to 2-63, 2-65, 2-67.
- State Director's decision on protests for the Overthrust Belt anticipated late October 1980. Affects units: 1-105 to 1-109, 1-112 to 1-115, 1-119 to 1-124, 1-127 to 1-130, 1-134, 1-135.
- Safford District units contiguous to Coronado National Forest—final decision announced in *Federal Register* July 11, 1980 (p. 46913); initiating protest period which ended August 18, 1980, without protest. Due to no appeals filed, decision in effect for units 4-66, 4-70, 4-72, 4-73, 4-79, 4-80, 4-81.

Study/Reporting

- Aravaipa Canyon Instant Study Area final environmental impact statement and suitability report complete; under administrative review.
- Paiute, Paria, and Vermillion Cliffs ISA's draft suitability report and draft environmental impact statement availability announced in *Federal Register* April 22, 1980 (p. 27022); 30-day public comment period will end December 22, 1980, since the U.S. Geological Survey and Bureau of Mines reports are available for review, as announced in *Federal Register* September 25, 1980 (p. 63558).

California

Statewide Intensive Inventory

- Proposed decision for Oregon-California interstate units announced in *Federal Register* April 3, 1980 (p. 22198); 90-day public comment period ended June 25, 1980.
- Proposed decision for Nevada-California interstate units announced in *Federal Register* April 3, 1980 (p. 22198); 90-day public comment period ended June 30, 1980.

Units Under Appeal to IBLA

- Notice of appeal announced in *Federal Register* January 7, 1980 (p. 1456). Affects CDCA intensive inventory units: 117, 131, 136, 137A, 143, 150, 156, 158, 172, 217, 221, 222, 227, 242, 263, 264, 265, 266, 271, 299, 305, 321, 325, 334, 343, 348, 376. Appeal on units 207, 251, and 251A dismissed by IBLA August 5, 1980, due to appellant's failure to file statement of reasons in accordance with 43 CFR Part 4. Dismissal announced in *Federal Register* September 5, 1980 (p. 58976) and decision in effect for these three units.

- Notice of appeal announced in *Federal Register* January 7, 1980 (p. 1457). Affects non-CDCA initial inventory units: 010-031, 033, 047, 069, 087, 101; 020-701, 901, 1001; 030-300, 400, 500.

- Notices of appeal announced in *Federal Register* August 28, 1980 (p. 57549). Affects non-CDCA intensive inventory units 010-040, 060, 063, 065, 068; 050-131, 134, 135, 211.

- Notice of appeal filed on amended by protest decision non-CDCA intensive inventory units 020-1013, 030-054.

Study/Reporting

- Proposed CDCA plan expected to be released September 30, 1980.

Colorado

Statewide Intensive Inventory

- 90-day public comment period ended April 30, 1980; public comments being analyzed prior to final decision.

Units Under Appeal to IBLA

- Notice of appeal filed January 21, 1980. Affects initial inventory unit 070-031.

Study/Reporting

- Powderhorn ISA draft environmental impact statement and draft suitability report availability announced in *Federal Register* May 7, 1980 (p. 30141); public comment period ended July 1, 1980.

Eastern States

Statewide Intensive Inventory (Minnesota Only)

- Final decision on remaining 174 islands announced in *Federal Register* September 17, 1980 (p. 61797), initiating 30-day protest period ending October 17, 1980.

Idaho

Statewide Initial Inventory

- State Director's proposed intensive inventory decision on Jim Sage unit

23-1 announced in *Federal Register* June 4, 1980 (p. 37738) initiating 90-day comment period, which ended September 2, 1980; public comments being analyzed prior to final decision.

Statewide Intensive Inventory

- 90-day public comment period ended July 3, 1980; public comments being analyzed prior to final decision.

Accelerated Intensive Inventory

- State Director's announcement of decision on protests for Owyhee Planning Area anticipated late October 1980. Affects units 16-26, 16-28, 16-36, 16-40 to 16-42, 16-44, 16-45, 16-47, 16-49, a, b, d, e, 16-52.

Study/Reporting

- Great Rift (Grassland Kipuka) ISA draft environmental impact statement availability announced in *Federal Register* March 5, 1980 (p. 14251); public comment period ended May 27, 1980; under administrative review.

Units Under Appeal to IBLA

- Notice of appeal filed April 11, 1980, affecting stateline initial inventory units 16-48a, b, and c, 16-53, 16-56a, 16-59, 16-70e, 17-19, 17-21, 17-26, 22-1.
- Two notices of appeal filed April 11, 1980, affecting Challis Planning Area intensive inventory units 46-11, 46-13, 46-14, 46-14a.
- Notice of appeal filed July 30, 1980, affecting St. Anthony Sand Dune initial inventory units 35-3, 35-4, 35-5.

Montana

Statewide Intensive Inventory

- public comment period extended from June 30 to August 30, 1980; public comments being analyzed prior to final decision.

Accelerated Intensive Inventory

- Bitter Creek (064-356) as affected by proposed Alaska Natural Gas Transportation System final decision announced in *Federal Register* April 9, 1980 (p. 24254); protest period ended May 9, 1980; decision on protests anticipated to be announced in *Federal Register* October 1980.
- State Director's Overthrust Belt decision on protests announced in *Federal Register* August 7, 1980 (p. 52465); protest period ended September 15, 1980, for following three units adjusted as a result of new information received: 076-002, 026, 028; public comments being analyzed prior to decision on protests.

Units Under Appeal to IBLA

- Notice of appeal filed June 10, 1980. Affects OTB accelerated intensive inventory unit 076-026.
- Notice of appeal filed July 28, 1980. Affects OTB accelerated intensive inventory units 075-123; 076-003, 011, 025.
- Notice of appeal filed July 29, 1980. Affects OTB accelerated intensive inventory units 076-001, 002, 007, 022, 026, 028, 034, 069.
- Notice of appeal filed August 22, 1980. Affects accelerated intensive inventory units 076-025, 026, 059.

Study/Reporting

- Humbig Spires and Bear Trap Canyon ISA's draft environmental impact statements and draft suitability reports availability announced in **Federal Register** April 18, 1980 (p. 26477) and April 30, 1980 (p. 28823); public comment period ended June 17, 1980. U.S. Geological Survey and Bureau of Mines mineral reports available for 30-day public review during the month of October as announced in **Federal Register** September 26, 1980 (p. 64937).

Nevada

Statewide Intensive Inventory

- 90-day public comment period ended June 30, 1980; public comments being

analyzed prior to final decision.

New Mexico

Statewide Intensive Inventory

- public comment period extended from June 30 to July 21, 1980, as announced in **Federal Register** June 27, 1980 (p. 43477); public comments being analyzed prior to final decision.

Oregon

Statewide Intensive Inventory (includes Washington)

- 90-day public comment period ended June 25, 1980; public comments being analyzed prior to final decision.

Accelerated Intensive Inventory

- State Director's decision on protests announced in **Federal Register** August 5, 1980 (p. 51925), initiating appeal period which ended September 4, 1980. Decision in effect due to no appeals filed for units: 1-76, 1-77, 1-105; 2-1, 2-11, 2-23E, 2-26, 2-74E, 2-74N, 3-154, 5-14.

Units Under Appeal to IBLA

- Notice of appeal announced in **Federal Register** November 29, 1979 (p. 68526); affects initial inventory unit 11-6.
- Notice of appeal filed August 7, 1980; affects accelerated intensive

inventory units 2-81L (contiguous with NV-020-0642), 2-82H.

Utah

Statewide Intensive Inventory

- 90-day public comment period ended June 30, 1980; public comments being analyzed prior to final decision.

Accelerated Intensive Inventory

- Protests received as announced in **Federal Register** June 18, 1980 (p. 41223), on Devil's Garden and Link Flats ISA's.

Units Under Appeal to IBLA

- Notice of appeal filed January 24, 1980. Affects accelerated inventory units 050-233; 060-007, 011, 012.
- Notice of appeal announced in **Federal Register** July 17, 1980 (p. 47936). Affects accelerated intensive inventory unit 050-236.

Wyoming

Statewide Intensive Inventory

- public comment period extended as announced in **Federal Register** on June 5, 1980 (p. 37894); public comment period ended August 19, 1980; comments being analyzed prior to final decision.

Units Under Appeal to IBLA

- Three notices of appeal filed April 14, 1980. Affects accelerated intensive inventory units 040-110, 221, 222, 223.

Statistical Summary Table

[BLM wilderness inventory results (shown in acres) as of Oct. 1, 1980]

Proposed intensive inventory decisions						
Contiguous Western States	Public lands subject to wilderness inventory	Announced-subject to public review			Inventory completed final decisions announced	
		Not yet announced	Lacking wilderness characteristics	With wilderness characteristics	Lacking wilderness characteristics	Wilderness study areas
AZ.....	12,596,000	0	2,705,000	2,152,000	7,211,000	528,000
CA.....	16,585,000	0	120,000	9,000	10,054,000	6,402,000
CO.....	7,996,000	0	491,000	765,000	6,690,000	50,000
ID.....	11,949,000	252,000	1,090,000	804,000	8,983,000	820,000
MT.....	8,140,000	0	1,132,000	320,000	6,225,000	463,000
NV.....	49,118,000	17,000	10,919,000	2,646,000	33,477,000	2,059,000
NM.....	12,847,000	0	1,327,000	886,000	10,486,000	148,000
ND.....	68,000	0	0	0	68,000	0
OK.....	7,000	0	0	0	7,000	0
OR.....	13,965,000	0	3,418,000	1,318,000	8,358,000	871,000
SD.....	277,000	0	5,000	0	272,000	0
UT.....	22,076,000	0	2,920,000	1,666,000	16,977,000	513,000
WA.....	310,000	0	14,000	15	296,000	0
WY.....	17,793,000	0	562,000	497,000	16,678,000	56,000
Subtotal.....	173,727,000	269,000	24,703,000	11,063,000	125,782,000	11,910,000
Eastern States: MN.....	45,000	0	0	0	45,000	0

¹ Does not include 1,759,200 acres of Oregon and California Grant Lands which are exempt from wilderness review.

² Includes an estimated 2,000 acres of unsurveyed islands.

Alaska—Nonwilderness Assessment of the Alaska Natural Gas Transportation System route reviewed 2,482,000 acres of public land, of which 1,474,000 acres were removed from wilderness review and interim management policy (IMP) constraints and 1,008,000 acres are subject to the IMP and further inventory at a later date. Final decision in **FEDERAL REGISTER**, June 2, 1980 (p. 37304).

[FR Doc. 80-31001 Filed 10-3-80; 8:45 am]

BILLING CODE 4310-84-M

[OR 18994, OR 19000, OR 20234-B, 20242]

Oregon; Proposed Continuation of Withdrawals**Correction**

In FR Doc. 80-27894 appearing on page 60024 in the issue of Thursday, September 11, 1980, first column, in the land description, third line from the bottom, should read as follows:

"T. 20 S., R. 22 E.,"

BILLING CODE 1505-01-M

Geological Survey**Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co., U.S.A.**

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

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 1083 and 1092, Blocks 73 and 93, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 26, 1980.

E. A. Marsh,
Staff Assistant for Operations, Gulf of Mexico
OCS Region.

[FR Doc. 80-30903 Filed 10-3-80; 8:45 am]

BILLING CODE 4310-31-M

Heritage Conservation and Recreation Service**Intent To Hold Public Meetings on Adequacy of Draft Environmental Impact Statement and California Rivers Application**

AGENCY: Heritage Conservation and Recreation Service, Interior.

ACTION: Notice.

SUMMARY: The Heritage Conservation and Recreation Service has prepared a Draft Environmental Impact Statement (DEIS) evaluating the impact of designating five California Rivers as part of the National Wild and Scenic Rivers System pursuant to Section 2(a)(ii) of the Wild and Scenic Rivers Act, Pub. L. 90-542, as amended. The rivers include portions of the Klamath, Trinity, Eel, and American River Systems and the entire Smith River System. Notice of the availability of DEIS appeared in the September 19, 1980, Federal Register.

Notice is hereby given that the Heritage Conservation and Recreation Service will hold a series of five public meetings in California on the Draft Environmental Impact Statement—*Proposed Designation of Five California Rivers in the National Wild and Scenic Rivers System* during October 1980. Statements on the merits of the State's request may also be made.

Each of the hearings will consist of two sessions: one in the afternoon starting at 1:00 p.m. and adjourning promptly at 5:00 p.m.; and the second in the evening starting at 7:00 p.m. and continuing until all those who wish to speak have been heard. The dates and locations of the hearings are as follows:

October 21, 1980—Redding, CA, Chart Room, Holiday Inn, 1900 Hilltop Drive.
October 23, 1980—Eureka, CA, Wayne Vickers, Home Arts Building, Redwood Acres Fairgrounds, 3750 Marria Street.

October 24, 1980—Crescent City, CA, Convention and Cultural Center, Front and J Streets.

October 27, 1980—Sacramento, CA, Resources Agency Auditorium Lobby, 1416 Ninth Street.

October 31, 1980—Los Angeles, CA, Junipero Serra State Office Building, 107 South Broadway, Room 1138.

The purpose of these meetings is to

receive comments from the public on the adequacy of the Draft Environmental Impact Statement and the merits of the State's application. Interested individuals, representatives of organizations and public officials are invited to express their views in person. Comments may be submitted orally or in writing, preferably both. Those not able to attend any of the meetings are encouraged to submit written comments to the Regional Director, Pacific Southwest Regional Office, Heritage Conservation and Recreation Service, U.S.D.I., P.O. Box 36062, 450 Golden Gate Avenue, San Francisco, California 94102. Comments should be received no later than November 5, 1980.

Time limitations may make it necessary to limit the length of oral presentations and oral statements can, of course, be supplemented by a more complete written statement.

There will be no advance sign-up of times or slots for speakers prior to the day of each hearing. The sign-up desk will be opened one hour prior to the start of each session. Agency and organizational presentations will be restricted at each session to one representative until all such agencies and organizations in attendance have had an opportunity to testify.

After an explanation of the proposal by a representative of the Heritage Conservation and Recreation, the Chair, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of counties impacted by the proposed action.
5. Other agency representatives, organizations and individuals in the order of sign-up.

Questions concerning this Notice may be addressed to the Heritage Conservation and Recreation Service, U.S. Department of the Interior, 450 Golden State Avenue, San Francisco, California 94102, (phone: 415/556-8313) or 440 G Street, NW., Washington, D.C. (phone: 202/343-4793).

The primary author of this Notice is Bob Van Etten, Heritage Conservation and Recreation Service, 450 Golden Gate Avenue, San Francisco, California 94102.

Dated: October 1, 1980.

Chris Therral Delaporte,
Director.

[FR Doc. 80-31008 Filed 10-3-80; 8:45 am]

BILLING CODE 4310-03-M

National Register of Historic Places; Notification of Pending Nominations

Correction

In FR Doc. 80-28113 appearing on page 61374 in the issue for Tuesday, September 16, 1980, on page 61375, first column, insert the following entry under "London Mills:"

"London Mills vicinity, *Indian Ford Bridge*
(*Metal Highway Bridges of Fulton County*
Thematic Resources) SR20"

BILLING CODE 1505-01-M

National Park Service

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 1:30 p.m. CST on October 22, 1980, at the Louisiana Department of Wildlife and Fisheries Building, 400 Royal Street, Room 220, New Orleans, Louisiana.

The Delta Region Preservation Commission was established pursuant to Pub. L. 95-265, Section 907(a) to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, in the development and implementation of a general management plan, and in the development and implementation of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

Matters to be discussed at this meeting include:

1. Review and work on comments on the draft General Management Plan.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park, 400 Royal Street, Room 200, New Orleans, Louisiana 70130, telephone area code 504 589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Dated: September 26, 1980.

Earl A. Hassebrock,
Acting Regional Director, Southwest Region,
National Park Service.

[FR Doc. 80-30914 Filed 10-3-80; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

[Federal Coal Lease Nos. NM-0510466, NM-0510467, NM-0510468, NM-0555316, NM-0555317]

The IBI Coal Co. for the Proposed LA Ventana Mine Sandoval County, N. Mex.; Intent To Prepare an Environmental Impact Statement and Availability for Public Review of a Mining and Reclamation Plan for an Underground Coal Mine

AGENCY: Office of Surface Mining
Reclamation and Enforcement,
Department of the Interior.

ACTION: Availability for public review of a coal mining and reclamation plan and notice of intent to prepare an environmental impact statement on the proposed underground coal mine.

SUMMARY: The Office of Surface Mining (OSM) has received a complete application from IBI Coal Company (a wholly owned subsidiary of Ideal Basic Industries Inc.) for a mining and reclamation plan approval and permit pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA), for the proposed La Ventana Mine. OSM has determined that the approval or disapproval of this proposed mine is a significant Federal action affecting the human environment thus requiring an environmental impact statement (EIS). The plan has been determined to be complete and this notice is issued to inform the public of the availability of this plan for review pursuant to Section 211.5 of Title 30 and Section 1500.2 of Title 40, Code of Federal Regulations.

Location of Lands to be Affected

Applicant: IBI Coal Company
Mine Name: La Ventana Mine
Type of Mine: Underground Coal Mine
State: New Mexico
County: Sandoval

Township, Range, Section: All or parts of T. 19N., R. 1 W: 4, 5, 6, 7, 8, 9, 16, 17, 18, R. 2 W: 1, 12, 13, T. 20 N., R. 1 W: 28, 29, 30, 31, 33, R. 2 W: 25, 36.

Office of Surface Mining Reference No.: NM-0016.

The proposed underground mine would be located about 8 miles south of Cuba, Sandoval County, New Mexico. The mine plan area covers about 10,500

acres with a surface disturbance of about 100 acres. The mine would be in operation for 35 years, with a maximum annual production of 1.5 million tons. The proposal includes construction of surface facilities (the office and shops, the mine portal, and the crushing and truck loadout facilities) and a mine waste disposal area.

Prior to the Department taking on this mine plan, the Office of Surface Mining and the Geological Survey with assistance from the State of New Mexico's Mining and Minerals Division will prepare an EIS which will analyze the alternatives and impacts of those alternatives. Alternatives will include, but are not limited to, disapproval of the applicant's proposal, approval of the applicant's proposal with modifications, deferring action, and no action on the proposal.

In preparing the technical and environmental analyses, OSM will determine whether the proposed mining and reclamation plan meets the requirements of SMCRA. During this analysis, it is possible that OSM will request additional information from the company. This information would be available for public review.

When the technical analysis and the draft EIS completed, a Notice of Availability of the draft will be published in the *Federal Register* and local newspapers.

The mining and reclamation plan submitted by IBI Coal Company is available for public review during normal working hours at the Office of Surface Mining, Region V, second floor, Brooks Towers, 1020 15th Street, Denver, Colorado; the State of New Mexico's Mining and Minerals Division, Energy and Minerals Department, 1222 Luisa Street, Santa Fe, New Mexico; the County Courthouse, Sandoval County, Bernalillo, New Mexico; and the Village of Cuba's Municipality Building Complex, Cuba, New Mexico. Comments on the proposed plan may be submitted to the Regional Director, Office of Surface Mining, at the Denver address for a 30-day period after the publication of this notice.

A public meeting will be held to discuss the apparent significant issues related to this project on October 21, 1980. All interested persons or agencies are invited to participate at this EIS scoping meeting to be held in the conference room in Cuba, New Mexico's village office building complex between 12 p.m. and 2 p.m. and between 7 p.m. and 9 p.m.

FOR FURTHER INFORMATION CONTACT:

C. "Jay" Silvernale or Robert Schueneman, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202. Telephone: (303) 837-3773.

Dated: September 30, 1980.

Robert Hagen,
Acting Regional Director.

[FR Doc. 80-30957 Filed 10-3-80; 8:45 am]

BILLING CODE 4310-05-M

Availability for Public Review of Proposed Citizens Participation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Availability for public review of contract proposal for citizen participation program.

SUMMARY: Notice is given that the Office of Surface Mining (OSM) has received a proposal to develop a nationwide Citizens Participation Plan. Consumer Dynamics, Inc., of Rockville, Maryland submitted a final report to OSM in fulfillment of the requirements of Contract Number J5102470. That report recommends twelve distinct "target areas", identifies citizens groups to participate in the program and includes a proposed action plan for conducting public meetings. In addition, the report includes a conceptual design for OSM's future citizen participation efforts.

This notice is issued at this time for the convenience of the public. OSM is considering the recommendations of Consumer Dynamics, Inc. and will consider any comments and recommendations submitted by the public concerning this report or citizens participation in general.

The full report (exclusive of proprietary information) submitted by Consumer Dynamics, Inc., is available for public review during normal working hours in the Office of Surface Mining, Room 244, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. Comments on the report may be submitted during the 45-day period after publication of this notice to the above address. The comments will be available for public review.

In addition, single copies of the report may be obtained by writing same address, or by calling (202) 343-4953.

The report can also be reviewed in the following regional offices: Region 1, 1st Floor, Thomas Hill Building, 950 Kanawha Boulevard, East, Charleston, WV 25301; Region 2, 530 Gay Street, Suite 500, Knoxville, TN 37902; Region 3, Federal Building and U.S. Court House, 46 East Ohio Street, Room 520,

Indianapolis, IN 46204; Region 4, 818 Grand Avenue, Scarritt Building, Kansas City, MO 64106; Region 5, Brooks Towers, 1020 15th Street, Denver, CO 80202.

FOR FURTHER INFORMATION CONTACT:

Richard Nellius, Assistant to the Director for Public Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, (202) 343-4953.

Dated: September 18, 1980.

Paul L. Reeves,
Acting Director, Office of Surface Mining.

[FR Doc. 80-29480 Filed 10-3-80; 8:45 am]

BILLING CODE 4310-05-M

Water and Power Resources Service

Contract Negotiations With the State of Colorado for the Acquisition of Bonny Reservoir's Conservation Storage Capacity; Intent To Negotiate a Repayment Contract

The Department of the Interior, through the Water and Power Resources Service, intends to negotiate a repayment contract with the State of Colorado for the acquisition of Bonny Reservoir's conservation storage capacity. The proposed contract will be negotiated pursuant to the Sale of Water for Miscellaneous Purposes Act of 1920 and will provide for the repayment of the project's reimbursable irrigation and recreation cost allocations amounting to \$3,320,815.

The State's proposed operating plan envisions the use of the conservation space of up to 41,340 acre-feet for recreation and fish and wildlife purposes. The Colorado legislature has already appropriated \$1 million in consideration for the acquisition through the State's Natural Resources Department. The State expects to recover part of this cost by a matching grant from the Department's Heritage Conservation and Recreation Service. The authority for this agreement is under the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964).

The public is invited to observe the negotiating sessions and to submit written comments on the proposed contract not later than 30 days after the completed contract draft is available. Advance notice of negotiating sessions shall be furnished only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to any session.

Unless significant public interest in the proposed contract is demonstrated in response to this notice, the availability of the negotiated draft contract will not be published. The

Commissioner of Water and Power Resources will review comments submitted and, based on the number, source, and nature of the comments, a decision will be made whether to hold a public hearing.

For further information, please contact Mr. Robin McKinley or Mr. William Wyche, Repayment Branch, Division of Water and Land Operations, Water and Power Resources Service, Lower Missouri Region, P.O. Box 25247, Denver, Colorado 80212, telephone (303) 234-3327 or 234-6562, respectively.

All written correspondence concerning the proposed contract is available to the public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

Dated: September 29, 1980.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 80-30806 Filed 10-3-80; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment

resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-62

The following applications were filed in Region 1. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 151959, (Sub-1-1TA), filed September 24, 1980. Applicant: TRANSCOPPER EXPRESS, CO., 512-514 State Fair Boulevard, Syracuse, NY 13204. Representative: Donald G. Hichman, R.D. #1, Box 7, Union Springs, NY 13160. *Candles in glass, decorative candles, stationery, materials and supplies used in the manufacture and distribution of candles (except commodities in bulk) between the facilities of Meunch Kreuzer Candle Co., Inc. at Liverpool and Syracuse, NY, on the one hand, and, on the other, points in IL, IN, KS, MI, MO, OH, PA and WI. Supporting shipper: Muench Kruezer Candle Co., 4577 Buckley Road, Liverpool, NY 13088.*

MC 084098, (Sub-1-1TA), filed September 19, 1980. Applicant: SHELDON TRANSFER & STORAGE COMPANY, INC., 170 Main Street, Holyoke, MA 01040. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Common carrier: regular route: General commodities, (usual exceptions), between Holyoke, MA and Milwaukee, WI, serving all intermediate points, from Holyoke, MA over Interstate Hwy 90, to Jct of Interstate Hwy 90 and Interstate Hwy 94, then over Interstate Hwy 94 to Milwaukee, WI and return over same route. Restricted to traffic moving on freight forwarder Bills of Lading of United Freight Forwarders, Inc., Holyoke, MA and Sheldon Forwarding Co., Inc., Holyoke, MA. Supporting shippers: United Freight Forwarders, Inc., 170 Main Street, Holyoke, MA, and Sheldon Forwarding Co., Inc., 170 Main Street, Holyoke, MA.*

MC 151940, (Sub-1-1TA), filed September 23, 1980. Applicant: CONTRACT TRANSPORT SERVICES, INC., 974 Washington Street, Braintree, MA 02184. Attorney: John F. O'Donnell, Barrett and O'Donnell, 60 Adams St. P.O. Box 238, Milton, MA 02187. Authority Sought: Contract: Irregular. *General commodities, except household*

goods as defined by the Commission and Classes A & B explosives, between points in CT, MA, ME, NH, NJ, NY, RI, VT, PA under continuing contract(s) with Consolidated Distribution Services Corp. Supporting shipper: Consolidated Distribution Services Corp., 3 Consolidated Way, Lawrence, MA 01843.

MC 118019, (Sub-1-2TA), filed September 23, 1980. Applicant: PENN TRANSPORTATION CORP., 212 Beacham Street, Everett, MA 02149. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. (1) *Steel wire, from Fairless, PA and Sparrows Point, MD to Chelsea, MA, and (2) Coils and mattress springs, from Chelsea, MA to Elizabeth, NJ, restricted to traffic having a subsequent movement by water. Supporting shipper: Nasco, Inc., 190 Everett Ave., Chelsea, MA 02150.*

MC 151792 (Sub-1-1TA), filed September 22, 1980. Applicant: COLES EXPRESS, 444 Perry Road, Bangor, Maine 04401. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, Maine 04101. *Contract irregular general commodities (except household goods as defined by the Commission and commodities of unusual value) between points in ME, on the one hand, and, on the other hand, points in the U.S. (except AK and HI) and points in the U.S. on the international boundary line between the U.S. and Canada. Supporting shipper: The Jackson Laboratory, Bar Harbor, ME 04609.*

MC 148941 (Sub-1-1TA), filed September 18, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Mr. Gerald S. Duzinski, Vice President Commerce, 71 West Park Avenue, Vineland, NJ 08360. *Contract carrier: irregular routes: Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses, and materials, equipment and supplies used in the manufacture, sale and distribution of such commodities, between points in the US (except AK and HI), under continuing contract with General Foods Corporation. Supporting shipper: General Foods Corporation, 250 North Street, White Plains, NY 10625.*

MC 151935 (Sub-1-1TA), filed September 22, 1980. Applicant: WESBELL TRANSPORT LTD., 36 Hanson Road South, Brampton, Ontario, CD L6W 3H4. Representative: Robert D. Gunderman, Suite 710, Statler Bldg., Buffalo, NY 14202. *Contract carrier: irregular route: Telephone equipment, electrical supplies, switchboards, PBX*

switchboard equipment and powerpacks, digital equipment, batteries, cross bar frames, and carrier equipment and supplies, between ports of entry on the International Boundary line between the US and CD, on the one hand, and, on the other, all points in the US, under a continuing contract(s) with Northern Telecom Canada Limited. Supporting shipper: Northern Telecom Canada Limited, 304 East Mall Islington, Ontario, Canada.

MC 151941 (Sub-1-1TA) filed, September 22, 1980. Applicant: DELMONT E. HARTT, INC., P.O. Box 26, Etna, ME 04435. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME. *Contract carriers: irregular routes: General commodities (except household goods as defined by the Commission, liquid commodities in bulk, explosives and commodities of unusual value), between points in ME and the US (except AK and HI). Supporting shippers: Northern Products Log Homes, Inc., Bomac Road, Bangor, ME and North Star Lumber Company, Enfield, ME.*

MC 133560 (Sub-1-1TA) filed, September 22, 1980. Applicant: RUDZINSKI TRANSPORTATION, INC., 1258 Union Avenue, Laconia, NH 03246. Representative: Raymond P. D'Amante, Esq., 246 Loudon Road, P.O. Box 494, Concord, NH 03301. *Contract carrier: irregular routes: Bulk cement in tank vehicles from points in ME, MA and NY to points in NH. Supporting shipper: Persons Concrete Inc., Bay Road, Winnisquam, NH 03289.*

MC 140846 (Sub-1-3TA), filed September 22, 1980. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine Street, Boston, MA 02119. Representative: Jeremy Kahn, Attorney-at-law, Kahn and Kahn, Suite 733, Investment Bldg., 1511 K St., NW., Washington, DC 20005. *Contract carrier: irregular routes: (1) Such commodities as are dealt in or used by promotional discount department stores, between the facilities of Caldor, Inc., at or near Norwalk, CT, on the one hand, and, on the other, the facilities of Caldor, Inc., at or near Secaucus, NJ; Albany, Bedford Hills, Glens Falls, Kingston, Mahopac, Middletown, Nanuet, Newburg, Poughkeepsie, Schenectady, Suffern, Vails Gate, Wappingers Falls, White Plains, Yonkers and Yorktown Heights, NY; the facilities of Admor at or near Elmsford, NY; the facilities of Ralar, at Plainview, NY; the facilities of Leisure Line, at or near Secaucus, NJ; and New Hyde Park, NY; and (2) advertising matter, between Stratford, CT on the*

one hand, and, on the other, Bedford, Manchester and Nashua, NH; Secaucus, NJ; Albany, Bedford Hills, Elmsford, Glens Falls, Kingston, Mahopac, Middletown, Mt. Kisco, Nanuet, Newburgh, Nyack, Peekskill, Plainview, Poughkeepsie, Schenectady, Suffern, Vails Gate, Wappingers Falls, Yonkers, and Yorktown Heights, NY; Westerly and Woonsocket, RI and Amherst, Beverly, Boston, Brighton, Brockton, Burlington, Chelmsford, Chicopee, Framingham, Greenfield, Haverhill, Holyoke, Lawrence, Lowell, Lynn, Malden, Medford, Melrose, Methuen, North Billerica, Northampton, Norwell, Pittsfield, Quincy, Salem, Saugus, Springfield, Stoneham, Wakefield, Waltham, Westfield, Weymouth, Woburn, and Worcester, MA, restricted to (1) transportation performed under a continuing contract(s) with Caldor, Inc., Norwalk, CT, (2) against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, and (3) to the delivery of shipments within 12 hours of the time tendered for transportation. Supporting shipper: Caldor, Inc., 20 Clover Avenue, Norwalk, CT 06852.

MC 128798 (Sub-1-3TA), filed September 18, 1980. Applicant: GALASSO TRUCKING, INC., 8 Kilmer Road, Larchmont, NY 10538. Representative: Larsh B. Mewhinney, Esq., Moore Berson Lifflander & Mewhinney, 555 Madison Avenue, New York, NY 10022. *Contract carrier:* irregular routes: *Household electrical appliances*, from Columbia, MD to New York, NY, under contract with General Electric Company. Supporting shipper: General Electric Company, Appliance Part East, Columbia, MD 21046.

MC 7840 (Sub-1-1TA), filed May 14, 1980. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: Michael D. Bromley, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *Roofing materials and materials, equipment and supplies used in the manufacture thereof (except commodities in bulk)*, between the facilities of Koppers Company, Inc., at Follansbee, WV and Youngstown, Wickliffe and Heath, OH, on the one hand, and on the other, CT, DE, IN, KY, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VA, VT, WV and DC. Supporting shipper: Koppers Company, Inc., 850 Koppers Building, Pittsburgh, PA 15219. The sole purpose of this republication is to add the State of New York to the scope of the application,

which was granted by order served June 19, 1980.

MC 151408 (Sub-1-8TA), filed September 23, 1980. Applicant: CARGO TRANSPORT, INC., 100 Garfield Avenue, P.O. Box 268, Somerville, MA 02143. Representative: William F. Mix, 153 Grove Street, Lexington, MA 02173. *Contract carrier:* irregular routes: *Meats, meat products, meat by-products, and articles distributed by meat-packing houses (except hides and commodities in bulk)*, between Boston, MA, New York, NY, Philadelphia, PA, Baltimore, MD, Newark, NJ, and Wilmington, DE, on the one hand, and, on the other, points east of the states of MN, LA, MO, AR, and TX. Supporting shipper: A. J. Cunningham Packing Corp., 1776 Heritage Drive, Quincy, MA 02171.

MC 151938 (Sub-1-1 TA), filed September 18, 1980. Applicant: DULOIT FURNITURE SALES, INC., d.b.a. R & H SPAHN FURNITURE DISTRIBUTORS CORPORATION, 20 River Road, Bogota, NJ 07603. Representative: Charles Moran, Esq., 80 First Avenue, Nyack, NY 10960. *Contract carrier:* irregular routes: *New furniture, crated and uncrated*, from Bogota, NJ, to points in CT; PA, on and east of US Hwy 15; and NY, on and south of Interstate Route 90 and on and east of US Hwy 15. Supporting shipper: There are eight (8) statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 141932 (Sub-1-12 TA), filed September 22, 1980. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: A. C. Gardner, 176 King Street, Hanover, MA 02339. *Such commodities as are dealt in by retail stores*, between points in the US, restricted to traffic originating at or destined to the facilities of Jordan Marsh Co. and Marshall's, Inc. Supporting shippers: Jordan Marsh Co., North Quincy, MA, and Marshall's, Inc., Woburn, MA.

MC 134404 (Sub-1-1 TA), filed September 19, 1980. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *Such commodities as are manufactured, processed, dealt in or used by food business houses (except commodities in bulk)*, between points in and east of ND, SD, NE, KS, OK, and TX, under a continuing contract(s) with Nabisco, Inc. of East Hanover, NJ. Supporting shipper: Nabisco Inc., East Hanover, NJ 07936.

MC 143127 (Sub-1-2 TA), filed September 22, 1980. Applicant: K. J.

TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo, 6070 Collett Road, Victor, NY 14564. *Adhesives* from Paxton, IL to points in the US in and east of ND, SD, NE, CO, OK, and TX. Supporting shipper: Krause Milling Company, 611 E. Wisconsin Avenue, Milwaukee, WI 53201.

MC 98047 (Sub-1-1 TA), filed September 22, 1980. Applicant: ALEXANDER NAHIGIAN, d.b.a. ALEXANDER TRANSPORT, 31 Middleby Road, Lexington, MA 02173. Representative: Alexander Nahigian, 31 Middleby Road, Lexington, MA 02173. *General commodities, (except those of unusual value, Classes A and B explosives, and household goods as defined by the Commission)* between points in CT, MA, NH, ME, RI, VT. Supporting shippers: Carr Division of TRW, Inc., 31 Ames Street, Cambridge, MA 02142; The Charles N. Miller Company, Inc., 10-20 Bridge St., Watertown, MA 02172; New England Confectionery Co., 254 Massachusetts Avenue, Cambridge, MA 02139; Deran Confectionery Company, Division of Borden, Inc.

MC 28536 (Sub-1-1TA), filed September 23, 1980. Applicant: FOX & GINN, INC., 207 Perry Road, Bangor, ME 04401. Representative: Elliot Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. *Common carrier:* regular route: *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, (1) between Milford, ME, and the International Boundary line between the US and CD near Fort Kent, ME, from Milford over US Hwy 2 to junction US Hwy 1 to the International Boundary line, and return over the same route, serving all intermediate points; (2) between junction US Hwy 2 and Maine Hwy 157 and junction Maine Hwy 11 and US Hwy 1, near Fort Kent, ME from junction US Hwy 2 and Maine Hwy 157 over Maine Hwy 157 to junction.

MC 42828 (Sub-1-3TA), filed September 23, 1980. Applicant: THEODORE ROSSI TRUCKING CO., INC., 9 South Vine Street, Barre, VT 05641. Representative: William L. Rossi, P.O. Box 332, Barre, VT 05641. *Stone, stone working materials, supplies and machinery*, between points in MN on the one hand, and points in OH, PA, NY, NJ, MA, CT, VT and RI. Supporting shipper: Granite and Quartzite Center, Atlanta, GA.

MC 59640 (Sub-1-11TA), filed September 19, 1980. Applicant: PAULS TRUCKING CORPORATION, Three

Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam, Three Commerce Drive, Cranford, NJ 07016. *Contract carrier: irregular routes: (1) Chemicals, toilet preparations, soaps, (except commodities in bulk), (2) Such commodities as are dealt in and sold by department stores, supermarkets, hardware stores and drug stores, (except commodities in bulk), and (3) equipment, materials and supplies used in the manufacture, sale and distribution of (1) and (2) (except commodities in bulk), between points in IA, IL, MA, MD, NJ, NV, OH, PA, RI, TN and VA, under continuing contract(s) with American Cyanamid Company and Shulton, Inc., a subsidiary of American Cyanamid Company. Supporting shipper: American Cyanamid, Shulton, Inc., a subsidiary of American Cyanamid Company, Berdan Avenue, Wayne, NJ 07470.*

MC 130353 (Sub-1-1TA), filed September 11, 1980. Applicant: THE KELLEY TRANSIT COMPANY INC., 30 Railroad Square, Torrington, CT 06790. Representative: Thomas A. Kelley, Jr., 30 Railroad Square, Torrington, CT 06790. *Passengers and their baggage in the same vehicle with passengers in special operation, in the sale of round trip tickets beginning and ending at Waterbury, Southbury, and Danbury, CT to (1) Shea Stadium, Yankee Stadium, and Madison Square Garden in New York City, NY (2) Meadowlands Stadium in East Rutherford, NJ (3) Fenway Park, The Boston Garden and The Commonwealth Armory located at Boston, MA (4) Schaefer Stadium in Foxboro, MA. Supporting shippers: There are 17 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.*

MC 145729 (Sub-1-1TA), filed September 22, 1980. Applicant: SYMPLEX LEASING, INC., 90 East 5th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier: irregular routes: Titanium Dioxide, Aluminum Paste and Chromium Yellow (1) from Corpus Christi, TX, Cleveland, OH and Hamilton, MS, to NJ and NY, and (2) from Brooklyn, NY to GA and MS. Supporting shipper: Synergistic Pigment Corporation, 1381 Frontier Road, Bridgewater, NJ 08805.*

MC 96498 (Sub-1-1TA), filed September 22, 1980. Applicant: GIROUX BROS. TRANSPORTATION, INC., 843 Boston Post Road, Marlboro, MA 01752. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 02187. *General*

commodities, except household goods and classes A & B explosives between points in MA, RI, CT, NH, ME, VT. Supporting shippers: Mid State Warehouse, Inc., 40 Ballard St., Worcester, MA, Coz Chemical, Inc., Providence Road, Northbridge, MA 01534, Urell, Inc., 66 Clarendon St., Watertown, MA, Hudson Poly Bag Inc., 577 Main St., Hudson, MA, Atlantic Sports, Inc., Commonwealth Industrial Park, Framingham, MA.

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 145252 (Sub-II-2TA), filed September 22, 1980. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Wash., D.C. 20005. *Such merchandise as is dealt in and distributed by retail department stores, from Warsaw, VA, Murphy, NC and Campaign, TN, and points in their respective commercial zones to Amarillo, TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Levi-Strauss and Co., Amarillo, TX 79120.*

MC 94285 (Sub-II-21TA), filed September 19, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Rt. 460 W. Windsor, VA. 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA. 30328. *Meats, meat products and meat by-products, and articles distributed by meat packing houses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (Except hides); from Weakley County, TN to points in Isle of Wight County, VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Swift and Company, 115 West Jackson Boulevard, Chicago, IL. 60604.*

MC 142559 (Sub-II-18TA), filed September 19, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of welding equipment and welding supplies (except commodities in bulk) between Miami County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Hobart Brothers Co., 600 W. Main St., Troy, OH 45373.*

MC 123744 (Sub-II-12TA), filed September 19, 1980. Applicant: BUTLER TRUCKING CO., P.O. Box 88, Woodland, PA 16881. Representative:

Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. *Masonry products, from points in OH, PA, TX, NC, SC, GA, and TN, to points in NC, SC, and GA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Exum Co., P.O. Drawer F, 3206 Millwood Ave., Columbia, SC 29250.*

MC 123744 (Sub-II-13TA), filed September 22, 1980. Applicant: BUTLER TRUCKING CO., P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. *Aluminum, aluminum articles, and materials and supplies used in the production, distribution, or installation of aluminum and aluminum articles (except commodities in bulk), between the facilities of Kaiser Aluminum & Chemical Corp. at or near Ravenswood Works, WV, on the one hand, and, on the other, ports of entry on the International Boundary Line between the US and Canada in MI and NY for 270 days. Supporting shipper: Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164.*

MC 151731 (Sub-II-1TA), filed September 19, 1980. Applicant: C.T.J. TRANSFER, INC., 5912 Murray Ave., Bethel Park, PA 15102. Representative: John C. Fudesco, 1333 New Hampshire Ave., NW, Suite 960, Washington, DC 20036. *Contract, irregular: such commodities as are sold, used or distributed by manufacturers of cosmetics, between pts. in Allegheny and Cambria Counties, PA, on the one hand, and, on the other, pts. in Armstrong, Bedford, Blair, Clarion, Clearfield, Fayette, Greene, Huntingdon, Indiana, Jefferson, Somerset, Washington, and Westmoreland Counties, PA, under a continuing contract or contracts with Avon Products, Inc. of Newark, DE for 270 days. Applicant intends to interline. An underlying ETA seeks 120 days authority. Supporting shipper: Avon Products, Inc., 2100 Ogletown Rd., Newark, DE 19711.*

MC 102616 (Sub-II-20TA), filed September 19, 1980. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Rd., Akron, OH 44313. Representative: W. M. Kiefaber (same as applicant). *Commodities, in bulk, from Mecklenburg County, NC to pts. in GA, NC, NJ, PA, SC, TN, and VA, for 270 days. Supporting shippers: BASF Wyandotte, P.O. Box 668846, Charlotte, NC 28266. Ashland Chemical Co., P.O. Box 30607, Charlotte, NC 28230. Jones Chemical, P.O. Box 30516, Charlotte, NC 28230.*

MC 121420 (Sub-II-3TA), filed September 19, 1980. Applicant: DART

TRUCKING CO., INC., 61 Railroad St., Canfield, OH. 44406. Representative: David J. Best, 61 Railroad St., Canfield, OH. 44406. *Coal*, in bulk, in dump vehicles, from Logan Cty., W.V. to Sandusky Cty., OH. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Woodville Lime & Chemical, P.O. Box 218, Woodville, OH 43469.

MC 151937 (SUB-II-1TA), filed September 19, 1980. Applicant: DAVID T. EDMONDS, 473 Denbeigh Blvd., Newport News, VA 23602. Representative: David Edmonds (same as applicant). Contract, irregular: *Soft drinks and materials, equipment and supplies used in the manufacture of soft drinks*, between Norfolk, and Richmond, VA on the one hand, and on the other, pts. in the states of MD and NC under a continuing contract with Royal Crown Bottlers of Norfolk, VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Royal Crown Bottling Co. of VA, P.O. Box 11146, Norfolk, VA 23517.

MC 29510, (Sub-II-5TA), filed September 19, 1980. Applicant: EVANS TRANSPORTATION CO., 7800 Rte. No. 13, Levittown, PA 19057. Representative: Peter R. Gilbert, 1919 Pennsylvania Ave., NW., Suite 850, Washington, D.C. 20006. Common, irregular: *Aluminum, iron, lead, steel and zinc articles*, and equipment, materials and supplies used in the manufacture thereof, between points in and east of MN, IA, MI, AR and LA, for 270 days. Supporting shipper: (1) A M & S Europe, Ltd., P.O. Box 237, 1 Redcliff St., Bristol, England BS 99 7EA. (2) C. Tennant Sons & Co. of New York, P.O. Box 9300, Minneapolis, MN 55440. (3) E Z America, Inc., 111 Prospect Ave., Stamford, CT 06901. (4) Mitsubishi International, 277 Park Ave., New York, NY 10017.

MC (Sub-II-1TA), filed September 22, 1980. Applicant: SAMUEL BRUSCEMI t.d.b.a., NEWCOMER TRUCKING CO., 1200 Island Ave., McKees Rocks, PA 15136. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *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 Pittsburgh, PA on the one hand, and, on the other, points in Greene County, PA for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to interline. Supporting shippers: Gould, Inc., 2050 Cabot, West Langhorn, PA 19047. John Humble & Sons Carpeting, 1000 E High St., Waynesburg, PA. Duquesne Light Co., 435 Sixth Ave.,

Pittsburgh, PA 15219. De-Pen Line, Inc., P.O. Box 486, Phoenixville, PA 19460.

MC 113828, (Sub-II-10TA), filed September 22, 1980. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Representative: William P. Sullivan, 818 Connecticut Ave., Washington, D.C. 20006. *Limestone slurry* from Texas, MD to points in DE for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Flintkote Stone Products Co., Executive Plaza IV, Hunt Valley, MD 21031.

MC 142976, (Sub-II-2TA), filed September 23, 1980. Applicant: JOHN D. PERFETTI, R.D. No. 4, Box 265C, Blairsville, PA 15717. Representative: Eugene A. Waszkiewicz, P.O. Box 8315, Pittsburgh, PA 15218. Contract: Irregular: (a) *Iron and Steel Articles and Products*; (b) *Railway Track Material*; (c) *Salvage Material*; (d) *Commodities, Equipment, Materials and Supplies used or distributed by the Kovalchick Salvage Co.* Between points in the U.S. Under a continuing contract with Kovalchick Salvage Co. for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Kovalchick Salvage Co., Wayne Ave., Indiana, PA 15717.

MC 150339, (Sub-II-11TA), filed September 22, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). Contract, irregular: *Reinforced concrete pipe, fittings, materials, and supplies associated with concrete pipelines*, between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC for 270 days, under a continuing contract(s) with Price Brothers Co. An underlying ETA seeks 120 days authority. Supporting shipper: Price Brothers Co., 367 W. Second St., Dayton, OH 45414.

MC 147461 (II-1TA), filed September 19, 1980. Applicant: FEDERAL ARMORED EXPRESS, INC., 7675 Canton Center Dr., Baltimore, MD 21203. Representative: Eugene T. Liipfert, Suite 1100, 1660 L St. NW., Washington, DC 20036. *Currency, coin, securities, non-cash coupons, and other valuables*, between Pittsburgh, PA, on the one hand, and points and places in Belmont, Monroe, and Jefferson Counties, OH, Brooke, Hancock, Marshall, Ohio, Tyler, and Wetzel Counties, WV, and Washington County, PA, on the other hand. Supporting shipper: Federal Reserve Bank of Cleveland, 1455 East 6th St., Cleveland, OH 44101.

MC 115181 (Sub-II-7TA), filed September 23, 1980. Applicant: HAROLD M. FELTY, INC., R.D. No. 1, Box 148, Pine Grove, PA 17963. Representative: John W. Dry, 541 Penn St., Reading, PA 19601. *Coal*, from points in Dauphin, Lebanon and Schuylkill Counties, PA, to Camden, NJ, and return. An underlying ETA seeks 90 days authority. Supporting shipper: American Coal Export Corporation, 185 Cross St., Fort Lee, NJ 07024.

MC 125335 (Sub-2-17TA), filed September 22, 1980. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Foodstuffs*, Between Shelby County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Adams Packing Association, Inc., P.O. Box 37, Auburndale, FL 33823.

MC 80653 (Sub-II-3TA), filed September 19, 1980. Applicant: DAVID GRAHAM COMPANY, Old Route 13, P.O.B. 254, Levittown, PA 19059. Representative: Lois T. Philipkosky (same address as applicant). *Truck cabs*, between Philadelphia, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Mack Trucks, Inc., P.O.B. 6311, Bridgewater, NJ 08807.

MC 150432 (Sub-II-3TA), filed September 22, 1980. Applicant: H & M TRANSPORTATION, INC., U.S. 42 & 70, London, OH 43140. Representative: Owen B. Katzman, 1828 L Street, NW., Suite 1111, Washington, DC 20036. Contract-irregular: *Foodstuffs*, from Columbus, OH, to points in the US (except AK and HI), under a continuing contract with T. Marzetti Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: T. Marzetti Company, 3838 Indianola Avenue, Columbus, OH 43214.

MC 121272 (Sub-II-3TA), filed September 22, 1980. Applicant: HESS TRUCKING CO., 1000 West Chocolate Avenue, Hershey, PA 17033. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. (1) *General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those commodities which because of size or weight require the use of special equipment)*, between points in the City of Harrisburg, Dauphin County, PA, on the one hand, and, on the other, points in Fairview Township, York County, PA, those points in Cumberland County, PA, on and east of PA Hghwy 34, and those points in PA on and east of a line

beginning at the NY-PA state line and extending southwardly along U.S. Hwy 15 to Allenwood, Union County, PA, thence along the Susquehanna River southwardly to the MD-PA state line (excluding points in Chester, Delaware, Philadelphia, Montgomery and Bucks Counties, PA), restricted against the transportation of commodities having an immediately prior or subsequent movement by air. (2) *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 the City of Harrisburg, Dauphin County, PA, on the one hand, and, on the other, points in Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Elk, Franklin, Fulton, Huntingdon, Jefferson, Juniata, Lycoming, Mifflin, Perry, Snyder, Somerset, Union and York Counties, PA; and (3) *Such merchandise* as is dealt in by retail and wholesale discount and department stores from the City of Harrisburg, Dauphin County, PA to Pottstown and Quakertown, PA, restricted to traffic destined to facilities owned or utilized by K-Mart Corporation and having a prior movement in interstate or foreign commerce. The purpose of this application is to add the City of Harrisburg as an additional, temporary, points of origin, for purposes of interchange only.

MC 56244 (Sub-II-12TA), filed September 23, 1980. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108. *Foodstuffs* from Grand Rapids, MI to Harrison, NJ and Mechanicsburg, PA for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 151764 (Sub-II-1TA), filed September 24, 1980. Applicant: HOWARD C. BAILEY, 6253 Ferwood Terrace, Riverdale, MD 20840. Representative: Howard Bailey (same as applicant). Common, regular: *Passengers* between Laplata, MD and DC. Laplata Shopping Center Hwy 6 and Hwy 301. Hwy 301 North to Hwy 225 North on 225 stopping to pick up passengers at Marshall's Corner, Rippley Isle's Store and Mason Springs, continue on 225 to Hwy 210 North on Hwy 210 to I-95 South to I-295 North to Suitland Parkway to Frederick Douglas Bridge. Across Frederick Douglas Bridge continue on South Capitol to Canal

Street West on Independence Ave. West on Independence Ave. to 14th Street, North on 14th Street to K Street West on K Street to 23rd. And Washington Circle. South on 23rd St. to D St. East on D St. to Virginia Ave. East on Virginia Ave. to Constitution Ave. Left on Louisiana Ave. to North Capitol. North on North Capitol to G Street. Route ends at Q Street. The evening run starts at North Capitol and G Street on North Capitol, continue along same route in reverse of morning run. For 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: There are 16 supporting shippers. Their statements may be examined at the ICC Regional Office, Phila., PA.

MC 142119 (Sub-II-1TA), filed September 24, 1980. Applicant: COMMERCIAL TRAFFIC SERVICES, INC., 2001 W. 12th St., Erie, PA 16005. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Contract, irregular: *Hospital equipment for display at conventions* between points in the United States (excluding AK and HI), under a continuing contract or contracts with American Sterilizer Co. for 270 days. Supporting shipper: American Sterilizer Co., 2424 W. 23rd St., Erie, PA 16512.

MC 69281 (Sub-II-2TA), filed September 25, 1980. Applicant: THE DAVIDSON TRANSFER & STORAGE CO., 698 Fairmount Ave., Baltimore, MD 21204. Representative: David W. Ayers, P.O. Box 58, Baltimore, MD 21203. *General commodities (with usual exceptions) and empty containers or trailer chassis having immediate, prior or subsequent movement by water* between Boston, MA, Baltimore, MD, New York, NY, Norfolk, VA, Philadelphia, PA, Charleston, SC, Wilmington, NC, Savannah, GA, Jacksonville, FL, and Miami, FL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: There are 11 supporting shippers. Their statements may be examined at the ICC Regional Office, Phila., PA.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 148734 (Sub-3-1TA), filed September 18, 1980. Applicant: TUMLIN TRUCKING & WAREHOUSE, INC., P.O. Box 412, Cartersville, GA 30120. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Road, N.E., Atlanta, GA 30326. *General Commodities, with usual exceptions*, between points in NC, SC, and GA. There are eighteen statements of support which may be examined at the Atlanta Regional Office.

MC 113528 (Sub-3-1TA), filed September 18, 1980. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36633. Representative: Joy Stephenson (same address as applicant). *Common carrier, regular routes: General commodities (with the usual exceptions)*, serving all points in Oconee County as off route points in connection with carrier's otherwise authorized regular route operation. Supporting shipper: Anaconda-Ericsson, Inc., 1121-108th St., Arlington, TX 76011. Carrier intends to tack.

MC 115840 (Sub-3-4 TA), filed September 18, 1980. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good, McBride Lane, P.O. Box 22168, Knoxville, TN 37922. *Fiberglass structural members* from West Mifflin, PA to Houston, TX. Supporting shipper: JBC Enterprises, Inc., P.O. Box 728, Houston, TX 77001.

MC 108341 (Sub-3-3TA), filed September 17, 1980. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon Street, P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts, 3027 North Tryon Street, P.O. Box 26125, Charlotte, NC 28213. *Turbines, turbine parts, turbine system components, heat transfer equipment, and weldments*, from Marion, OH, Massillon, OH, and Berwick, PA, to Jacksonville, FL and Wilmington, NC.

MC 11220 (Sub-3-9TA), filed September 16, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. *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 Milwaukee and New Holstein, WI, on the one hand, and, on the other, Brownsville, TN and Indianola, MS, restricted to the transportation of shipments originating at or destined to the facilities of MTD Products, Inc. Supporting shipper: MTD Products, Inc., Willard, OH.

MC 107515 (Sub-3-71TA), filed September 16, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd., N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Materials, equipment and supplies used in the manufacture of plastic articles, batteries, flashlights and lamps* from points in the US (except

AK and HI) to the facilities of Union Carbide Corp. at or near Cartersville, GA, East Hartford, CT, Rogers, AR, Southampton, PA, Asheboro, NC, Bennington, VT, Cleveland, OH, Fremont, OH, Greenville, NC, Maryville, MO, Red Oak, IA and St. Albans, VT. Supporting shipper: Union Carbide Corporation, 270 Park Avenue, New York, NY 10017.

MC 136135 (Sub-3-6TA), filed September 18, 1980. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. (1) *Iron/steel articles, wire rods in coils, unfinished material for further processing from Beaumont, TX to New Orleans, LA mill of Southeast Steel & Wire (wholly-owned subsidiary of Davis-Walker Steel & Wire Corporation).* Supporting shipper: Davis-Walker Steel & Wire Corporation, 2500 Brittmoore Road, Houston, TX 77043.

MC 107515 (Sub-3-73TA), filed September 22, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd., N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Plastic Products from facilities of International Paper Co. at or near Hudson, NC to points in the US (except AK and HI).* Supporting shipper: International Paper Co., 2001 International Blvd., Hudson, NC 28638.

MC 149054 (Sub-3-1TA), filed September 19, 1980. Applicant: THOMAS OVERLAND EXPRESS, INC., P.O. Box 2251, Mobile, AL 36601. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Plywood paneling, plywood, particleboard, hardboard, fiberboard, and lumber, between the Port of New Orleans, LA; Port of Galveston, Harris County and Hardin County, TX; and, Calhoun County, AR, on the one hand, and, on the other, points in TS, LA, AR, MS and AL.* Supporting shipper: Welsh Forest Products, Inc., 5885 Ridgeway Parkway, Memphis, TN, 38138.

MC 2900 (Sub-3-19TA), filed September 11, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Synthetic fibre or yarn, between LeMoyné, AL and Lewisburg, PA.* Supporting shipper: Courtaulds North America, Inc. P.O. Box 2648, Mobile, AL 36652.

MC 148773 (Sub-3-1TA), filed September 22, 1980. Applicant: A. F. L. TRUCK LINES, INC., 3661 W. Blue

Heron Blvd., Riviera Beach, FL 33404. Representative: Anthony E. Young, Suite 350, 29 S. LaSalle St., Chicago, IL 60603. *Contract, irregular, (a) Such commodities as are manufactured, used, sold or dealt in by manufacturers and distributors of pollution control equipment and (b) materials, equipment and supplies used in the manufacture and distribution of the commodities in (a) above, between points in the United States including AK under a contract or continuing contracts with A.F.L. Industries, Inc. Supporting shipper: A.F.L. Industries, Inc. 3661 W. Blue Heron Blvd., Riviera Beach, FL 33404.*

MC 144688 (Sub-3-10TA), filed September 19, 1980. Applicant: READY TRUCKING, INC., 2717 Campbell Boulevard, Ellenwood, GA 30049. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68601. (1) *Such commodities as are dealt in or used by grocery, drug or food business houses, and (2) materials, equipment and supplies used in the manufacturing, sale and distribution of the commodities listed in (1) above (except in bulk), between the facilities of Colgate-Palmolive Company, at or near Jeffersonville, IN, on the one hand, and on the other, points in SC.* Supporting shipper: The Colgate-Palmolive Company, State and Woerner Streets, Jeffersonville, IN 47130.

MC 107515 (Sub-3-72TA), filed September 19, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Foodstuffs (except in bulk) from St. Louis, MO to points in AR, LA and MS.* Supporting shipper: Sunmark, Inc., 10795 Watson Rd., St. Louis, MO 63127.

MC 147554 (Sub-3-1TA), filed August 14, 1980. REPUBLICATION—ORIGINALLY PUBLISHED IN FEDERAL REGISTER OF 9/2/80, Page 58224, Volume 45, No. 171. Applicant: ARAB CARTAGE AND EXPRESS CO. INC., P.O. Box 427, Arab, AL 35016. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35212. *General commodities (except commodities in bulk, classes A and B explosives and those commodities which by their size and weight require the use of special equipment), between Arab, AL on the one hand, and, on the other, all points in States east of NM, CO, WY, and MT.* Supporting shipper: There are 5 statements in support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 75192 (Sub-3-1TA), filed September 19, 1980. Applicant: CHARLES T. BROWN TRUCK LINES, INC., 1208 Buff Street, Greensboro, NC 27406. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Iron and steel articles and aluminum articles, (1) between points in NC, on the one hand, and, on the other, points in GA, NC, TN, WV, and DC, (2) between points in SC, on the one hand, and, on the other, points in GA, TN, SC, WV, and DC, (3) between points in VA, on the one hand, and, on the other, points in GA, SC, TN, VA, WV, and DC.* *Aluminum articles, between points in NC, on the one hand, and, on the other, points in SC and VA.* Supporting shippers: Carolina Steel Corporation, P.O. Box 20888, Greensboro, NC 27420, Contract Steel Sales Inc., P.O. Box 3305, Greensboro, NC 27402, Greensboro Pipe Co., Inc., 3102 Randleman Road, Greensboro, NC, Debnam-Highes Corp., P.O. Box 9677, Greensboro, NC 27408.

THE FOLLOWING PROTESTS WERE FILED IN REGION 4. SEND PROTESTS TO: CONSUMER ASSISTANCE CENTER, INTERSTATE COMMERCE COMMISSION, 219 SOUTH DEARBORN STREET, ROOM 1304, CHICAGO, IL 60604

MC 148235 (Sub-4-1), filed September 24, 1980. Applicant: TAYLOR AND SONS TRUCKING, 101-48th Street, S.E., Kentwood, MI 49508. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carriers, irregular routes: New furniture or fixtures, equipment, supplies, and materials used in the manufacture, sale and distribution of named commodities between Union City, NJ and points in the U.S., for the account of Union City Mirror & Table Company, for 270 days.* An underlying ETA seeks 120 days authority. Supporting shipper: Union City Mirror & Table Company, 129-34th Street, Union City, NJ 07087.

MC 151964 (Sub-4-1TA), filed September 25, 1980. Applicant: D.C.S. TRUCKING CO., 500 Industrial Lane, Prairie View, IL 60069. Representative: Paul J. Maton, 10 S. La Salle Street, Rm. 1620, Chicago, IL 60603. *Contract; irregular; Heavy machinery, cranes and back-hoes and materials and supplies used in the sale and repair thereof, between points in the United States under continuing contracts with Dick's Crane Sales & Service, Inc., 500 Industrial Lane, Prairie View, IL 60069.*

MC 151879 (Sub-4-1TA), filed September 24, 1980. Applicant: OWEN WEINBERG, RR No. 1, Box 52, Mt. Vernon, SD 57363. Representative: Claude Stewart, P.O. Box 480, Sioux Falls, SD 57101. *Carbonated beverages,*

beer, empty containers and related advertising and promotional material, between points in SD on the one hand, and on the other, points in IA, MN, NE, and WI. Supporting shippers: Coca-Cola Bottling Company, Mitchell, SD 57301. Mayer Distributing, Mitchell, SD 57301.

MC 149184 (Sub-4-3TA), filed September 24, 1980. Applicant: FIFTH WHEEL TRUCKING, INC., Route 4, Box 26, Black River Falls, WI 54615. Representative: James Robert Evans, 145 West Wisconsin Avenue, Neenah, WI 54956. *Steel doors and frames, builders hardware and strip steel*, from Niles, OH to points in MI, MN, PA and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Amweld Building Products Division, 100 Plant Street, Niles, OH 44446.

MC 145636 (Sub-4-3TA), filed September 19, 1980. Applicant: BOB BRINK, INC., 165 Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, 128 1/2 Plaza East, P.O. Box 676, Winona, MN 55987. (1) *Cabinets, metal; Desks, wood and steel; Sheet Steel Articles; Seat Cabs; and (2) Such Articles as are used in the Assembly, manufacture, sale and distribution of those commodities named in (1) above and (3) Commodities which are otherwise exempt from economic regulation when in mixed loads with those commodities named in (1) and/or (2) above: Between Rochester, MN on the one hand and points in and west of ND, SD, IA, MO, AR, and LA on the other.* Supporting shipper: G. F. Crenlo, Inc., 1600 NW 4th Ave., Rochester, MN 55901.

MC 60987 (Sub-4-1TA), filed September 22, 1980. Applicant: ARKIN TRUCK LINE, INCORPORATED, 61 S. Mitchell Ct., Addison, IL 60101. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *Contract, irregular, Printed matter and materials, supplies and equipment used in the maintenance and operation of printing houses*, between points in the U.S. (except AK and HI), for the account of R. R. Donnelley & Sons Company. Supporting shipper: R. R. Donnelley & Sons Company, 2223 Martin Luther King Drive, Chicago, IL 60616.

MC 123407 (Sub-4-4TA), filed September 19, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Metal cans and ends* from Valparaiso, IN, to Haskell, OK. *Supporting shipper: The Coca-Cola Co., Foods Div., 2351 Industrial Drive, Valparaiso, IN 46383. *The underlying ETA seeks 120 days authority.

MC 151927 (Sub-4-1TA), filed Sept. 23, 1980. Applicant: COLORADO & EASTERN, INC., P.O. Box 30, Delafield, WI 53018. Representative: B. J. Clayton (same as applicant). *Containers, container ends and container closures; commodities manufactured and distributed by manufacturers when moving in mixed loads with containers; material, equipment and supplies used in the manufacture and distribution of containers, ends and closures. Restricted against transportation of commodities in bulk; between points in IA, IL, IN, KY, MO, MI, MN, KS, PA, OH, TN, NY & WI.* Supporting shippers: Inland Steel Container, 4300 W. 130th St., Chicago, IL 60658; American Can Company, 915 Harger Rd., Oak Brook, IL 60521; National Can Corporation, 8101 Higgins Rd., Chicago, IL 60631; Continental Plastic Beverage Bottle Div., #4 Landmark Square-Ste 130, Stamford, CT 06901; and Continental Can Company USA, 5401 W. 65th Street, Chicago, IL 60638.

MC 69833 (Sub-4-9), filed September 23, 1980. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW—6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant). *Common; regular: 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 the facilities of Hydraulic Tubes and Fittings, Inc., Almont, MI as an off-route point in connection with carrier's authorized regular route operations. Applicant intends to tack and interline. An ETA seeks 120 days authority. Supporting shipper—Hydraulic Tube and Fittings, Inc., 3578 S. VanDyke, Almont, MI 48003.

MC 69833 (Sub-4-10TA), filed September 23, 1980. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave., NW—6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same as above). *Common; regular: 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 Hagerstown, IN as an off-route point in connection with carrier's authorized regular route operations. Applicant intends to tack and interline. Underlying ETA seeks 120 days authority. Supporting shippers: Beachler's Furniture, Hagerstown, IN 47346; Renaker's Variety Store, Hagerstown, IN 47346; Dana Corp., Hagerstown, IN 47346; Abbot's Candy & Gifts, Inc., Hagerstown, IN 47346.

MC 151928 (Sub-4-1TA), filed September 23, 1980. Applicant: MELMARK CARTAGE CO., INC., 236 West Madison St., Villa Park, IL 60181. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between Chicago, IL and its commercial zone on the one hand, and, on the other points in IL, IN, OH, IA, KY, MI, MO, OH, TN, MN, and WI. Restricted to the transportation of traffic having a prior or subsequent movement by rail or water. An underlying ETA seeks 120 days authority. There are 8 supporting shippers.

MC 3468 (Sub-4-3TA), filed September 22, 1980. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, MI 48501. Representative: HARRY C. AMES, JR., Suite 805, 666 Eleventh Street, NW, Washington, DC 20001. *Automobiles, trucks, and chassis*, in secondary movements, in truckaway service, from Newark, NJ, to NC and VA. Supporting shippers: Alfa Romeo, Inc., 250 Wylvan Ave., Englewood Cliffs, NJ 07632. BMW of North America, Inc., Montvale, NJ 07645. Jaguar, Rover, Triumph, Inc., 186 Tyler Street, Port Newark, NJ 07114. Mazda Motors of America (East) Inc., 8313 Baycenter Road, Jacksonville, FL 32216.

MC 129809 (Sub-4-3), filed September 23, 1980. Applicant: A&H, INC., P.O. Box 346, Footville, WI 53537. Representative: Thomas J. Beener, 67 Wall Street, New York, New York 10005. *Contract, Irregular: Foodstuffs* (except in bulk) from the facilities of Universal Foods Corporation at Ogdensburg, NY to points in IL, IN, OH, MI and WI under continuing contract with Universal Foods Corporation, 433 East Michigan Street, Milwaukee, WI 53201. Supporting shipper: Universal Foods Corp., 433 East Michigan St., Milwaukee, WI 53201.

MC 128837 (Sub-4-19), filed September 23, 1980. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Iron and steel nuts and bolts*, (1) from the facilities of Sterling Bolts Company at Dallas, TX to points in NB, IA and ND (2) from the facilities of Sterling Bolts Company at Houston, TX to points in OK and PA. An underlying ETA seeks 120 days authority. Supporting shipper: Sterling Bolts Company, a Division of Allied Products Corporation, 1616 Hinton Street, Dallas, TX 75235.

MC 151603 (Sub-4-1TA), filed September 22, 1980. Applicant: JOSEPH F. BOISSONNEAULT, d.b.a. J. B. ARABIAN, 6105 Walsh Road, Whitmore Lake, MI 48189. Representative: Ralph S. Rumsey, 111 S. Fourth Ave., Ann Arbor, MI 48104.

Lumber and wood products, and pre-cut logs, from Yesteryear Log Homes' plant at or near China Grove, NC to all points in MI. Supporting shipper: Yesteryear Log Homes, Inc., 313 N. First St., Ann Arbor, MI 48103.

MC 146643 (Sub-4-28TA), filed September 23, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th Street, Chicago, IL 60628. Representative: Marc J. Blumenthal, 39 S. LaSalle Street, Chicago, IL 60603. *Contract; irregular: plastic containers and materials, equipment and supplies used in the manufacture and distribution thereof (except in bulk)*, between the facilities of Hoover Universal at Franklin, IN, on the one hand, and, on the other, points in DE, IL, IA, KY, MN, MO, NC, OH, PA, SC and TN. An underlying ETA seeks 120 days authority. Supporting shipper: Hoover Universal, Route 2, Triport Road, Georgetown, KY 40324.

MC 15975 (Sub-4-13), filed September 22, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). *Glass containers*, from Hillsboro, IL to Ft. Smith, AR and New Orleans, LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hillsboro Glass Co., Hillsboro, IL 62049.

MC 15975 (Sub-4-12), filed September 22, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske, (same address as applicant). *Alcoholic beverages, and materials, equipment and supplies used in the production and distribution of alcoholic beverages*, between Detroit, MI, on the one hand, and, on the other, points in NY, NJ, CN, RI, NH and PA. Restricted to traffic originating at or destined to the facilities of Mohawk Liqueur Corp., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Mohawk Liqueur Corp., 1965 Porter St., Detroit, MI 48216.

MC 145664 (Sub-4-8), filed September 22, 1980. Applicant: STALBERGER, INC., 223 South 50th Ave. W., Duluth, MN 55807. Representative: Norman A. Cooper, 145 West Wisconsin Ave., Neenah, WI 54956. *Non-exempt food or kindred products and equipment, supplies and materials used in the manufacture, sale and distribution of named commodities*, between facilities

of Ph. Orth Company at Oak Creek, WI and points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Ph. Orth Company, 7350 South 10th Street, Oak Creek, WI 53154.

MC 123294 (Sub-4-11TA), filed September 22, 1980. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Animal and poultry feeds, premixes, and feed additives, materials, equipment and supplies between Pittsfield, IL, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA.* An underlying ETA seeks 120 days authority. Supporting shipper: Western Independent Nutrition & Marketing Service, Inc. (WINS), 252 South Main, Virginia, IL 62691.

MC 151945 (Sub-4-1TA), filed September 23, 1980. Applicant: EXPEDITED TRUCK SERVICE, Div. of Roberts Truck Rentals, Inc., 106 South Clinton Street, Fort Wayne, IN 46802. Representative: Christopher H. Jones, (same as applicant). *Contract carrier; Irregular, Automotive parts and sub-assemblies and equipment, materials and supplies used in the manufacture, distribution and sale of motor trucks*, pursuant to and under continuing contracts with International Harvester Company. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611.

MC 105045 (Sub-4-17TA), filed September 24, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. BOX 3277, Evansville, IN 47731. Representative: George H. Veech, Vice President, (same as above). *Iron and steel articles between Pacesetter Steel Service, Marietta, GA and Conway Little Rock, Springdale, AR, Denver, Englewood, CO, Olathe, Shawnee-Mission, Manhattan, KS, Cedar Rapids, Des Moines, Oskaloosa, Davenport, IA, Detroit, Grand Rapids, Lansing, MI, Baton Rouge, Harahan, Lafayette, Metairie, Shreveport, New Orleans, LA, Duluth, Minneapolis, Rochester, St. Paul, MN, Chesterfield, Jefferson City, Columbia, Kirkwood, MO, Norman, Okarche, Oklahoma City, OK, Ft. Worth, Longview, Tyler, TX, Appleton, Green Bay, Milwaukee, and Horicon, WI.* An underlying ETA seeks 120 days authority. Support shipper: Pacesetter Steel Service, Marietta, GA.

MC 69833 (Sub-4-11), filed September 23, 1980. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW-6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant). *Common;*

regular; 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 the facilities of Indiana Glass Co., Dunkirk, IN, as an off-route point in connection with carrier's authorized regular route operations. An ETA seeks 120 days authority. Applicant intends to tack and interline. Supporting shipper—Indiana Glass Co., 717 E Street, Dunkirk, IN, 47336.

MC 15975 (Sub-4-14), filed September 24, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske, (same address as applicant). *Glass containers, and materials, equipment, and supplies used in the manufacture or distribution of glass containers (except commodities in bulk)*, between points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pierce Glass Co., Railroad Ave., Port Allegany, PA 16743.

MC 119726 (Sub-4-4TA), filed September 23, 1980. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Ave., Indianapolis, IN 46217. Representative: James L. Beatley, 300 E. Fall Creek Pkwy., Suite 403, Indianapolis, IN 46205. *Such commodities as are dealt in by home improvement centers (except in bulk)*, between points in the U.S. west of ND, SD, NE, KS, OK, and TX (except AK and HI), restricted to traffic originating at or destined to the facilities of Color Tile Supermart, Inc. Supporting shipper: Color Tile Supermart, Inc., 2 Tandy Center, 3rd & Throckmorton Sts., Ft. Worth, TX 76113.

MC 151556 (Sub-4-1TA), filed September 24, 1980. Applicant: ALLSTATE TRANSPORTATION COMPANY, 10700 Lyndale Avenue South, P.O. Box 877, Minneapolis, MN 55440. Representative: George L. Hirschbach, P.O. Box 417, Sioux City, IA 51102. *Materials, equipment and supplies used in the manufacture, installation, and sale of ranges and microwave ovens*, between points in IA, MN, KS, IN, IL, NE, MO, ND, SD, MI, and WI. Supporting shipper: Litton Microwave Cooking Products, Litton Systems, Inc., 1405 Xenium Lane, Minneapolis, MN 55441.

MC 139276 (Sub-4-2TA), filed September 24, 1980. Applicant: ALOHA FREGHTWAYS, INC., 1069 Bryn Mawr Avenue, Bensenville, IL 60106. Representative: Grace Kasallis (same as applicant). *Contract, Irregular; Iron & Steel Articles between Chicago, IL to all*

points in the U.S. (except AK and HI.) An underlying ETA seeks 120 days authority. Supporting shipper: Harrington & King Perforating Co., Inc., 5655 W. Fillmore St., Chicago, IL 60644.

MC 151898 (Sub-4-2TA), filed September 25, 1980. Applicant: JOHN EHLIS d.b.a. JOHN EHLIS & SONS, Box 301, Mandan, ND 58554. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Contract*; Irregular; *Hay balers and parts, supplies and accessories for hay balers*, From Pella, IA, to points in ND, lying on and West of U.S. Highway 83, under contract with Modern Haying, Inc. An underlying ETA seeks 120 day authority. Supporting shipper: Modern Haying, Inc., Rural Route #1, Box 54, Mandan, ND 58554.

MC 151966 (Sub-4-1TA), filed September 25, 1980. Applicant: KARAS AND SONS, INC., 707 South 6th Street, Princeton, MN 55371. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Contract* Irregular: (1) *Tonics and cosmetics and (2) materials, equipment and supplies used in the manufacture and distribution of (1) above*. Supporting shipper: Sasco, 8700 Stemmons Freeway, Suite 425, Dallas, TX 75247.

MC 143986 (Sub-4-1TA), filed September 23, 1980. Applicant: WILLEY FREIGHTWAYS, 14836 LaSalle St., P.O. Box 58, Dolton, IL 60419. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. (1) *Roofing and building materials and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk)* between pts. in Cook County, IL and Lake County, IN, on the one hand, and, on the other, pts. in OH. Supporting shippers: Globe Industries, Inc., 2638 E. 126th St., Chicago, IL 60633 and Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, OH 43659.

MC 94430 (Sub-4-2), filed September 24, 1980. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. *Cement* from Wampum, PA, to Cuyahoga County, OH. An underlying ETA seeks 120 days authority. Supporting shipper: Medusa Cement Company, P.O. Box 5668, Cleveland, OH 44101.

MC 142920 (Sub-4-5TA), filed September 23, 1980. Applicant: OLIVER TRUCKING CORP., 2203 W. Oliver Street, Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract*, Irregular, *Such commodities as are dealt in or used by*

manufacturers or distributors of sound, communications, educational or entertainment equipment and materials (except in bulk), from Gloversville, NY, Pinkneyville, IL and Indianapolis, IN to Dallas, TX. An underlying ETA seeks 120 days authority. Supporting shipper: MCA Distributing Corp., 100 Universal City Plaza, Universal City, CA 91608. Under continuing contract(s) with the MCA Distributing Corp. in Universal City, CA.

MC 142920, (Sub-4-6TA), filed September 23, 1980. Applicant: OLIVER TRUCKING CORP., 2203 W. Oliver Street, Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract*, Irregular, *Such commodities as are dealt in or used by manufacturers or distributors of sound, communications, educational or entertainment equipment and materials (except in bulk)*, from Edison, NJ and Indianapolis, IN to Dallas and Houston, TX. An underlying ETA seeks 120 days authority. Supporting shipper: Polygram Distribution, Inc., 810 Seventh Avenue, New York, NY 10019. Under continuing contract(s) with the Polygram Distribution, Inc. in New York, N.Y.

MC 107162, (Sub-9TA), filed September 23, 1980. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703. *Common irregular roofing materials (except in bulk)* from points in the Chicago, IL Commercial Zone to points in the Upper Peninsula of MI and points in Florence, Forest, Oneida, and Vilas Counties, WI. Applicant seeks an underlying ETA for 120 days. Supporting shipper: Sylvan Products Corp., P.O. Box 87, Phelps, WI 54554.

MC 143500, (Sub-IV-5TA), filed —. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Esq., Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Contract office furniture and furnishings and parts thereof* between Cannelton, IN, Grand Rapids, MI, and Vernon, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Underlying ETA for 120 days authority. Supporting shipper: Ed Pauly & Associates, Inc., 2936 East 46th St., Vernon, CA 90058.

MC 127840, (Sub-4-7), filed September 23, 1980. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Transporting chemicals, in bulk, in tank vehicles*, from Magnolia, AK to Paterson, NJ.

Supporting shipper: Mason Chemical Company, 5253 West Belmont Ave., Chicago, IL 60641.

MC 111812, (Sub-4-13TA), filed September 24, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). *Steel and wire products (except commodities in bulk and those requiring special equipment)*, from the Port of Entry on the International Boundary Line between the U.S. and Canada located at or near Blaine, WA to points in the states of IL, IN, KS, MN, MO and PA. An underlying ETA seeks 120 days authority. Supporting shipper: Titan Steel & Wire Co. Ltd., 11041 Elevator Road, Surrey, British Columbia, Canada V3V 2R8.

MC 139482 (Sub-4-16TA), filed September 17, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a common carrier, 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). (1) Between Minneapolis-St. Paul and points in its commercial zone and the MN-IA state line, serving the intermediate point of Young America and all intermediate points between Young America and the MN-IA state line: From Minneapolis-St. Paul over U.S. Hwy 212 to junction MN Hwy 15, then over MN Hwy 15 to the MN-IA state line, and return over the same route. (2) Between junction U.S. Hwy 212 and MN Hwy 5 at or near Eden Prairie, MN and junction MN Hwy 5 and MN Hwy 19, serving the intermediate point of Young America and all intermediate points between Young America and junction MN Hwy 5 and MN Hwy 19: From junction U.S. Hwy 212 and MN Hwy 5 over MN Hwy 5 to junction MN Hwy 19, and return over the same route. (3) Between junction U.S. Hwy 212 and MN Hwy 15 and the MN-SD state line, serving all intermediate points: From junction U.S. Hwy 212 and MN Hwy 15 over U.S. Hwy 212 to the MN-SD state line, and return over the same route. (4) Between Mankato, MN and the MN-SD state line, serving all intermediate points: From Mankato over MN Hwy 68 to the MN-SD state line, and return over the same route. (5) Between Waseca, MN and the MN-SD state line, serving all intermediate points: From Waseca over

U.S. Hwy 14 to the MN-SD state line, and return over the same route. (6) Between Maynard, MN and the junction of MN Hwy 23 and U.S. Hwy 16, serving all intermediate points: From Maynard over MN Hwy 23 to junction MN Hwy 23 and U.S. Hwy 16, and return over the same route. (7) Between Blooming Prairie, MN and the MN-SD state line, serving all intermediate points: From Blooming Prairie over MN Hwy 30 to the MN-SD state line, and return over the same route. (8) Between Blue Earth, MN and the MN-SD state line, serving all intermediate points: From Blue Earth over U.S. Hwy 16 to the MN-SD state line, and return over the same route. (9) Between Waterville, MN and the MN-IA state line, serving all intermediate points: From Waterville over MN Hwy 60 to the MN-IA state line, and return over the same route. (10) Between Minneapolis-St. Paul, MN and points in its commercial zone, and the MN-IA state line, serving the intermediate point of Jordan, MN and all intermediate points between Jordan and the MN-IA state line: From Minneapolis-St. Paul over U.S. Hwy 169 to the MN-IA state line, and return over the same route. (11) Between Glencoe, MN and Nicollet, MN, serving all intermediate points: From Glencoe over MN Hwy 22 to junction MN Hwy 111, then over MN Hwy 111 to Nicollet, and return over the same route. (12) Between Jordan, MN and New Richland, MN, serving all intermediate points: From Jordan over MN Hwy 21 to junction MN Hwy 13, then over MN Hwy 13 to New Richland, and return over the same route. (13) Between Hector, MN and the MN-IA state line, serving all intermediate points: From Hector over MN Hwy 4 to the MN-IA state line, and return over the same route. (14) Between Olivia, MN and the MN-IA state line, serving all intermediate points: From Olivia over U.S. Hwy 71 to the MN-IA state line, and return over the same route. (15) Between Montevideo, MN and the MN-IA state line, serving all intermediate points: From Montevideo over U.S. Hwy 59 to the MN-IA state line, and return over the same route. (16) Between junction U.S. Hwy 212 and U.S. Hwy 75 and the MN-IA state line, serving all intermediate points: From junction U.S. Hwy 212 and U.S. Hwy 75 over U.S. Hwy 75 to the MN-IA state line, and return over the same route. (17) Between Russell, MN and the MN-IA state line, serving all intermediate points: From Russell over MN Hwy 91 to the MN-IA state line, and return over the same route. (18) Between Lonsdale, MN and the MN-SD state line, serving all intermediate points: From Lonsdale over

MN Hwy 19 to the MN-SD state line, and return over the same route. (19) Between junction I-Hwy 35 and I-Hwy 90 and the MN-SD state line, serving all intermediate points except Albert Lea, MN: From junction I-Hwy 35 and I-Hwy 90 over I-Hwy 90, or parts thereof completed, to the MN-SD state line, and return over the same route. (20) Off-route points: serving all points on and south of a line extending from the junction of MN Hwy 13 and I-Hwy 35, then along MN Hwy 13 to junction U.S. Hwy 169, then along U.S. Hwy 169 to junction U.S. Hwy 212, then along U.S. Hwy 212 to the MN-SD state line, and west of a line extending from the junction of MN Hwy 13 and I-Hwy 35, then along I-Hwy 35 to the MN-IA state line, except Albert Lea and Owatonna, MN, as off-route points in connection with applicant's otherwise authorized regular route operations. (21) Alternate routes for operating convenience only, serving no intermediate points: (a) Between Minneapolis-St. Paul and points in its commercial zone, and Waterville, MN: From Minneapolis-St. Paul over I-Hwy 35 to junction MN Hwy 60, then over MN Hwy 60 to Waterville and return over the same route. (b) Between Minneapolis-St. Paul, and points in its commercial zone, and Waseca, MN: From Minneapolis-St. Paul over I-Hwy 35 to junction U.S. Hwy 14, then over U.S. Hwy 14 to Waseca, and return over the same route. (c) Between Minneapolis-St. Paul, and points in its commercial zone, and junction MN Hwy 30: From Minneapolis-St. Paul over I-Hwy 35 to junction MN Hwy 30, and return over the same route. (d) Between Minneapolis-St. Paul, and points in its commercial zone, and Blue Earth, MN: From Minneapolis-St. Paul over I-Hwy 35 to junction U.S. Hwy 16, then over U.S. Hwy 16 to Blue Earth, and return over the same route. (e) Between Minneapolis-St. Paul, and points in its commercial zone and Lonsdale, MN: From Minneapolis-St. Paul over I-Hwy 35 to junction MN Hwy 19, then over MN Hwy 19 to Lonsdale, and return over the same route. (22) Authority to tack with the existing authority in MC-139482 and authority to interline at all service points. An underlying 30 day ETA seeks corresponding authority. There are 25 shippers support statements. The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 200 (Sub-5-50TA), Filed September 15, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road,

Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). Common; Regular. (1) *Vinyl and leather manufactured products, and plastic articles; (2) and materials, supplies, and equipment used in the manufacture and distribution of such products named in (1) above (except commodities in bulk)*, serving Washington, MO as an off-route point in connection with carrier's regular route authority. Supporting shipper: Hazel, Inc., 1200 S. Stafford Street, Washington, MO 63090.

MC 200 (Sub-5-51TA), Filed September 15, 1980. Applicant: Riss International Corporation, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Iron and steel articles*, between points in OH, NY, and PA. Restricted to shipments originating at or destined to facilities utilized by The Universal Steel Company. Supporting shipper: The Universal Steel Co., 6600 Grant Ave., Cleveland, OH 44105.

MC 29910 (Sub-5-48TA), Filed September 15, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as applicant). Common, Regular. *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 Covington and Social circle, GA as off-route points in connection with carrier's authorized regular route operations at Atlanta, GA. Supporting shippers: There are 5 supporting shippers. Applicant intends to tack and interline.

MC 308667 (Sub-5TA), filed September 15, 1980. Applicant: CENTRAL FREIGHT LINES INC., 5601 West Waco Drive, Waco, TX 76703. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. Common carrier, regular routes, general commodities: 1. Between Paris, TX, and Gladewater, TX, as follows: From Paris, TX, over U.S. Hwy 271 to Gladewater, TX, and return over the same route serving the termini and all intermediate points; 2. Between Mineola, TX, and Gladewater, TX, as follows: From Mineola, TX, over U.S. Hwy 80 to Gladewater, TX, and return over the same route serving the termini and all intermediate points, and the off route facility of Gulf Oil-US near Big Sandy, TX; 3. Between Marshall, TX, and Quitman, TX, as follows: From Marshall, TX, over Texas Hwy 154 to Quitman, TX, and return over the same route serving the termini and all intermediate points; 4. Between

Jefferson, TX, and Mount Pleasant, TX, as follows: From Jefferson, TX, over Texas Hwy 49 to Mount Pleasant, TX, and return over the same route serving the termini and all intermediate points; 5. Between Marshall, TX, and Atlanta, TX, as follows: From Marshall, TX, over Texas Hwy 43 to Atlanta, TX, and return over the same route serving the termini and all intermediate points; and off route point of Uncertain, TX; 6. Between Jefferson, TX, and Atlanta, TX, as follows: From Jefferson, TX, over U.S. Hwy 59 to Atlanta, TX, and return over the same route serving the termini and all intermediate points; 7. Between Sulphur Springs, TX, and Atlanta, TX, as follows: From Sulphur Springs, TX, over U.S. Hwy 67 and I-30 to Mount Pleasant, TX, thence over U.S. Hwy 67 to Naples, TX, thence over Texas Hwy 77 to Atlanta, TX, and return over the same route serving the termini and all intermediate points; 8. Between Longview, TX, and Naples, TX, as follows: From Longview, TX, over U.S. Hwy 259 to the junction of Texas Hwy 338, thence over Texas Hwy 338 to Naples, TX, and return over the same route serving the termini and all intermediate points; 9. Between Sulphur Springs, TX, and Linden, TX, as follows: From Sulphur Springs, TX, over Texas Hwy 11 to Linden, TX, and return over the same route serving the termini and all intermediate points; 10. Between Nacogdoches, TX, and Joaquin, TX, as follows: From Nacogdoches, TX, over U.S. Hwy 59 to the intersection of U.S. Hwy 59 with U.S. Hwy 84, thence over U.S. Hwy 84 to Joaquin, TX, and return over the same route serving the termini and all intermediate points; 11. Between New Boston, TX, and Paris, TX, as follows: From New Boston, TX, over U.S. Hwy 82 to Paris, TX, and return over the same route serving the termini and all intermediate points; 12. Between New Boston, TX, and the intersection of U.S. Hwy 67 and I-30 near Mount Pleasant, TX, as follows: From New Boston, TX, over I-30 to the intersection of I-30 with U.S. Hwy 67 near Mount Pleasant, TX, and return over the same route serving the termini and all intermediate points; 13. Between Henderson, TX, and Marshall, TX, as follows: From Henderson, TX, over Texas Hwy 43 to Marshall, TX, and return over the same route serving the termini and all intermediate points; 14. Between the intersection of U.S. Hwy 259 and Texas Hwy 338 near Naples, TX, and the intersection of U.S. Hwy 259 and U.S. Hwy 82 near DeKalb, TX, as follows: From the intersection of U.S. Hwy 259 with Texas Hwy 338 near Naples, TX, over U.S. Hwy 259 to the

intersection of U.S. Hwy 259 with U.S. Hwy 82 near DeKalb, TX, and return over the same route serving the termini and all intermediate points; 15. Between Linden, TX, and Palestine, TX, as follows: From Linden, TX, over Texas Hwy 155 to Palestine, TX, and return over the same route serving the termini and all intermediate points; 16. Between Winnsboro, TX, and Clarksville, TX, as follows: From Winnsboro, TX, over Texas Hwy 37 to Clarksville, TX, and return over the same route serving the termini and all intermediate points; 17. Between Italy, TX, and Terrell, TX, as follows: From Italy, TX, over Texas Hwy 34 to Terrell, TX, and return over the same route serving only the termini and the intermediate point of Ennis, TX, and serving Kaufman, TX, as a point of joinder only; 18. Between Kilgore, TX, and the intersection of Texas Hwy 135 and U.S. Hwy 271 near Gladewater, TX, as follows: From Kilgore, TX, over Texas Hwy 135 to the intersection of Texas Hwy 135 and U.S. Hwy 271 near Gladewater, TX, and return over the same route serving the termini and all intermediate points. To transport general commodities over the following alternate routes serving the described termini and serving no intermediate points: 1. Between Greenville, TX, and Point, TX, as follows: From Greenville, TX, over U.S. Hwy 69 to Point, TX, and return over the same route; 2. Between Greenville, TX, and Quinlan, TX, as follows: From Greenville, TX, over Texas Hwy 34 to Quinlan, TX, and return over the same route; 3. Between Lone Star, TX, and Hughes Springs, TX, as follows: From Lone Star, TX, over Texas FM Hwy 250 to Hughes Springs, TX, and return over the same route serving the termini and no intermediate points; 4. Between Linden, TX, and Bivins, TX, as follows: From Linden, TX, over Texas FM Hwy 1841 to Bivins, TX, and return over the same route serving the termini and no intermediate points. Supporting Shippers: 122.

Note.— Applicant proposes to tack and interline.

MC 50866 (Sub-5-2TA), Filed September 15, 1980. Applicant: BURLINGAME TRUCK LINE, INC., Route No. 2, Scranton, KS 66537. Representative: Frederick W. Godderz, Ramskill & Godderz, First State Bank Bldg., Burlingame, KS 66413. *Feed and feed ingredients*, from points in KS, NE and MO to points and places in OK, CO and TX, and from points in TX to points and places in OK, KS, CO, MO and NE. Supporting shipper: Commodity Traders, Incorporated, P.O. Box 8141, Shawnee Mission, KS 66208.

MC 52460 (Sub-5-14 TA), Filed September 15, 1980. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. *Petroleum in bulk* to the facilities of Grisez Oil Co., Inc., in Tulsa, OK from Port Arthur, TX. Supporting shipper: Grisez Oil Co., Inc., 2445 S. Jackson; Tulsa, OK 74107.

MC 52460 (Sub-5-15TA), Filed September 15, 1980. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. *Foodstuffs*, from the facilities of Adams Packing Association, Inc., in Memphis, TN., to points in the states of AL, AR, CO, GA, IL, IA, KS, KY, LA, MS, MO, NM, NC, NE, OK, TX, VA, & WV. Supporting shipper: Adams Packing Association, Inc., P.O. Box 37, Auburndale, FL 33823.

MC 59367 (Sub-5-3TA), Filed September 15, 1980. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Ft. Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Foodstuffs, meat, meat products, meat by-products, and canning plant equipment, materials and supplies*, between the facilities of Geo. A. Hormel & Co. at or near Beloit, WI, on the one hand, and, on the other, points in OK and TX. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 61440 (Sub-5-9TA), Filed September 15, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 NW. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma, City, OK 73157. *General Commodities (except Household Goods as defined by the Commission and Classes A & B explosives)* Between points in St. Louis, MO., on the one hand, and on the other, points in GA, IA, LA, MS and TN, restricted to traffic moving for the account of Japco Manufacturing Company. Supporting shipper: Japco Manufacturing Company, 11534 Adie Road, Maryland Hgts., MO 63043.

MC 61440 (Sub-5-10TA), filed September 15, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma, City, OK 73157. *Fabricated Metal Products (except Ordnance)*. From St. Charles County, MO to all points in the United States (except AK and HI). Supporting shipper: Sheet Metal

Equipment Company, Rt. 3, Box 732, O'Fallon, MO 63366.

MC 97068 (Sub-5-1TA), filed September 15, 1980. Applicant: H. S. ANDERSON TRUCKING COMPANY, P.O. Box 3658, Port Arthur, TX 77640. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Drilling compounds, additives, and well sealing mixtures*, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to facilities of Milchem Incorporated. Supporting shipper: Milchem Incorporated, 3920 Essex, P.O. Box 22111, Houston, TX 77027.

MC 102567 (Sub-12-TA) filed September 15, 1980. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Mr. Joe C. Day, Vice President, Traffic, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. *Petroleum Waste Sulfide, in bulk, in tank vehicles*, from Wynnewood, OK to points in AL, AR, LA, MS, TN, and TX. Supporting shipper: T & T Chemical, Inc., P.O. Box 782, El Dorado, AR 71730.

MC 105566 (Sub-5-14TA), filed September 15, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincoln Road, Alexandria, VA 22312. *Paper or Alien Products, Printed Matter and Chemicals or Allied Products* between points in Hartford County, CT and Livingston County, IL, on the one hand, and, on the other, points in AZ, AR, CA, CO, DC, GA, ID, IL, KY, MA, MD, MS, MT, NV, NM, NY, OH, OR, PA, TX, UT, WA, WI, and WY. Restricted to traffic originating at or destined to facilities of W. A. Krueger Company. Supporting shipper: W. A. Krueger Company, 12821 W. Bluemound Road, Brookfield, WI 53005.

MC 111401 (Sub-5-16TA), filed September 15, 1980. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Gasoline, in bulk, in tank vehicles*, from Mt. Pleasant, TX to Dierks, AR. Supporting shipper: Poteau Petroleum Products, P.O. Box 590, Poteau, OK 74953.

MC 111401 (Sub-5-17TA), filed September 15, 1980. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Creosote Oil, in bulk, in tank vehicles*, from Lone Star, TX to points in Pushmataha County, OK.

Supporting shipper: Jackson Oil Company, P.O. Box 616, Antlers, OK 74523.

MC 113362 (Sub-5-13TA), filed September 15, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. (1) *Foodstuffs*, and (2) *Equipment, Materials, and Supplies used in the manufacture of Foodstuffs (except in bulk)*, Between the facilities of Geo. A. Hormel & Co. located in Scott County, IA on the one hand, and, on the other, points in AL, AR, CT, DE, DC, IL, IN, IA, LA, ME, MA, MD, MS, NE, NH, NJ, NY, OH, OK, PA, RI, TX, VT, VA, and WV. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 114273 (Sub-5-26TA), filed September 15, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as above). *Feed and feed ingredients, and grain to alcohol kits (except in bulk)*, From Cedar Rapids, IA to points in the state of NY, including points in the commercial zone of the above-mentioned city. Supporting shipper(s): Diamond V Mills, P.O. Box 4408, Cedar Rapids, IA 52407.

MC 114273 (Sub-5-27TA), filed September 15, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as above). *Corrugated boxes, paper and paper products, cellulose products, plastic film, plastic bags, paper backed with foil and equipment, materials and supplies used in the manufacture and distribution of the above commodities (except in bulk)*, from the facilities of Crown Zellerbach at Greensburg, IN, Florence, KY, New Castle, DE, Orange, TX, and St. Louis (Hazelwood), MO, to points in AR, CT, DE, IL, IN, IA, KS, KY, ME, MI, MN, MO, NE, NH, NJ, NY, ND, OH, OK, PA, RI, SD, TX, VT, VA, WV, and WI, including points in the commercial zones of the above-mentioned cities. Supporting shipper(s): Crown Zellerbach Corporation, One River Street, South Glens Falls, NY 12801.

MC 114273 (Sub-5-28TA), filed September 15, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as above). *Plastic containers*, from Union, MO to Waseca, MN, including points in their respective commercial zones. Supporting shippers(s): Hercules, Incorporated, 814 Commerce Road, Oak Brook, IL 60521.

MC 119741 (Sub-5-15TA), filed September 15, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue N.W., P.O. Box 1235, Port Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Frozen foods* between points in Webster County, IA, on the one hand, and, on the other, points in CO, KS, MN, MO, NE, ND, SD, and WI. Supporting shipper: General Foods Corporation, 250 North Street, White Plains, NY 10625.

MC 119988 (Sub-5-23TA), filed September 15, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Larry Norwood, P.O. Box 1384, Lufkin, TX 75901. *Such commodities as are dealt in or used by manufacturers and distributors of paint, chemicals and related articles*, Between Dallas County, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): The Sherwin-Williams Company, 2802 West Miller Road, Garland, TX 75040.

MC 123476 (Sub-5-4 TA), filed September 15, 1980. Applicant: CURTIS TRANSPORT, INC., #23 Grandview Ind. Ct., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). (1) *Tree stands, lanterns and houseware items* and (2) *Materials, equipment and supplies used in the manufacture and distribution of items named in 1*, between the facilities of Handy Things Manufacturing Co., in MO on the one hand, and on the other hand all points in the U.S. in or east of MT, WY, CO, and NM. Supporting shipper: Handy Things Manufacturing Co., 814 N. Rowe St., Ludington, MI 49431.

MC 126118 (Sub-5-30 TA), filed September 15, 1980. Applicants: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Such commodities as are used by and dealt in by manufacturers of steel shelving, office furniture and checkstands*, between Kalamazoo, MI, on the one hand, and, on the other, points in the United States (except AK, HI and MI). Supporting shipper: Burroughs, a Division of Lear-Siegler, Inc., Jim Nufer, Traffic Manager, 3002 North Burdick Street, Kalamazoo, MI 49009.

MC 133805 (Sub-5-25 TA), filed September 15, 1980. Applicant: LONE STAR CARRIERS, INC., Rural Route 1, Box 48, Tolar, TX 76476. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Automotive parts and accessories and materials, supplies and equipment used in the sale and distribution thereof—from the*

facilities of Chrysler Service and Parts Division, at or near Centerline, Marysville and Warren, MI, on the one hand, and, on the other, Memphis, TN and Dallas, TX. Supporting shipper: Chrysler, Service & Parts Division, 26311 Lawrance Avenue, Centerline, MI 40015.

MC 133805 (Sub-5-26TA), filed September 15, 1980. Applicant: LONE STAR CARRIERS, INC., Route 1 Box 48, Tolar, TX 76476. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Floor Covering and Materials, Equipment and Supplies used in the Manufacture and installation thereof*—Between points in the U.S. (except AK and HI). Supporting shipper: Big Train Carpets, 2005 Avenue I, Bay City, TX 77414.

MC 133805 (Sub-5-27TA), filed September 15, 1980. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, TX 76476. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Foodstuffs and materials, equipment and supplies used in the manufacture thereof*—Between points in the U.S. (except AK and HI)—Restricted to the transportation of traffic of Fearn International, Inc., its Divisions and Subsidiaries. Supporting shipper: Fearn International, Inc., 9353 Belmont Street, Franklin Park, IL 60131.

MC 133805 (Sub-5-28TA), filed September 15, 1980. Applicant: LONE STAR CARRIERS, INC., Route 1 Box 48, Tolar, TX 76476. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Candy and Confectionery (in containers)*—From the facilities of Atkinson Candy Company, at or near Lufkin, TX—To points in the U.S. (except AK and HI). Supporting shipper: Atkinson Candy Company, Post Office Box 788, Lufkin, TX 75901.

MC 134755 (Sub-5-10 TA), filed September 15, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson, P.O. Box 3772, Springfield, MO 65804. (1) *Glassware and glass bottles and jars and, (2) materials, equipment, and supplies utilized in the manufacture and distribution of the commodities named in (1) above*, between the facilities of Libbey Glass at Toledo, OH; Shreveport, LA; City of Industry and Mira Loma, CA, on the one hand and points in the U.S. (except AK and HI) on the other hand. Supporting shipper: Libbey Glass, Toledo, OH 43693.

MC 135283 (Sub-5-5 TA), filed September 15, 1980. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, Grand Island, NE 68801. Representative: Lavern R.

Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Malt beverages* from Fort Worth, TX; Fulton, NY; LaCrosse, WI; Pittsburgh, PA; St. Louis, MO; and St. Paul, MN, and points in their respective commercial zones to Grand Island, Hastings, Lincoln, McCook, and North Platte, NW, and points in their respective commercial zones. Supporting shippers: There are seven shippers.

MC 138469 (Sub-5-29TA), filed September 15, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Blanshan & Summerfield, 205 W. Touhy Av., Suite 200, Park Ridge, IL 60068. *Such commodities as are dealt in or used by manufacturers of adhesives and edible gelatin products (except commodities in bulk)*, between the facilities of Peter Cooper Corporations at Los Angeles, CA, Camden, NJ, Gowanda, NY, Pineville, NC, Dallas, TX, and Oak Creek, WI, and points in their commercial zones, on the one hand, and, on the other, points in the U.S. Supporting shipper: Peter Cooper Corporations, Palmer Street, Gowanda, NY, 14070.

MC 139026 (Sub-5-23TA), filed September 15, 1980. Applicant: F.M.S. TRANSPORTATION INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *Contract irregular, Flexible metal hose and conduit and such commodities used in their manufacture, processing and distribution (except commodities in bulk and those requiring the use of special equipment)* between the facilities of Anaconda Brass Division of Anaconda Industries, at or near Mattoon, IL, on the one hand, and, on the other, points in the United States. Supporting shipper: Anaconda Brass Division of Anaconda Industries, P.O. Box 39, East Rte. 16, Mattoon, IL 61938.

MC 139973 (Sub-5-4TA), filed September 15, 1980. Applicant: J. H. WARE TRUCKING INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Stoves, woodburning* From Bradley, IL, to all points in the U.S. Supporting shipper: Franklin Cast Products, Inc., 1800 Post Road, Warwick, RI 02886.

MC 140755 (Sub-5-3TA), filed September 15, 1980. Applicant: BRAY TRANSPORTS, INC., P.O. Box 270, 1401 N. Little Street, Cushing, Oklahoma 74023. Representative: Dudley G. Sherrill (same address as applicant). *Asphalt and residual fuel oils, in bulk, in tank vehicles*, from Arkansas City, Augusta, and El Dorado, KS to points in OK

Supporting shipper: Deal Petroleum Company, 2815 E. Skelly Drive, Suite 817, Tulsa, Oklahoma 74105.

MC 144693 (Sub-5-1TA), filed September 15, 1980. Applicant: GLENN'S TRUCK SERVICE, INC., #1 Produce Row, St. Louis, MO 63102. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Stoves, woodburning* From Bradley, IL, to all points in the U.S. Supporting shipper: Franklin Cast Products, Inc., 1800 Post Road, Warwick, RI 02886.

MC 145797 (Sub-5-1TA), filed September 15, 1980. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Drive, Chesterfield, MO 63017. Representative: R. Thomas Grasso, 429 Stablestone Drive, Chesterfield, MO 63017. *Foodstuffs, candy and confectionery* from Bryan, OH to points in MO, NJ and TX. Supporting shipper: Spangler Candy Company, P.O. BOX 71, Bryan, OH 43506.

MC 146696 (Sub-5-1TA), filed September 15, 1980. Applicant: AGRI-BUILDING SYSTEMS, INC., P.O. Box 130, 2nd & Euclid, Waukomis, OK 73773. Representatives: B. Gene Anderson or Robert J. Jantzen, P.O. Box 130, 2nd & Euclid, Waukomis, OK 73773. *Iron and Steel articles*, between points in TX, OK, IN, IL, MO, IA, NE, KS, CA, FL, and LA. Supporting shipper: C. M. I Corporation, Edward L. Turner, Traffic Manager, Box 1985, Oklahoma City, OK 73101.

MC 150496 (Sub-5-11TA), filed September 15, 1980. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Paul A. Maestri, P.O. Box 188, Tontitown, AR 72770. *General commodities (except commodities in bulk, in tank vehicles, and commodities which, because of size or weight require the use of special equipment, and except Class A and B explosive, and used household goods as defined by the Commission)* between Bossier City, LA, on one hand, and on the other, points in the United States, (except such commodities as are used in the manufacture of sporting goods and recreational equipment from points in MO, WI, PA, MI, OH, IL, NJ, TN, and TX to the facilities of Gym Dandy, Inc., at Bossier City, LA.) Supporting shipper: Gym Dandy, Inc., P.O. Box 5637, Bossier City, LA 71010.

MC 151522 (Sub-5-1TA), filed September 15, 1980. Applicant: DIRECT MOTOR EXPRESS, INC., P.O. Box 142, Marion, AR. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *General Commodities (except commodities of*

unusual value, classes A & B explosives, commodities in bulk, household goods as defined by the Commission and which because of size or weight require the use of special equipment), between Memphis, TN, and points in its commercial zone, on the one hand, and, on the other, points in Lake County, IN, Lake, Cook, DuPage, Kane and Will Counties, IL and Calhoun County, MI. Supporting shippers: 14.

Note.—Applicant intends to interline at Memphis, TN and Chicago, IL.

MC 151694 (Sub-5-1TA), filed September 15, 1980. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601. Contract: Irregular; Feed and Feed Ingredients, Between points in the U.S. Under continuing contracts with Eastern Mineral, Inc.; Southeastern Mineral, Inc.; Marshall Minerals, Inc.; Mineral Associates, Inc. Supporting shippers: Eastern Mineral, Inc.; Southeastern Mineral, Inc.; Marshall Minerals, Inc.; Mineral Associates, Inc., all of P.O. Box 506, Bainbridge, GA 31717.

MC 151751 (Sub-5-1TA), filed September 15, 1980. Applicant: DOYAL BRUNSON d.b.a. BRUNSON, P.O. Box 489, Ft. Dodge Rd., Dodge City, KS 67801. Representative: Bruce C. Harrington, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Meat, Meat Products and Meat By-Products, and Articles Distributed by Meat Packinghouses and Hides (except commodities in bulk) from the facilities of Hyplains Dressed Beef, Inc. at or near Dodge City, KS to points in the U.S. (except AK, HI and KS). Supporting shipper: Hyplains Dressed Beef, Inc., P.O. Box 539, Dodge City, KS 67801.

MC 151841 (Sub-5-1TA), filed September 15, 1980. Applicant: R. L. HARRISON TRUCKING COMPANY, INC., 1107 Airline Drive, Benton, AR 72015. Representative: Allan Gates, 400 Gaines Place, Little Rock, AR 72201. Alcoholic beverages, liquors, champagne and brandy, and supplies related to the sale thereof, between Lynchburg and Tullahoma, TN, on the one hand, and on the other, Denver, CO, Salt Lake City, UT, Las Vegas and Reno, NV, Union City, Los Angeles, Anaheim, San Bernadino, San Diego, Carson, Stockton, and Sacramento, CA. Supporting shipper: Jack Daniel Distillery, Lynchburg, TN 37352.

MC 151835 (Sub-5-1TA), filed September 15, 1980. Applicant: C & C TRANSPORT CO., a div. of CHUMLEY LUMBER CO., INC., Rt. 10, Box 3760, Nacodoches, TX 75961. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217. (1)

Fabricated Steel Buildings, Building Materials, Hardware, and Supplies, and (2) Materials and Supplies incidental to the manufacture of Fabricate Steel Buildings. (1) From the facilities of Mid-west Building Co., Inc., Houston, TX to points in AL, AR, LA, MS, (2) From Eufaula, AL and St. Louis, MO to the facilities of Mid-West Steel Building Co. Inc., Houston, TX. Supporting shipper: Mid-West Steel Building Co. Inc., W. G. Schroeder, Credit Manager, 7301 Fairview, P.O. Box 40338, Houston, TX 77040.

MC 151842 (Sub-5-1TA), filed September 15, 1980. Applicant: DONALD E. RODMAN, d.b.a. RODMAN TRUCK SERVICE, 1923 Southwest 15th Street, Oklahoma City, OK 73148. Representative: R. H. Lawson, Attorney, 2753 Northwest 22nd Street, Oklahoma City, OK 73107. (1) Roofing, from certain Teed Roofing Plants in Kansas City, MO and Dallas, TX to Oklahoma City, OK, and (2) Clay Brick, Between Acme Brick Company Plants located in Clinton, OK, Edmond, OK, and Tulsa, OK, on the one hand, and, on the other, Acme Brick Company, in Harrisonville, MO. Supporting shippers: Willard Wholesale Roofing Company, Oklahoma City, OK; and Acme Brick Company, Fort Worth, TX.

MC 3062 (Sub-5-6TA), filed September 22, 1980. Applicant: INMAN FREIGHT SYSTEM, INC., 321 North Spring Avenue, Cape Girardeau, MO 63701. Representative: G. H. Boles (same address as applicant). Lead, lead alloys or zinc, in bars, blocks, coils, ingots, pigs, sheets or strips in coils, slabs, loose or in packages, from Herculaneum, MO (and its commercial zone) to Atlanta, GA (and points in its commercial zone). Supporting shipper: St. Joe Lead Company, 7733 Forsyth Blvd., Clayton, MO 63105.

MC 10872 (Sub-5-1TA), filed September 22, 1980. Applicant: BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis, MO 63147. Representative: Mert Starnes, 1806 Rio Grande, P.O. Box 2207, Austin, TX 78768. Common Regular 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 Oklahoma City, OK and Dallas, TX: From Oklahoma City, OK, over Interstate Highway 35 and 35E to Dallas, TX, and return over the same route, serving no intermediate points, as an alternative route for operating convenience only. Applicant intends to tack and interline supporting shipper: None.

MC 60271 (Sub-5-5TA), filed Sept. 22, 1980. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, LA 71201. Representative: Sherri L. Roberts, P.O. Box 288, Monroe, LA 71201. Glassware and/or Containers, Between Jackson, MS on the one hand, and, on the other, points and places in AL, GA, MO, OK, TN, TX, and points and places in AR on or North of US 70. Supporting shipper: Glass Containers Corporation, 535 North Gilbert, Fullerton, CA 92634.

MC 10780 (Sub-5-1TA), filed Sept. 22, 1980. Applicant: B & S TRUCKING, INC., 1228 So. Santa Fe, Wichita, KS 67211. Representative: Junior M. Harvey (same as above). Freight of all kinds, except classes A, B, and C ammunition, explosives, fireworks, ingredients and component parts of ammunition, blasting materials and supplies, blasting agents, commodities declared sensitive by the U.S. Government, shipments of secret material, radioactive material, and etiologic agents between the facilities of Boeing Military Airplane Co. at Seattle, Renton, Everett, WA; Wichita, KS; Huntsville, AL; Cape Kennedy, FL commercial zone on the one hand, and, on the other, points in WA, ID, WY, NE, OR, CA, NV, UT, CO, KS, AZ, NM, OK, TX, MO, AR, LA, IN, OH, WV, VA, KY, TN, NC, SC, GA, FL, MS and AL. Supporting shipper: Boeing Military Airplane Co., Wichita, KS 67210.

MC 109397 (Sub-5-20TA), filed Sept. 22, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). General Commodities (except household goods), between the facilities of Nipak Energy Corporation located in NM and TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Nipak Energy Corporation, 13601 Preston Rd., Dallas, TX 75240.

MC 109397 (Sub-5-21TA), filed Sept. 22, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). (1) Rubber and rubber products; (2) machinery and supplies; (3) rubber covered rollers; and (4) materials, parts, equipment, machinery and supplies used in the manufacture and sale of tires in (1), (2) and (3) above, between King County, WA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Huntington Rubber Co., Div. of New Idira, Inc., 34320 Pacific Hwy. So., Federal Way, WA 98003.

MC 113908 (Sub-5-20TA), filed September 22, 1980. Applicant: ERICKSON TRANSPORT CORP., 2255 North Packer Road, P.O. Box 10068 G.S.,

Springfield, MO 65804. Representative: Jim G. Erickson (same as applicant). Part (1)—*Alcoholic liquors, neutral spirits, distilled spirits, wine, and wine products, in bulk*, (a) Between Points in FL, IL, KY, LA, MA, OH, and TX, on the One Hand, and, on the Other, Points in FL, IL, KY, LA, MD, MA, MI, SC, TX, and VA, (EXCEPT: *Alcohol and Alcoholic Beverages*, From Paducah, KY, to Points in MI, IL (except Chicago), and MD; Between Delevan and Peoria, IL, and Detroit, MI; From Bardstown, KY, and the Commercial Zone Thereof, to Gretna, LA, and the Commercial Zone Thereof;—*Alcohol, Neutral Spirits, Distilled Spirits, and Denatured and Industrial Alcohol*, From Jacksonville, FL, to Points in FL, IL, KY, LA, MD, MA, MI, SC, TX, and VA; From Williamsburg, VA, to Points in FL, IL, KY, LA, MA, OH, and TX; From Columbus, OH, & the Commercial Zone Thereof, to Points in FL, IL, KY, LA, MD, MA, MI, SC, TX, and VA;—*Alcoholic Liquors*, From Boston, MA, to Paducah, KY, & Allen Park, MI; From Silverton, OH, and its Commercial Zone, to Peoria, IL, and its Commercial Zone;—*Alcohol, Alcoholic Liquors, Neutral Spirits, Wine, Wine Products, and Distilled Spirits (except Whiskey from KY)*, From Points in KY and FL, to Points in Chicago, IL, and its Commercial Zone;—*Alcoholic Liquors (except Whiskey)*, From Bardstown, KY, to Plainfield, IL.) *Restriction*: Service between points in MA, on the one hand, and, on the other, points in MD & MA is restricted to shipments moving in foreign commerce in carrier-owned trailers and vehicles. Further restricted against the transportation of Whiskey from Points in KY to Points in IL and MA. (b) Between Points in MD, NJ, NY, PA, and VA, on the One Hand, and, on the Other, Points in IL, IN, MI, MO, NH, NJ, NY, OH, PA, SC, and VA, (EXCEPT: *Alcohol, Neutral Spirits, Distilled Spirits, and Denatured & Industrial Alcohol*, From Williamsburg, VA, to Points in IL, IN, MD, MI, MO, NH, NJ, NY, OH, PA, SC, and VA; From Columbus, OH, & Merrimack, NH, and their Commercial Zones Thereof, to Points in MD, NJ, NY, PA, and VA;—*Alcohol and Alcoholic Liquors*, Between Delevan and Peoria, IL, Scobeyville, NJ, and Detroit, MI; From Pekin, IL, and its Commercial Zone, to Philadelphia, PA, and its Commercial Zone;—*Wine and Wine Products*, From St. Louis, MO, and the Commercial Zone Thereof, to Canandaigua, NY, and Philadelphia, PA, and the Commercial Zones Thereof; From Hammondsport, NY, and its Commercial Zone, to Silverton, OH, and its Commercial Zone;—*Alcoholic*

Liquors, From Points in NJ, NY, PA, MD, and VA, to Weston, MO;—*Wine*, From Hammondsport, NY, to Buchanan, MI.) *Restriction*: Service Between Points in MD, NJ, & NY, on the one hand, and, on the other, points in NH, NJ, NY, and PA, are restricted to shipments moving in foreign commerce in carrier-owned trailers and vehicles. (c) From Points in Delaware, to Points in IL, MI, MO, and VA, (EXCEPT: *Alcoholic Liquors from Points in DE to Weston, MO*). (d) From Points in KY, to Points in IN, MO, MT, PA, and WA, (EXCEPT: *Alcohol and Alcoholic Liquors*, From Bardstown, KY, and the Commercial Zone Thereof, to Philadelphia, PA, and the Commercial Zone Thereof.) *Restriction*: Restricted against the transportation of Whiskey from Points in KY to Points in IN. (e) From Points in IA and KS, to Points in IL, KY, LA, MA, MT, NY, and SC, (EXCEPT: *Alcohol, Alcoholic Liquors, Neutral & Distilled Spirits, and Denatured Industrial Alcohol*, From Atchinson, KS, to Points in MT.) (f) From Points in FL, GA, IL, IA, KS, and MO, to Points in CO, MI, MN, MO, NY, NC, OK, TN, TX, and WA, (EXCEPT: From Pekin, IL, to Long Prairie, MN;—*Alcohol, Neutral Spirits, Distilled Spirits, and Denatured & Industrial Alcohol*, From Jacksonville, FL, to Points in CO, MI, MN, MO, NY, NC, OK, TN, TX, and WA;—*Alcoholic Liquors*, From Chicago, IL, and the Commercial Zone Thereof, to Long Prairie, MN, and the Commercial Zone Thereof;—*Alcohol and Alcoholic Liquors*, Between Delevan and Peoria, IL, and Detroit, MI;—*Wine and Wine Products*, From St. Louis, MO, and the Commercial Zone Thereof, to Canandaigua, NY, and the Commercial Zone Thereof;—*Alcohol, Alcoholic Liquors, Neutral & Distilled Spirits, and Denatured Industrial Alcohol*, From Atchison, KS, to Points in CO, OK, TX, and WA.) (g) Between Points in CT, DE, IL, MD, MA, MI, NJ, NY, PA, and VA. *Restriction*: Restricted, however, in (g) to shipments moving in foreign commerce in carrier-owned trailers and vehicles.

Part (2)—*Alcoholic liquors, neutral spirits, distilled spirits, vermouth, brandy, wine, wine products, fruit juice, fruit juice concentrates, and flavoring syrups, in bulk*, (a) Between Points in CA, on the One Hand, and, on the Other, Points and places in the United States, except AK and HI, (EXCEPT: *Fruit Juice and Fruit Juice Concentrates*, From Points in CA, to Springdale, AR; Lawton, MI; Brocton & Westfield, NY; North East, PA; Kennewick, WA; Denver & Golden, CO; Orrville, OH; and Memphis, TN; and From Geneva, OH, to Anaheim, CA;—*Alcohol and Alcoholic Beverages*,

From Paducah, KY, to Points in CA;—*Alcohol, Neutral Spirits, Distilled Spirits, and Denatured & Industrial Alcohol*, From Jacksonville, FL, and Williamsburg, VA, to Points in CA;—*Alcohol and Alcoholic Liquors*, From Points in NY, NJ, PA, and MD, to Burlingame, CA; and Between Delevan and Peoria, IL; Scobeyville, NJ; and Detroit, MI; on the One Hand, and, on the Other, Burlingame and San Francisco, CA;—*Alcohol, Alcoholic Liquors, Neutral Spirits, Distilled Spirits, Wine, and Wine Products*, From Points in CA to Long Prairie, MN;—*Wine*, From DiGiorgio, CA, to Emmett, ID; and From Points in CA to Tampa, FL;—*Alcohol, Wine, and Fruit Juice Concentrates*, From Delano, CA, to Montgomery, AL;—*Fruit Juice Concentrates and Flavoring Compounds*, From Fresno, CA, to Greensboro, NC;—*Rum*, From Points in CA to Hartford, CT;—*Alcoholic Liquors*, From Boston, MA, to Menlo Park, CA;—*Wine and Wine Products*, From Points in CA, to Altus, AR, and its Commercial Zone; and from Delano and Tulare, CA, and their Commercial Zones, to Points in OH;—*Alcoholic Liquors, Alcohol, and Wines*, From Points in IN, KY, TN, and PA, to Points in CA;—*Alcohol, Alcoholic Liquors, Neutral Spirits, Distilled Spirits, Wine, Wine Products, Brandies, Fruit Juice and Concentrates* Thereof, From Points in IL, IN, KY, MI, MO, NJ, NY, PA, and TN;—*Alcohol, Alcoholic Liquors, Neutral and Distilled Spirits, and Denatured Industrial Alcohol*, From Atchison, KS, to Points in CA.) (b) Between Points in WA. (c) From Points in GA, to Points in FL and NY, (EXCEPT: From Atlanta and Roberta, GA.) (d) From Points in FL, to Points in AL, CT, GA, IL, IN, KS, LA, MD, MS, NJ, NY, OH, OR, PA, RI, SC, VA, and WI, (EXCEPT: *Alcohol Neutral Spirits, Distilled Spirits, and Denatured & Industrial Alcohol*, From Jacksonville, FL, to Points in AL, CT, GA, IL, IN, KS, LA, MD, MS, NJ, NY, OH, PA, RI, SC, VA, and WI;—*Alcohol, Alcoholic Liquors, Neutral Spirits, Wine, and Wine Products, and Distilled Spirits*, From Points in FL, to Chicago, IL, and its Commercial Zone.) (e) From Points in WA, to Points in OR. (f) From Points in OR and WI, to Points in IA. (g) From Points in MY, to Points in FL, MI, NH, NJ, NY, OH, and PA, (EXCEPT: *Wine, Wine Products, Fruit Juice, and Fruit Juice Concentrates*, From Hammondsport, NY, and its Commercial Zone, to Silverton, OH, and its Commercial Zone;—*Wine*, From Hammondsport, NY, to Buchanan, MI;—*Fruit Juice and Fruit Juice Concentrates*,

From Points in NY on and West of NY State Highway 14, to Orrville, OH.) *Restriction:* Service from Points in NY to NH, NJ, NY, and PA, is restricted to shipments moving in foreign commerce in carrier-owned trailers and vehicles. (h) Between Points in MI, on the One Hand, and, on the Other, Points in ID, IL, IN, IA, MI, MN, MO, NJ, NY, OH, and PA, (Except: *Alcohol and Alcoholic Liquors*, Between Delevan and Peoria, IL; Scobeyville, NJ; and Detroit, MI; on the One Hand, and, on the Other, Detroit, MI; —*Wine*, From Hammondsport, NY, to Buchanan, MI; —*Alcohol, Neutral Spirits, Distilled Spirits, in Bond, Denatured & Industrial Alcohol*, From Columbus, OH, and its Commercial Zone, to Points in MI.) Part (3)—*Neutral spirits, distilled spirits, alcoholic liquors, fruit pomace, fruit juice, fruit juice concentrates, wine, wine products, and brandy, in bulk*, Between Points in AR, on the One Hand, and, on the Other, Points in AZ, CA, FL, GA, MI, NY, PA, SC, and TX, (Except: *Alcohol, Neutral Spirits, Distilled Spirits, and Denatured & Industrial Alcohol*, From Jacksonville, FL, to Points in AR; —*Fruit Juice and Fruit Juice Concentrates*, Between Springdale, AR, on the one Hand, and, on the Other, Lawton, MI; Brocton and Westfield, NY; and North East, PA; and From Points in CA, to Springdale, AR; —*Wine and Wine Products*, From Points in CA, to Altus, AR, and its Commercial Zone.) Part (4)—*Grain neutral spirits, alcohol, and alcoholic liquors, in bulk*, From Points of Entry Between Canada and the U.S. located in MI, NY, PA, and WA, to Points in CA, GA, IL, KY, ME, MN, MT, NJ, and Va, (Except: *Alcoholic Liquors*, From Ports of Entry located in NY, PA, WA, and Detroit & Port Huron, MI, to Burlingame, CA.) *Restriction:* Service from Points of Entry between Canada and the United States located in NY and PA, to Points in NJ are restricted to shipments moving in foreign commerce in carrier-owned trailers and vehicles. Supporting shipper: No Supporting Shippers.

MC 114273 (Sub-5-30TA), filed September 22, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Corporate Counsel (same as above). *Such commodities* as are used in the manufacture and distribution of health care and beauty aids, between points in Douglas County, NE and points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shipper(s): Tip Top Products, 1520 Cumming, Omaha, NE 68102.

MC 114273 (Sub-5-31TA), filed September 22, 1980. Applicant: CRST,

INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Corporate Counsel (same as above). *General commodities*, (except commodities in bulk, in tank vehicles, and classes A and B explosives), between Springfield, MO and points in IL, IN, MI, OH and WI. Supporting shipper(s): R. T. French Co., One Mustard St., Box 23450, Rochester, NY 14692.

MC 115331 (Sub-5-11TA), filed September 22, 1980. Applicant: TRUCK TRANSPORT, INC., 11040 Manchester Road, St. Louis, MO 63122. Representative: J. R. Ferris (same as applicant). *Chemicals, in containers*, from points in Columbia and Union Counties, AR to points in Will County, IL. Supporting shipper(s): Dow Chemical U.S.A., P.O. Box 36000, Strongsville, OH 44136.

MC 117519 (Sub-5-3TA), filed September 22, 1980. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottawa, KS 66067. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Contract—irregular expanded shale aggregate, in bulk, from the facilities of Buildex, Inc. at or near Ottawa and Marquette, KS to WY. Supporting shipper: Buildex, Inc., P.O. Box 15, Ottawa, KS 66067.

MC 123476 (Sub-5-5TA), filed September 22, 1980. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). Authority: *Microfoam sheeting*, from the facilities of Du Pont and Company in Wurtland, KY to all points in TX. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

MC 123993 (Sub-5-25TA), filed September 22, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman, P.O. Box 1504, Crowley, LA 70526. (1) *Malt beverages* (2) *Materials and supplies used in the manufacture, distribution or sale of (1)*, between New Orleans, LA, on the one hand, and, on the other, points in AR. Supporting shipper: Dermott Distributing Co., P.O. Drawer A, Dermott, AR 71638.

MC 124236 (Sub-5-9TA), filed September 22, 1980. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 North Central Expressway, Dallas, TX 75205. Representative: Rodney D. Cokendolpher (same as above). *Chemicals in Bulk*, Between points in Harris County, TX, LA, and MS. Supporting shipper: Weskem, Inc. (Sub.

of Inter-North, Omaha, NE), 13301 Beaumont Hwy., Houston, TX 77049.

MC 128320 (Sub-5-1TA), filed September 22, 1980. Applicant: ART QUIRING, P.O. Box 1481, Grand Island, NE 68801. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract; Irregular. *Materials, equipment and supplies used in the production and distribution of candy and confectionery*, between points in Chicago, IL, commercial zone, and facilities of E. J. Brach & Sons at or near Davenport, IA. Supporting shipper: E. J. Brach & Sons, 4656 west Kinzie Street, Chicago, IL 60644.

MC 133019 (Sub-5-1TA), Filed September 22, 1980. Applicant: TRIANGLE TRANSPORTATION, INC., 6747 Avenue W, Houston, TX 77020. Representative: Clint Oldham, 1108 Continental Like Building, Fort Worth, TX 76102. *Iron and steel articles, pipe and materials and supplies used in the manufacture thereof*, between Montgomery County, TX on the one hand, and, on the other, points in the U.S. Supporting shipper: Fort Worth Pipe & Supply Company, 3128 West Bolt, Fort Worth, TX 76110.

MC 134286 (Sub-5-15TA), filed September 22, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Edward A. O'Donnell (same address as above). *Plastic film (except in bulk)*, from Providence, RI, to the facilities of Central States Products Company at St. Louis, MO. Supporting shipper: Central States Products Company, 1277 Ambassador, St. Louis, MO 63132.

MC 140033 (Sub-5-5TA), filed September 22, 1980. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Iron and steel pipe fittings* from NY, NY to points in the U.S. (except AK and HI), (2) from Harris County, TX to points in CA and NY. Supporting shipper(s): Tube Line Manufacturing Company, 48-11 20th Avenue, Long Island City, NY 11105.

MC 140755 (Sub-5-4TA), filed September 22, 1980. Applicant: BRAY TRANSPORTS, INC., P.O. Box 270, 1401 N. Little Street, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). *Calcium chloride, liquid*, in bulk, in tank vehicles, from Cook County, IL, and St. Louis, MO, to AR, KS, MO, OK, and TX. Supporting shipper: Sicalco, Ltd., P.O. Box 415, Palos Heights, IL 60463.

MC 142508 (Sub-5-42TA), filed September 22, 1980. Applicant: NATIONAL TRANSPORTATION, INC.,

P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Packaging materials and materials and supplies used in the manufacture thereof* from Lumberton, NC, and Fort Smith, AR, to pts. in the United States. Supporting shipper: Universal Packaging Corporation, Box 918, Concord, NH 03301.

MC 144203 (Sub-5-9TA), filed September 22, 1980. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: William A. Gray, 2310 Grant Building, Pittsburg, PA 15219. Contract, irregular, *Liquid nitrogen, liquid oxygen and liquid argon, in bulk, in tank vehicles*, between the facilities of Liquid Air Corporation at or near Sharon, PA, on the one hand, and, on the other, points in the U.S. in and east of MI, IN, KY, TN, and MS, under a continuing contract(s) with Liquid Air Corporation of King of Prussia, PA. Supporting shipper: Liquid Air Corporation, 1016 West 8th Avenue, King of Prussia, PA 15406.

MC 144603 (Sub-5-24TA), filed September 22, 1980. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *Boots or shoes, NOI, boot or shoe findings, handbags, NOI, hosiery, NOI, findings and related articles* from Manchester, NH, and Hoboken, NJ, and points in their commercial zones to Memphis, TN, and Sikeston, MO, and points in their commercial zones (restricted to traffic originating at or destined to the facilities of Wohl Shoe Company). Supporting shipper: Wohl Shoe Company, 8350 Maryland Ave., St. Louis, MO 63105.

MC 148564 (Sub-5-3TA), filed September 22, 1980. Applicant: G. KAY, INC., P.O. Box 222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Fertilizer materials*, from Tooele County, UT, to points in IA, MN, NE and SD. Supporting shipper: Midwest Companies, 725 South Schneider, Fremont, NE 68025.

MC 148819 (Sub-5-6TA), filed September 22, 1980. Applicant: G AND J TRUCKING, INC., 3701 Spradlin Ave., P.O. Box 4201, Ft. Smith, AR 72914. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. *Wire and steel products and materials and supplies used in the manufacture of wire and steel products*, between the facilities of Southern Steel and Wire Company in Ft. Smith, AR, on the one hand, and, on the other, points in CO, KS, OK, TX, AR, TN, NC, KY, OH, IN, MI, IL, IA, MO, AL, SC, LA, GA, and MS. Supporting shipper: Southern Steel and Wire

Company, 3501 South Tulsa, Fort Smith, AR 72904.

MC 151926 (Sub-5-1TA), filed September 22, 1980. Applicant: DANNY L. BATEMAN, d.b.a. BATEMAN TRUCKING, Rural Route 1, Box 17A, Oskaloosa, KS 66066. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. *Building materials* between points in AL, AR, IA, KS, LA, MS, MO, NE and OK. Supporting shipper: Century Homes Co., Inc., 9th & Lyons, Lawrence, KS 66044.

MC 111651 (Sub-5-1TA), filed August 25, 1980. Applicant: MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Ave., St. Louis, MO 63147. Representative: Patricia F. Scott, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. Common, regular, *General Commodities*, between Kansas City, MO and Hutchinson, KS, serving all intermediate points, from Kansas City over I-70 and the KS Turnpike to junction U.S. Hwy. 50, then over U.S. Hwy. 50 to junction KS Hwy. 150, then over KS Hwy. 150 to U.S. Hwy. 56, then over U.S. Hwy. 56 to junction KS Hwy. 81, then over KS Hwy. 61 to Hutchinson, and return over the same route, between Hutchinson, KS and Wichita, KS, serving all intermediate points, from Hutchinson, over KS Hwy 96 to Wichita, and return over the same route, between Hutchinson, KS and Newton, KS, serving all intermediate points, from Hutchinson over U.S. Hwy. 50 to Newton, and return over the same route, and between Newton, KS and McPherson, KS, serving all intermediate points, from Newton over I-35W to McPherson, and return over the same route. Applicant intends to tack and interline. Supporting shippers: 60 shippers are supporting this application.

MC 151640 (Sub-5-1TA), filed August 25, 1980. Applicant: LINDY LOTT WRECKER SERVICE INC., 11310 Plano Rd., Dallas, TX 75243. Representative: W. Paul Lott (same as applicant). *Wrecked or disabled vehicles (tractors, trailers, or buses) loaded or empty*, from Dallas, TX, to points in OK, KS, LA, AR, TN, NM, IL, AZ, and MS. Supporting shippers: Ryder Truck Rental Inc., 1231 S. Jupiter Rd., Garland, TX 75042. Greyhound Bus Lines, 1100 S. Lamar St., Dallas, TX 75215.

MC 48221 (Sub-5-2TA), filed September 24, 1980. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue, Omaha, NE 68107. Representative: Paul D. Kratz, of Stern & Becker, P.C., Suite 610, 17171 Mercy Road, Omaha, NE 68106. *Such commodities as are dealt in or used by manufacturers, distributors or retailers of automotive service, repair and care products*,

livestock care products, between points in CO, IL, IN, IA, KS, MI, MO, MN, NE, ND, OK, OH, SD, TX, WI, WY, and UT, on the one hand, and, on the other, Omaha, NE and Council Bluffs, IA restricted to traffic originating at or destined to the facilities of Warren Oil Company and Terminal Packaging Corporation. Supporting Shipper: Warren Oil Transportation Company, Inc., 727 South 13th Street, Omaha, NE 68102.

MC 82841, (Sub-5-2TA), filed September 25, 1980. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. (1) *Poles, arms, brackets, bases and accessories*; and (2) *iron and steel articles*; and (3) *materials, equipment and supplies used in the manufacture of (1) and (2) above* between Washington County, TX, on the one hand, and, on the other, points in TX, NM, CO, NE, KS, OK, IA, MO, AR, LA, IL, KY, TN, MS, AL, FL, GA, SC and NC. Supporting Shipper: American Lighting Standards, Subsidiary of Valmont Industries, Inc., P.O. Box E, Brenham, TX 77833.

MC 108207, (Sub-5-37TA), filed September 23, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (Same address as applicant). *Candy and confectionery*, in mechanically refrigerated equipment, from Norwalk, OH to Hopkins, MN. Supporting shipper: Fanny Farmer Candy Shops, Inc., 4 Preston Court, Bedford, MA 01730.

MC 110098, (Sub-5-8TA), filed September 24, 1980. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road (Box 20380), San Antonio, TX 78220. Representative: T. W. Cothren (Same address as applicant). *Foodstuffs (except in bulk)*, from the facilities of The Pillsbury Company, and its subsidiaries, at Denver, CO, to points in TX. Supporting shipper: The Pillsbury Company and its wholly owned subsidiaries, 608 Second Avenue South, Minneapolis, MN 55402.

MC 113459 (Sub-5-1TA), filed Sept. 24, 1980. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK. Representative: James W. Hightower, Hightower, Alexander & Cook, P.C., 5801 Marvin D. Love Freeway, # 301, Dallas, TX 75237 (214) 339-4108. *Lumber and timbers* between Judith Gap, MT, on the one hand, and, on the other, points in MN, IA, MO, OK, TX, CO, IL, IN, FL, and OH. Supporting shipper: Spring Creek Forest Products, Inc., Judith Gap, MT 59453.

MC 121517 (Sub-5-5TA), filed September 23, 1980. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15627, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Fuel oil and asphalt, in bulk, in tank vehicles, between facilities of Apex Oil Company in Rogers County, OK, on the one hand, and, on the other, points in AR, KS, MO, NM, TX and WY. Supporting shipper: Apex Oil Company, 212 South Central Avenue, St. Louis, MO 63105.*

MC 123649 (Sub-5-4TA), filed September 23, 1980. Applicant: MAGILL TRUCK LINES, INC., 211 West 53rd North, Wichita, KS 67204. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Animal and poultry feeds and feed ingredients and sanitation and health products. Between points in AZ, AR, KS, MO, NE, NM, OK, TX and WY. Supporting shipper(s): Cargill, Inc., P.O. Box 2696, Wichita, KS, 67201; Ralston Purina Company, P.O. Box 2696, Wichita, KS, 67214; and Cargill, Inc., Nutrena Division, P.O. Box 678, First and Baer, McPherson, KS, 67460.*

MC 124174 (Sub-5-21TA), filed September 24, 1980. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Mosen, 13811 "L" Street, Omaha, NE 68137. *Frozen foods, between points in Webster County, IA, on the one hand, and on the other, points in CO, KS, MN, MI, MO, NE, ND, SD, and WI. Supporting shipper(s): General Foods Corporation, 250 North Street, White Plains, NY 10625.*

MC 126822 (Sub-5-26TA), filed September 23, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Diatomaceous earth between points in AZ, on the one hand, and points in the U.S., on the other. Supporting shipper: Magic Mountain Mining Company, 215 Main Street, Sausalito, CA 94965.*

MC 138328 (Sub-5-14TA), filed September 23, 1980. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 & Hwy 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same as applicant). *Such commodities as are dealt in or used by retail and discount department stores (except commodities in bulk), between points in the U.S., restricted to traffic originating at or destined to the facilities of Target Stores, Division of Dayton-Hudson*

Corporation. Supporting shipper: Target Stores, Division of Dayton-Hudson Corporation, 7120 Hwy. 65 N.E., Fridley, MN 55432.

MC 144622 (Sub-5-50TA), filed September 24, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J.B. Stuart, P.O. Box 179, Bedford, TX 76021. *Frozen foodstuffs from OR and WA to TX and LA. Supporting shipper: North Pacific Cannery & Packers, Inc., P.O. Box 02113, Portland, OR 97202.*

MC 146448 (Sub-5-8TA), filed September 25, 1980. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Tile and commodities used in the distribution and installation of tile (except commodities in bulk) from Chicago, IL to points in AZ, CA, ID, NV, NM, OR, UT and WA, restricted to shipments originating at facilities of Kentile Floors, Inc., Supporting shipper: Kentile Floors, Inc., 58 Second Avenue, Brooklyn, NY 11215.*

MC 146729 (Sub-5-2TA), filed September 24, 1980. Applicant: H & G LEASING, 2509 Inwood Rd., Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Synthetic resin and raw materials used in the production of synthetic resin, (1) from Grand Prairie, TX to points in CA, PA, IN, FL, OR, WA, VA, MN, SC, TN, KY, MA, NY and VT; and (2) from Baton Rouge and Lake Charles, LA to Grand Prairie, TX. Supporting shippers(s): Ren Thermoplastics Dept. CIBA-BEIGY, 1205 Avenue H East, Grand Prairie, TX 75050.*

MC 147196 (Sub-5-12TA), filed September 24, 1980. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, La. 70150. Representative: Donald A. Larousse P.O. Box 50262, New Orleans, La. 70150. *Contract; Irregular. Treated Wood Cross and Switch Railroad Tires, between Rapides Parish, La., on the one hand and, on the other, the 48 States under a continuing contract or contracts with Dura-Wood Treating Company, Alexandria, La. Supporting shipper: Dura-Wood Treating Company, P.O. Box 1926, Alexandria, La. 71301.*

MC 147778 (Sub-5-1TA), filed September 25, 1980. Applicant: ACTION FREIGHT LINES, INC., Box 73, Humansville, MO 65674. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Common; Regular. General commodities, except household goods, commodities which because of size or weight require the use of special equipment, Classes A and B explosives,*

commodities in bulk and those injurious to other lading, (1) Between Stockton, MO, and its commercial zone, and Joplin, MO, and its commercial zone: From Stockton over MO Hwy 39 to its junction with U.S. Hwy 160, then over U.S. Hwy 160 to Golden City, then over MO Hwy 37 to Avilla, then over MO Hwy 96 to Carthage, then over U.S. Hwy 71 to Joplin, and return over the same route, serving all intermediate points; and (2) Between El Dorado Springs, MO, and its commercial zone, and Carthage, MO, and its commercial zone: From El Dorado over U.S. Hwy 54 to Nevada, then over U.S. Hwy 71 to Carthage, and return over the same route, serving all intermediate points.

Note.—Applicant seeks to tack and interline.

MC 149026 (Sub-5-13TA), filed September 25, 1980. Applicant: TRANS-STATE LINES, INC., 633 Main Street, Van Buren, AR 72956. Representative: Larry C. Price, P.O. Box 1486, Van Buren, AR 72956. *Stoves; heating and air conditioning equipment; and materials, equipment and supplies used in the manufacture and distribution thereof; Between Wichita, KS; Chattanooga, TN and Fort Smith, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: John Lynn Company, P.O. Box 1804, Fort Smith, AR 72902.*

MC 149408 (Sub-5-1TA), filed September 24, 1980. Applicant: PALTEX TRANSPORT CO., P.O. Box 296, Palestine, TX 75801. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Containers, container accessories, and closures from the facilities of Kerr Glass Corporation at Sand Springs, OK, Arlington, TX and Waxahachie, TX to all points in the U.S. (except AK and HI); materials, equipment and supplies, except in bulk, used in the manufacture, sale or distribution of containers, container accessories and closures, from points in the U.S. (except AK and HI) to the facilities of Kerr Glass Corporation at Sand Springs, OK, Arlington, TX and Waxahachie, TX. Supporting shipper: Kerr Glass Manufacturing Corp., Sand Springs, OK.*

MC 149411 (Sub-5-2TA), filed September 23, 1980. Applicant: HEUERTZ TRUCKING, INC., 436 Second Avenue, N.W. (P.O. Box 501), LeMars, IA 51031. Representative: D. Douglas Titus, Titus and Storm, Suite 510, Benson Building, Sioux City, IA 51101. *Malt beverages, between points in IL and WI, on one hand, and points in IA, on the other. Supporting shipper(s): De De Beverage Inc., 2106 East Third Street, Sioux City, IA 51101.*

MC 150425 (Sub-5-2TA), filed September 25, 1980. Applicant: TRANS-CONTINENTAL EXPRESS, INC., P.O. Box D, Clarksville, TX 75426. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Paper and paper articles*, between the facilities of International Paper Co., at on near Cass County, TX; Jefferson County, AR; and De Sota and Morehouse Parishes, LA on the one hand, and on the other, points in AL, CT, GA, IL, IN, KY, MI, MS, NJ, TX, NY, OH, PA, ME, MD, MA, TN, WI, IA, VA, AR and MO. Supporting shipper: International Paper Co., P.O. Box 160707, Mobile, AL 36616.

MC 151843 (Sub-5-1TA), filed September 25, 1980. Applicant: INLAND TRANSPORT, INC., 118 W 9th, Ft. Scott, KS 66701. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Furniture Parts and Components and Accessories, Materials and Supplies Used in the Manufacture and Distribution of Furniture Parts, Components and Accessories (except in bulk in tank vehicles)*, (1) From the Commercial Zones of Carthage, Aurora and Springfield, MO to the Commercial zones of Portland, OR; Clearfield, UT; Denver, CO; Phoenix, AZ; Seattle, WA and points in CA and TX. (2) From the Commercial zone of Los Angeles, CA to points in the Commercial Zones of Portland, OR; Seattle, WA; Clearfield, UT and Phoenix, AZ. (3) From the Commercial Zone of Simpsonville, KY to the Commercial zones of Los Angeles, CA and Portland, OR. Representative points in CA are Oakland, Los Angeles, San Francisco, Fresno, Richmond and Selma. Representative points in TX are Ennis, Houston, Austin and Dallas. Supporting shipper: Leggett & Platt, Inc., Box 757, Carthage, MO 64836.

MC 151894 (Sub-5-1TA), filed September 25, 1980. Applicant: VENTURE EXPRESS, INC., P. O. box 142, Marion, AR 72364. Representative: Kim G. Meyer, P. O. Box 872, Atlanta, GA 30301. *General commodities (except household goods as defined by the Commission, Classes A & B explosives, and commodities in bulk)*, between Clayton, Cobb, DeKalb, Douglas, Fulton and Gwinnett Counties, GA on the one hand, and on the other, points in KY, IL, IN, MI, OH, Davidson, Rutherford and Shelby Counties, TN and WI. Supporting shippers: Applicant intends to interline.

MC 151961 (Sub-5-1TA), filed September 24, 1980. Applicant: SIRCAP TRANSPORTATION, INC., 6356 Airline Highway, Baton Rouge, LA 70805. Representative: C. R. WALKER, 6356 Airline Highway, Baton Rouge, LA 70805. Contract: Irregular: *Chemicals,*

pulpmill liquids and allied products between the Louisiana Parishes of Washington and West Feliciana on the one hand, and on the other, the 48 states. Supporting shipper: Crown Zellerbach Corporation, P. O. Box 1060, Bogalusa, LA 70427.

MC 151962 (Sub-5-1TA), filed September 24, 1980. Applicant: INTERNATIONAL CHEMICALS, INC., Route 3 Box 270, Mt. Pleasant, TX 75455. Representative: Pat Davenport (same as applicant). Contract: Irregular. (1) *Salt* (2) *Dogfood* (3) *Can Goods* (1) from: Jefferson Island, LA, to Mt. Pleasant, TX (2) from: Oklahoma City, OK, tupelo, MS, Red Bay, AL, to Mt. Pleasant, TX (3) from: Forbes Air Base, Topeka, KS, to Mt. Pleasant, TX Supporting shipper: The Presley Co., P.O. Box 1238, Mt. Pleasant, TX 75455; Mt. Pleasant Poultry Company, 812 N. Washington, Mt. Pleasant, TX 75455.

MC 151978 (Sub-5-1TA), filed September 25, 1980. Applicant: ASSOCIATED VAN AND STORAGE CO., INC., 2421 Jefferson, Lawton, OK 73505. Representative: Kenneth M. Hughen, 111 Camelot Drive, Lawton, OK 73501. *Used household goods, personal effects, and baggage* between points in Comanche County, OK on the one hand, and, on the other, points in Caddo, Carter, Garvin, Grady, Kiowa, McClain, Murry, and Stephens Counties, OK. Restricted to transportation of shipments having prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. Supporting shipper: Paramount Forwarders, Inc. 3164 Springfield, DeSoto, TX 75115.

MC 144622 (Sub-5-49TA), filed September 15, 1980. Applicant: REPUBLICAN, GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *Paints, varnishes, NOI, chemicals, NOI, petroleum and cleaning, scouring, NOI, and store displays, KDF* from Montgomery County and Philadelphia County, PA and Baltimore County, MD to the states of CA, AR, TX, LA, and OK. Supporting shipper: Krylon Dept., Borden Chemical, Ford & Washington Sts., Norristown, PA 19404.

MC 29910 (Sub-5-51TA), filed September 26, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber, P.O. Box 48, Fort Smith, AR 72901. *Clay*

products, materials, supplies and equipment used in the manufacture, sale and distribution of clay products, between Lonoke County, AR, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Elam, Inc., Highway #130 North, England, AR 71601.

MC 47583 (Sub-5-14TA), filed September 26, 1980. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kansas 66115. Representative: D. S. Hulst, P.O. Box 225, Lawrence, Kansas 66044. *Such commodities that are dealt in or used by automotive supply and household appliance stores*, Between Delaware County, OH; Baltimore County, MD; Gaston County, NC; Duval County, FL; Hinds County, MS; Bell County, TX; Saline County and Wyandotte County, KS; Los Angeles County, CA; Jackson County, MO; Cook County, IL; Shelby County, TN; and Hudson County, NJ, on the one hand and on the other points in the United States. Supporting shipper: Western Auto Supply Company, 2107 Grand Avenue, Kansas City, Missouri 64108.

MC 89723 (Sub-5-1TA), filed September 26, 1980. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th Street, St. Louis, MO 63103. Representative: Michael Thompson, Attorney, 210 N. 13th Street, St. Louis, MO 63103. *General Commodities (except those at unusual value, Class A & B explosives, household goods as described by the Commission and those which require the use of special equipment)* between all points in the states of AR, MO, KS, CO, OK, NE, LA, TX, IL, TN, MS, and NM, on the one hand, and all points in the States of AR, KS, MO, CO, TX, NE, IA, IL, IN, KY, TN, AL, MS, OK, NM, AZ, OH, and LA on the other, on all traffic having a prior or subsequent railroad movement. Applicant intends to interline. Supporting shipper: Greater South Traffic Service, Inc., 2300 Canton Street, Dallas, TX 75207.

MC 113651 (Sub-5-25TA), filed September 26, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., 10838 Old Mill Road, Suite 4, Omaha, NE 68154. Representative: James F. Crosby, James R. Crosby & Associates, Oak Park Office Bldg., Suite 210B, 7363 Pacific St., Omaha, NE 68114. *Glass and glass products*, from Gas City, IN to Lake Wales, FL. Supporting shipper: Glass Containers Corporation, 1301 S. Keystone Avenue, Indianapolis, IN 46207.

MC 125470 (Sub-5-1TA), filed September 26, 1980. Applicant: MOORE'S TRANSFER, INC., P.O. Box

1151, Norfolk, NE 68701. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Salt and salt products* from the facilities of Lake Crystal Salt Co., a subsidiary of Processed Minerals, Inc., at or near Saline and Ogden, UT, to points in the States of ND, SD, NE, KS, MN, IA, MO, WI, IL. Supporting shipper: Processed Minerals, Inc., P.O. Box 459, Hutchinson, KS 67501.

MC 126822 (Sub-5-27TA), filed Sept. 26, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, Kansas 66061. Representative: John T. Pruitt (same as applicant). *Malt beverages*, from Laredo, TX, to Bayonne, NJ, Chicago, IL, and Milwaukee, WI. Supporting shipper: All Brand Importers, P.O. Box 67 99 Powerhouse Road, Roslyn Heights, New York 11577.

MC 138104 (Sub-5-5TA), filed Sept. 26, 1980. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Kiln dust, in bulk, in tank vehicles*, from McLennan and Ellis County, TX to Calcasieu Parish, LA. Supporting shipper: Solididust, Inc., 8114 Misty Vale, Houston, TX 77075.

MC 141914 (Sub-5-15TA), filed Sept. 26, 1980. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks, same as applicant. *Food supplements, cleaning compounds, candy, vitamins, cosmetics, plastic articles and printed matter* between points in the US (Except AK & HI). Restricted to shipments for Shaklee Corporation. Supporting shipper: Shaklee Corporation, 444 Market Street, San Francisco, CA 94111.

MC 142508 (Sub-5-43TA), filed Sept. 26, 1980. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 37465, Omaha, Nebraska 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, Nebraska 68137. *Antifreeze, petroleum and petroleum products, coal tar products, vehicle body sealer, sound deadener, caulking, glazing, and cleaning compounds, and such materials, equipment, and supplies used in the manufacture, sale, and distribution of such commodities (except in bulk, in tank vehicles)* between Olathe and Wichita KS; Omaha, NE; and Spencer, IA on the one hand, and on the other, points in the U.S. Supporting shipper: Witco Chemical Corporation, Post Office Box 1974, Olathe, Kansas 66061.

MC 144622 (Sub-5-51TA), filed Sept. 26, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little

Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *Foodstuffs (except in bulk)*, between the facilities of Mid-Continent underground storage at or near Bonner Springs, KS, on the one hand, and, on the other, Atlanta, GA; Charleston, WV; Cincinnati, OH; Columbus, OH; Cleveland, OH; Detroit, MI; Ft. Wayne, IN; Grand Rapids, MI; Houston, Dallas, and San Antonio, TX; Indianapolis, IN; Little Rock, AR; Louisville, KY; Memphis, TN; Nashville, TN; St. Louis, MO; Peoria, IL; Roanoke, VA; and Los Angeles, CA. Supporting shipper: Kroger Company, 1014 Vine Street, Cincinnati, OH 45201.

MC 145802 (Sub-5-2TA), filed Sept. 26, 1980. Applicant: RONALD E. REED, Triple R Trucking, RFD, Laurens, IA 50554. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Frozen concentrates and canned juices*, from points in FL to points in IA. Supporting shipper(s): M. & J. R. Hakes, Inc., 210 N. 1st Street, Laurens, IA 50554; The Holmes Company, 931 Badgerow Bldg., Sioux City, IA 51101.

MC 146457 (Sub-5-1TA), filed Sept. 26, 1980. Applicant: PAISLEY TRUCKING, INC., P.O. Box 208, Durango, IA 52309. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Malt beverages*, from the facilities of Joseph S. Pickett & Sons, Inc., at Dubuque, IA, (1) to the facilities of Berk Distributing Co. at Chicago, IL; Associated Beverage at Lockport, IL; and Gorski Distributing Co. at Lemont, IL; and (2) to points in MO and points in the East St. Louis, IL commercial zone. Supporting shipper(s): Joseph S. Pickett & Sons, Inc., East 4th Street Extension, Dubuque, IA 52001.

MC 146457 (Sub-5-2TA), filed Sept. 26, 1980. Applicant: PAISLEY TRUCKING, INC., P.O. Box 208, Durango, IA 52309. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Empty cans and lids*, from the facilities of Chicago National Can at Chicago, IL to the facilities of Joseph S. Pickett & Sons, Inc. at Dubuque, IA. Supporting shipper(s): Joseph S. Pickett & Sons, Inc., East 4th Street Extension, Dubuque, IA 52001.

MC 147196 (Sub-5-13TA), filed Sept. 26, 1980. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse, P.O. Box 50262, New Orleans, LA 70150. Contract; Irregular. *Rust Preventatives and Allied Products (Except in Bulk)* between Jefferson Parish, LA, on the one hand and, on the other, points in the U.S. except AK and HI, under a continuing contract or contracts with Bulk

Chemicals, Inc., Gretna, LA Supporting shipper: Bulk Chemicals, Inc., 80 First Street, Gretna, LA 70053.

MC 147267 (Sub-5-1TA), filed Sept. 26, 1980. Applicant: GORDON TRANSFER, INC., P. O. Box 157, Gordon, NE 69343. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. Contract, irregular: *Agricultural implements and parts and accessories for agricultural implements* from Waterloo, Des Moines, Ottumwa, Dubuque, IA and Moline, IL to Gordon, NE, under a continuing contract with Modern Farm Equipment, Inc. Supporting shipper(s): Modern Farm Equipment, Inc., 509 South Main, Gordon, NE 69343.

MC 150425 (Sub-5-3TA), filed September 26, 1980. Applicant: TRANS-CONTINENTAL EXPRESS, INC., P.O. Box D, Clarksville, TX 75426. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Paper, paper articles and plastic articles*, between the facilities of Scott Paper Co. in ME, MI, IL, NY, PA, OH, DE, WI, NJ and IN on the one hand, and on the other, points in AL, AR, CT, DE, GA, IL, IN, IA, KY, LA, MD, MA, MI, MS, MOM NJ, NY, OH, PA, TN, TX, VA, WI and ME. Supporting shipper: Scott Paper Company, Scott Plaza 1, Philadelphia, PA 19113.

MC 150425 (Sub-5-5TA), filed. Applicant: TRANS-CONTINENTAL EXPRESS, INC., P.O. Box D, Clarksville, TX 75426. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Zinc dust, dross and skimmings*, between the facilities of Southern Zinc Company, Fulton County, GA on the one hand, and on the other, points in AL, MS, LA, TX, OK, AR, MO, TN, OH, NC, SC, VA, PA, NJ, FL and RI. Supporting shipper: Southern Zinc Co., 1359 Central Ave., East Point, GA 30344.

MC 151649 (Sub-5-1TA), filed September 26, 1980. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. Contract, irregular, *commodities distributed by retail stores*, from Polk County, IA to IA, MN, NE & SD. Supporting shipper: Super Value Stores, Des Moines Division, 3900 N.W. 106th., Des Moines, IA 50322.

MC 151849 (Sub-5-1TA), filed September 26, 1980. Applicant: CALDWELL TRUCKING SERVICE, INC., P.O. Box 316, Imboden, AR 72434. Representative: James Caldwell, President, P.O. Box 316, Imboden, AR 72434. Contract; Irregular. *Fertilizer ingredients, in bulk, in dump trailers*, between points in the United States serving facilities of Frits Industries, P.O.

Box 850, Ozark, AL 36360. Supporting shipper: Frits Industries, P.O. Box 850, Ozark, AL 36360.

MC 151999 (Sub-5-1TA), filed September 26, 1980. Applicant: EAGLE LINE HAULING, INC., Highway 10 West, Orange City, IA 51041. Representative: D. Douglas Titus, Titus and Storm, Suite 510, Benson Building, Sioux City, IA 51101. *Machinery and Supplies*, between points in IA, IL, IN, KS, MN, MO, NE, ND, OH, OK, SD, TX, and WI. Supporting shippers: Northwest Implement Co., Highway 10 West, Orange City, IA 51041; Sioux County Implement Inc., Hwy. K-64 S., Orange City, IA 51041; Van Beek Implement Inc., Rt. 4, LeMars, IA 51031; Van Beek, Inc., 1433 N. Main St., Sioux Center, IA 51250; and Walker's Ditching & Contracting, Inc., 426 2nd Ave., N.W., LeMars, IA 51031.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 143154 (Sub-6-3 TA), filed September 22, 1980. Applicant: A & S TRUCKING, P.O. Box 4027, Missoula, MT 59801. Representative: Charles A. Murray, Jr., 2822 Third Avenue North, Billings, MT 59101. *Agricultural Chemicals including Herbicides, Pesticides, Fungicides and Industrial Chemicals and such items as are used in the manufacture and packaging of the above named commodities* between points in MT on the one hand and points in WA, OR, CA, NV, UT, ID, WY, CO, ND, SD, NB, KS, MN, IA, and WI on the other, for 270 days. Supporting shipper: Falls Chemicals Inc., P.O. Box 2345, Great Falls, MT 59403.

MC 150891 (Sub-6-1 TA), filed September 22, 1980. Applicant: COMMERCIAL TRANSFER MOVING & STORAGE CO., 901 East Glendale Ave., Sparks, NV 89431. Representative: Glade L. Hall, 777 West Second St., Suite 250, Reno, NV. *General Commodities* (Group 51), in TOFC trailers, having prior or subsequent movement by rail, between Washoe County, NV and points in NV, for 270 days. Supporting shipper: Clipper Express Company, 3401 W. Pershing Road, Chicago, IL 60632.

MC 42487 (Sub-6-32 TA), filed September 22, 1980. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier, 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 the facilities of North Central Plastics, Inc., at or near Ellendale, MN, as an off-route point in connection with carrier's otherwise authorized regular route operations, for 270 days. Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will be tacked or joined, as an off-route point, with authority presently held in Docket No. MC 42487 Sub 578. The Sub 578 authority, in turn, will be joined with other authority presently held by Applicant at such points as Boston, MA, Buffalo, NY, Chicago, IL, Cincinnati, OH, Des Moines, IA, Louisville, KY and St. Louis, MO to permit service to and from points throughout the United States. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): North Central Plastics, Inc., P.O. Box 248, Ellendale, MN 56026.

MC 42487 (Sub-6-33TA), filed September 22, 1980. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier, regular routes: General commodities, (except those of unusual value, Classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)*, serving the facilities of Atlantic Electric, at or near Pleasantville, Cologne, Hammononton and Atlantic City, NJ, the facilities of Taylor Supply Company, at or near Pleasantville, NJ, and the facilities of Spencer Gifts, Inc., at or near Somers Point, Hammononton, Atlantic City and Pleasantville, NJ, as off-route points in connection with carrier's otherwise authorized regular route operations, for 270 days. Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will be tacked or joined, as off-route points, with authority in Docket No. MC 42487 Sub 578. The Sub 578 authorities, in turn, will be tacked or joined with other present authorities of Applicant at such points as Buffalo, NY, Cincinnati, OH, Detroit, MI, Chicago, IL, Minneapolis, MN, Des Moines, IA and St. Louis, MO, to permit service to and from points throughout the United States. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points

throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): Atlantic Electric, Blackhorse Pike and Fire Road, Pleasantville, NJ, Taylor Supply Company, 744 W. Delilah Road, Pleasantville, NJ, Spencer Gifts, Inc., 1050 Blackhorse Pike, Pleasantville, NJ.

MC 42487 (Sub-6-34TA), filed September 25, 1980. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier, regular route: 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)*, serving the facilities of TPI-Topri Corp., Inc., at or near Peachtree City, GA, as an off-route point in connection with carrier's authorized regular route operations, for 270 days. Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will be tacked or joined, as an off-route point, with authority held in Docket No. MC 42487 Sub 744 and Docket No. MC 42487 Sub 872, and authority which will be authorized in Docket No. 42487 Sub 980F. These authorities, in turn, will be tacked with other present authorities of Applicant at such points as Atlanta, GA, New Orleans, LA, Birmingham, AL and Cincinnati, OH, to permit service to and from points throughout the United States. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States, as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): TPI-Topri Corp., Inc., 350 Dividend Drive, Peachtree City, GA 30269.

MC 144606 (Sub-6-2TA), filed September 22, 1980. Applicant: DUNCAN & SON LINES, INC., 714 E. Baseline, Buckeye, AZ 85326. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012. *Apparel or other finished textile products or knit material and textile mill products*, between Buckeye, AZ and Los Angeles County, CA for 270 days. Supporting shipper: Deena, Inc. (Buckeye Industries), 301 Centre Ave., Buckeye, AZ 85326. An underlying ETA seeks 120 days authority.

MC 124679 (Sub-6-30TA), filed September 23, 1980. Applicant: C.R. ENGLAND & SONS, 975 West 2100

South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same as applicant). *Foodstuffs*, from Santa Cruz and Monterey Counties, CA, to points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Valley Packing Service, Inc., 310 Walker Street, Watsonville, CA 95076.

Note.—Applicant holds motor contract carrier authority in number MC 128813 and sub numbers thereunder, therefore dual operations may be involved.

MC 124679 (Sub-6-31TA), filed September 24, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Michael L. Bunnell (same as applicant). *Various paper products including tissue, towels, napkins, facial tissues and baby wipes*, from Everett, WA to points in UT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Scott Paper Company, 366 South 500 East Suite 203, Salt Lake City, UT.

Note.—Applicant holds motor contract carrier authority in number MC-128813 and sub numbers thereunder, therefore dual operations may be involved.

MC 151957 (Sub-6-1TA), filed September 22, 1980. Applicant: J. J. STREIBICK and A. NEIL DeATLEY, d.b.a. EXCEL TRANSPORT, Box 775, Lewiston, ID 83501. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. *Contract Carrier: Irregular Routes: Wood chips, sawdust, shavings, mixed loads of sawdust and shavings, plywood trim, hog fuel, and sawmill refuse*, between points in ID north of the southern boundary of Idaho County and points in WA and OR east of the Cascade Mountains, for 270 days. Supporting shipper: Potlach Corporation, P.O. Box 1016, Lewiston, ID 83501.

MC 151958 (Sub-6-1TA), filed September 22, 1980. Applicant: FAR WEST TRUCKING, INC., 1067 Shell Bldg., Foster, CA 94404. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract carrier: Irregular routes: Apparel, or other finished textile products or knit apparel*, from Los Angeles County, CA to Maricopa County, AZ, for the account of Kmart Apparel Corporation for 270 days. Supporting shipper: Kmart Apparel Corporation, 7373 Westside Ave., No. Bergen, NJ 07047.

MC 147345 (Sub-6-1TA), filed September 22, 1980. Applicant: GRANT A. TOWLE, RICHARD W. TOWLE and IRENE W. TOWLE, d.b.a. FREXCO, 10643 Everest Street, Norwalk, CA. Representative: Grant A. Towle (same

as applicant). *Contract Carrier, Irregular routes: (1) Furniture and Household appliances and (2) Tires, Tubes and Wheels*, between points and places in the United States excluding AK and HI, for the account of (1) Bedderest and (2) Hercules Tire Sales of Southern California, for 270 days. Supporting shipper(s): (1) Bedderest, 14560 Midway Rd., Dallas, TX 75240; (2) Hercules Tire Sales of Southern California, 6150 Van Nuys, CA 91401.

MC 263 (Sub-6-2TA), filed September 24, 1980. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green (same as applicant). *Common Carrier, Regular routes: General commodities*, except those of unusual value, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Houston and Dallas, TX, serving no intermediate points but serving points in the Houston Commercial Zone and serving Dallas for purpose of interline and interchange only with Braves Truck Lines, Inc., from Houston over Interstate Hwy 45 to Dallas, and return over the same route, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: There are 22 shippers. Their statements may be examined at the Regional office listed.

MC 125952 (Sub-6-4TA), filed September 22, 1980. Applicant: INTERSTATE DISTRIBUTOR CO., P.O. Box 99307, Tacoma, WA 98499. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. *Contract carrier: Irregular routes: Paper, paper products and wood pulp* from the facilities of Boise Cascade Corp. at Salem and St. Helens, OR to points in WA, for 270 days. Supporting shipper: Boise Cascade Corp., P.O. Box 2885, Portland, OR 97208.

MC 151929 (Sub-6-1TA), filed September 22, 1980. Applicant: INTERSTATE DRAYING CO., 8311 Durango, S.W., Tacoma, WA 98499. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. *Contract carrier: Irregular routes: (1) Paper and paper articles and (2) materials, supplies and equipment used in the manufacture, sale and distribution of paper and paper articles*, between the facilities of the Weyerhaeuser Company in Multnomah County, OR, on the one hand, and, points in WA and ID, on the other hand, for 270 days. Supporting shipper: Weyerhaeuser Company, Tacoma, WA 98401.

MC 43685 (Sub-6-1TA), filed September 22, 1980. Applicant: MERCER

TRUCKING COMPANY, INC., P.O. Box 11585, Spokane, WA 99211. Representative: Marshall Hanning (same as applicant). *Lumber, veneer, forest products, building materials, beams, girders, trusses, contractor's equipment, machinery, incidental equipment and accessories*, between points in WA, OR, ID, MT, and the international boundary with British Columbia, including items having prior or subsequent shipment by water, *Iron and steel articles*, between points in Clark, King, Pierce, Snohomish, and Spokane counties, WA; Clackamas, Multnomah, Washington, and Yamhill counties, OR; and Kootenai County, ID; on the one hand, and points in WA, OR, ID, MT, and the international boundary with British Columbia, on the other hand; including items having prior or subsequent shipment by water, for 270 days. Supporting shippers: There are 19 shippers. Their statements may be examined at the Regional Office.

MC 127690 (Sub-6-3TA), filed September 22, 1980. Applicant: MONTANA TRANSPORT COMPANY, P.O. Box 860, Jerrie Lane, Billings, MT 59103. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58502. *Salt*, in bulk, from points in UT, to points in MT, for 270 days. Supporting shipper(s): Packers Hide Company, 420 N. 16th St., Billings, MT 59103.

MC 1977 (Sub-6-6TA), filed September 22, 1980. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. *Common Carrier, regular routes: General Commodities (except household goods as defined by the Commission)*; between Phoenix, AZ and San Francisco, CA. (1) From Phoenix, AZ over U.S. Hwy 93 to Henderson, NV, then over U.S. Hwy 95 to Fallon, NV, then over alternate U.S. Hwy 50 to the junction of I-80, then over I-80 to San Francisco and return; serving Las Vegas, NV and Oakland, CA as intermediate points; and (2) from Phoenix, AZ over U.S. Hwy 93 to Kingman, AZ, then via I-40 to Barstow, CA, then via CA Hwy 58 to the junction I-5, then via I-5 to its junction with I-580, then via I-580 to junction I-80 and then over I-80 to San Francisco and return serving Oakland, CA as an intermediate point; for 270 days. There are 28 shippers. Their statements may be examined at the Regional office listed. Authorization is requested to serve commercial zones of all service points and to tack the above-named authority with MC-1977 and Subs. thereto. An underlying ETA seeks 120 days authority.

Note.—Applicant states that authority is already held to serve the requested points and the present application is to achieve fuel savings and accomplish efficiencies through the use of more direct routes.

MC 135562 (Sub-6-1TA), filed September 22, 1980. Applicant: O.C.C., INC., 2214 4th Ave. So., Seattle, WA 98134. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier*, irregular routes: *Automotive springs, suspensions, and brake assemblies, wheels and wheel attaching parts, and parts for motor vehicle chassis and motor vehicle under carriages* between Sedalia, MO, Detroit, Jackson and Romulus, MI, Elkhart, IN, Rockford, IL, Davenport, IA, Milwaukee, WI, and their commercial zones, on the one hand, and points in the United States on the other, under a continuing contract or contracts with Kelsey-Hayes, for 270 days. Supporting shipper: Kelsey-Hayes Co., 38481 Huron River Drive, Romulus, MI 48174.

MC 141532 (Sub-6-11TA), filed September 22, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Highway, Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Road, Salt Lake City, UT 84104. (1) *Food processing machinery, and parts and equipment for food processing machinery*, from Madera County, CA to points in the United States (except AK and HI), and (2) *equipment, material and supplies used in the manufacture of food processing machinery*, from points in the United States (except AK and HI) to Madera County, CA for 270 days. Supporting shipper: FMC Corporation, 2300 Industrial Avenue, Madera, CA 93639.

MC 151359 (Sub-6-1TA), filed September 22, 1980. Applicant: PAC-WEST CARRIERS, INC., P.O. Box 873, Los Alamitos, CA 90720. Representative: Miles L. Kavaller, 315 So. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract carrier*, irregular routes: *General commodities*, (except household goods as defined by the Commission and classes A and B explosives) between points in CA, CT, IL, IN, MI, NY, NJ, OH, PA, RI and TX, for the account of ABC-Trans National Transport, Inc./Acme Fast Freight, Inc., for 270 days. Supporting shippers: ABC-Trans National Transport, Inc., Acme Fast Freight, Inc., 2110 Alhambra Avenue, Los Angeles, CA 90031.

MC 150502 (Sub-6-2TA), filed September 23, 1980. Applicant: REBANDA TRANSPORTATION, INC., 2323 Madrone Ave., Healdsburg, CA 95448. Representative: Ronald C.

Chauvel, 100 Pine St. # 2550, San Francisco, CA 94111. *Contract carrier*, irregular routes: (1) *Musician's equipment, materials and supplies, and show materials* used in connection with concerts presented by shipper between all points in the U.S. except (AK and HI) under continuing contracts with B H Associates Inc. An underlying ETA seeks 120 days authority. Supporting shipper: B. H. Associates, P.O. Box 1964, Houston, TX 77024.

MC 113658 (Sub-6-4TA), filed September 23, 1980. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport Street, Commerce City, CO 80022. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. *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), which are at the time moving on bills of lading of freight forwarders under Part IV of the Interstate Commerce Act. From the Commercial Zone of New York, NY to the commercial zones of Chicago, IL, Dallas, TX, Minneapolis, MN, and Oklahoma City, OK for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Interstate Express, Inc., 120 Apollo St., Brooklyn, NY.

MC 138875 (Sub-6-23TA), filed September 22, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same address as applicant). *Alcoholic beverages* (except commodities in bulk, from Newark, NJ, Lawrenceburg, IN, Detroit, MI, Philadelphia, PA, Owensboro, Louisville, Frankfort and Clermont, KY, Jacksonville, FL and Lynchburg, TN to Boise, ID, for 270 days. Supporting shipper(s): Mike McAllister, Superintendent, State of Idaho Liquor Dispensary, P.O. Box 59, Boise, ID 83707.

MC 138875 (Sub-6-24TA), filed September 23, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same address as applicant). *Filters* (except commodities in bulk), from Sandusky, OH and St. Louis, MO to Boise, ID, Salt Lake City, UT and Spokane, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): William F. Winkle, president, Westco, Inc., 410 So. Orchard Street, Suite 116, Boise, ID 83705.

MC 151943 (Sub-6-1TA), filed September 23, 1980. Applicant: STRICKLAND UNLIMITED SERVICE, 3072 22nd Ave., Oakland, CA 94602.

Representative: James E. Strickland (same as applicant). *Contract carrier*, irregular routes: *Such commodities as are dealt in by hardware stores, drug stores, discount houses, wholesale & retail grocery & food business houses (except frozen commodities & commodities in bulk) and, material & supplies used in the manufacture thereof*, between the Clorox facilities located in Fairfield, Oakland, San Leandro, Elk Grove, Stockton, CA and Springfield, OR on the one hand, and, on the other, points in CA, OR & WA, for the account of The Clorox Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Clorox Company, 1221 Broadway, Oakland CA 94612.

MC 148737 (Sub-6-7TA), filed September 23, 1980. Applicant: SUNSET EXPRESS CORP., P.O. Box 27153, Salt Lake City, UT 84125. Representative: Carl I. Sundaus (same as applicant). *Ore* (in bulk) from Lander County, NV to Lindon and Salt Lake City, UT, for 270 days. Supporting shippers: Nevada Barite Inc., and Edgar-Morgan Mines, Inc., Battle Mountain, NV 89820.

MC 151951 (Sub-6-1TA), filed September 23, 1980. Applicant: TACOMA HAULING CO., 19060 Frager Rd., Kent, WA 98031. Representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. *Contract carrier*, irregular routes: *Feed, feed ingredients, feed supplements and seed* between points in WA, OR, ID, CO, UT, CA, and MT, under contract or continuing contracts with A. R. Smith & Co., Inc., for 270 days. Supporting shipper: A. R. Smith & Co., Inc., 919 Houser Way, North, Renton, WA 98055.

MC 142909 (Sub-6-2TA), filed September 25, 1980. Applicant: TIMBER TRUCKING, INC., 35 South 6th West St., Salt Lake City, UT 84101. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84101. *Iron and steel pipe*, from Portland, OR to Durango, CO and Las Vegas, NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Beall Pipe, Inc., 12005 N. Burgard Ave., Portland, OR 97203.

MC 151586 (Sub-6-3TA), filed September 19, 1980. Applicant: TRANSPORTATION UNLIMITED OF CALIFORNIA, 2639 South Soto, Los Angeles, CA 90023. Representative: Scott T. Robertson, P.O. Box 81849, Lincoln, NE 68501. *Meats, meat products and meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Motor Carrier Certificates 61 M.C.C. 209 and 766* (except hides and commodities in

bulk) from Tolleson, AZ and points within its commercial zone to the facilities of Jobbers Meat Packing Company, Inc. at or near Vernon, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Jobbers Meat Packing Company, Inc. 4820 Everett Avenue, Vernon, CA 90058.

MC 151969 (Sub-6-1TA), filed September 24, 1980. Applicant: K & N, INC., d.b.a. TRANS-WESTERN TANK LINES, 1180-19 Road, Fruita, CO 81521. Representative: Maurice J. Harmon, 2808 North Avenue, Suite 400, Grand Junction, CO 81501. (1) *Petroleum Products*, from all points in the U.S. to all points in the U.S., for 270 days. Supporting shipper: KMOCO Oil Company, Inc., P.O. Box 1889, Grand Junction, CO 81502.

MC 129480 (Sub-6-3TA), filed September 22, 1980. Applicant: TRI-LINE EXPRESSWAYS LTD., P.O. Bag 1212, Stn. T, Calgary, Alberta, Canada T2H 2J1. Representative: Richard S. Mandelson, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. *Lumber*, on the International Boundary Line between the United States and Canada at ND and MN to KY, WV and VA, for 270 days. Supporting shipper: B & L Lumber Company, 9919 Fairmont Dr., Calgary, Alberta, Canada T2J 0S2.

MC 147315 (Sub-6-6TA), filed September 22, 1980. Applicant: TRIWAYS, INC., 2455 E. 27th St., Los Angeles, CA 90058. Representative: William Davidson, P.O. Box 58408, Los Angeles, CA 90058. *Contract Carrier*, irregular routes; *Wearing apparel, on hangers, loose and or in mixed loads with wearing apparel in packages*, from Los Angeles CA, Los Angeles CA Commercial Zone and Rosemead, CA to Portland, OR and Seattle, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Montgomery Ward, 3600 Rosemead Blvd., Rosemead, CA 91770.

MC 139960 (Sub-6-2TA), filed September 22, 1980. Applicant: WPX FREIGHT SYSTEM, INC., 526 Mission Street, San Francisco, CA 94105. Representative: Stephen T. Rudman (same as applicant). *General commodities* (except used household goods or Classes A and B explosives; between Salt Lake City, UT and all points in the State of Utah for 270 days, restricted to traffic having a prior or subsequent movement on the lines of the Western Pacific Railroad or its subsidiaries. Supporting shippers: There are 40 shippers. Their statements may be examined at the Regional Office listed.

MC 151611 (Sub-6-2TA), Filed September 8, 1980. Applicant: WAYFARE TRUCKING, INC., 725

Industrial Way, Port Hueneme, CA 93041. Representative: Ronald C. Chauvel, 100 Pine St. #2550, San Francisco, CA 94111. *Contract Carrier*, irregular routes: *metals, wax, binder and sand*, from Andersonville, GA; Ashland, MA; Mamaroneck, NY; Niagara Falls, NY; Utica, NY; Greenville, TN; and Chicago, IL to Los Angeles, CA and Portland, OR; under continuing contract(s) with Remet Corporation for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Remet Corporation, 16511 Knott Ave., La Mirada, CA 90638.

MC 117786 (Sub-6-21TA), filed September 22, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. (1) *Paper bags from Terrell, TX to the facilities of The Kroger Co. at St. Louis MO*, and (2) *Cookies from the facilities of the Kroger Co. at St. Louis MO to points in OH, IN, KY, VA, WV and TN*, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Kroger Co., 1014 Vine St., Cincinnati, OH 45201.

MC 151970 (Sub-6-1TA), filed September 24, 1980. Applicant: HENRY C. WILKEY, d.b.a., WILKEY AND SONS TRUCKING, 6156 Oliva Ave., Lakewood, CA 90712. Representative: Henry C. Wilkey (same as applicant). (1) *Buildings, Building Parts and Materials used therein*, and (2) *Machinery and Parts thereof*, Between: Points in the State of CA, on the one hand, and, on the other, points in the States of WA, OR, NV, CA, AZ, NM, TX, for 270 days. Supporting shipper(s): Bender Machine, Inc., 2150 E. 37th St., Vernon, CA 90058; Aircoustic Wall Mfg. Co., Inc., 8140 E. Rosecrans Ave., Paramount, CA 90723; Mark Associates, 439 N. 10th St., San Jose, CA 95112.

MC 143775, (Sub-6-28TA), filed September 22, 1980. Applicant: PAUL YATES, INC., P.O. Box 1059, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). *Food and foodstuffs (except in bulk), and materials and supplies used in the manufacture, sale and distribution thereof*, between Franklin Park, IL, and Denver, CO, on the one hand, and, on the other, points in the United States: (except AK and HI), restricted to traffic originating at or destined to the facilities of Fearn International, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Fearn International, Inc., 9353 Belmont Avenue, Franklin Park, IL 60131.

MC 135866 (Sub-6-2TA), filed September 22, 1980. Applicant: JACK L.

MASSENDER, d.b.a. ZILLAH HAULING SERVICE, 6502 N. Pittsburgh St., Spokane, WA 98207. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier*, irregular routes: *Iron and steel articles* from Geneva, UT, Pueblo, CO; Sacramento and Los Angeles commercial zones, CA, to Spokane, WA; (2) from Spokane, WA, to points in ID in and north of the southern boundary of Idaho and Lemhi Counties, ID, for the account of Artistic Ironworks, Inc., for 270 days. Supporting shipper: Artistic Ironworks, Inc., E. 23rd & Montgomery, Spokane, WA 99207.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-30628 Filed 10-3-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-No. 45F)]

**Baltimore & Ohio Railroad Co.—
Abandonment—Near Mount Airy, in
Frederick and Carroll Counties, Md.;
Findings**

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided September 12, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the present and future public convenience and necessity permit the abandonment by the Baltimore and Ohio Railroad Company and discontinuance of service on the following line of railroad known as: Mt. Airy Branch extending from railroad valuation station 1728+23 to railroad valuation station 1698+90, a distance of 0.56 miles, all at or near Mt. Airy, Frederick and Carroll Counties, MD, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), and further that B&O shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period of 120 days from the decided date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of public convenience and necessity permitting abandonment was issued to the Baltimore and Ohio Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a

decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective November 20, 1980.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-30923 Filed 10-03-80; 8:45 am]
BILLING CODE 7035-01-M

Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed on or before October 27, 1980. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for

consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, The Motor Carrier Board, Members Krock, Williams, and Taylor.

Agatha L. Mergenovich,
Secretary.

MC-FC-78567. By decision of May 1, 1980 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to 9-Way Leasing, Inc., of Compton, CA, of Certificate of Registration No. MC-99991 (Sub-No. 1) issued December 6, 1979, to Pacific Ports Transportation, Inc., of Compton, CA, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Decision No. 62199, dated June 27, 1961, as amended by Decision No. 74082, dated May 8, 1968, and transferred by Decision Nos. 76128 and 88639 dated September 3, 1969, and March 21, 1978, respectively, by the Public Utilities Commission of the State of California. Transferee shall file the following with this Commission's Office of Proceedings (either prior to or concurrently with the consummation of this transfer): (1) a certified copy of the State certificate as reissued to transferee, or—if the State Commission does not reissue the certificate—a certified copy of the State order approving the transfer of the underlying intrastate rights; and (ii) a written notice confirming the date of consummation of that intrastate transaction. Applicant's representative is: Richard Allen Rosenberg, Corporate Counsel, 15760 Ventura Boulevard, Suite 700, Encino, CA 91436. Application for TA has not been filed. Transferee presently holds no authority from the Commission.

MC-FC-78715. By decision of September 10, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to Heights Service, Inc., St. Paul, MN of the portion of Permit No. MC-129351 (Sub-No. 1) issued January 15, 1971 to Van Natta Trucking, Inc., Vespers, WI, authorizing transportation over irregular routes of malt beverages, from St. Paul, MN to Milwaukee, WI, with not transportation for compensation on return except as otherwise authorized. *Restriction:* The

operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Prestwer Beverage, Inc., of Milwaukee, WI, and Tiffany Distributing, Inc., of Milwaukee, WI. Applicant's representative is: Val M. Higgins (for transferee), 1000 First National Bank Bldg., Minneapolis, MN 55402.

MC-FC-78718. By decision of September 6, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to J&G TRUCKING, INC., of Horicon, WI, No. MC-143193 issued April 10, 1978 to JUNEAU TRANSIT, INC., of Manitowoc, WI, authorizing the transportation of (1) *ethyl alcohol*, in bulk, in tank vehicles, from Juneau, WI, to points in Minnesota, Iowa, Indiana, Illinois, and Michigan, and (2) *brewer's yeast*, in bulk, in tank vehicles, from points in Minnesota, Iowa, Indiana, Illinois, and Michigan to Juneau, WI. *Restriction:* The authority granted herein is limited to a transportation service to be performed under a continuing contract(s) with Milbrew, Inc., of Milwaukee, WI. Applicant's representative is: James A. Spiegel, 6425 Odana Road, Madison, WI 53719.

Note.—Transferee has filed for temporary authority.

MC-FC-78719. By decision of September 12, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Tom Brink's Moving & Storage, Inc., of Yonkers, NY, of Certificate No. MC-117893 issued February 8, 1961 to Gus Malmberg, an individual, doing business as Gus Malmberg Moving & Storage, of Yonkers, NY, authorizing the transportation of *household goods*, as defined by the Commission, between New York, NY and points in Westchester County, NY, on the one hand, and, on the other, points in New York, Maine, New Hampshire, Massachusetts, Connecticut, New Jersey, and Pennsylvania. Applicants' representative is: Alvin Altman; Attorney: Brodsky, Linett, Altman, Schechter, and Reicher; 888 Seventh Avenue; New York, NY 10106.

Note.—TA has not been filed. Transferee presently holds no authority from the Commission.

MC-FC-78723. By decision of September 3, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to FURNITURE TRANSPORT, INC., of Phoenix, AZ, a portion of the operating rights awarded to ROADWAY EXPRESS, Inc., of Akron,

OH, in MC-F-13067, authorizing the transportation of (A) *Uncrated new furniture*, over regular routes, as summarized, 1. Between Desert Center, CA and Hope, AZ serving the intermediate point of Parker, AZ and off-route points within 25 miles of Parker. 2. Between Jct U.S. Hwys 60 and 95, 2 miles east of Blythe, CA, and junction U.S. Hwy 95 and unnumbered CA Hwy, approximately 15 miles west of Earp, CA, serving intermediate points within 25 miles of Parker, AZ. 3. Between Vidal, CA and Jct unnumbered CA Hwys approximately 5 miles west of Earp, CA serving all intermediate points. 4. Between Tucson, AZ, and Nogales, AZ serving all intermediate points. 5. Between Tucson, AZ and Las Cruces, NM serving no intermediate points. 6. Between Mesa, AZ and El Paso, TX serving named intermediate points. 7. Between Gardnerville, NV and June Lake, CA serving all intermediate points, and the off-route points within 8 miles of either side of U.S. Hwy 395 between Gardnerville, NV, and June Lake Junction, CA, and points within 8 miles of June Lake Junction, and Wellington and Sweetwater, NV. 8. Between Sacramento, CA and Gardnerville, NV serving all intermediate points except those on U.S. Hwy 40 west of Reno, NV; and serving the off-route points of Virginia City and Stewart, NV, and those within 8 miles and north of Gardnerville, NV. 9. Between Gardnerville, NV and Markleeville, CA serving all intermediate points and the off-route points within 12 miles of Markleeville. 10. Between Blythe, CA and Midland and Palo Verde, CA serving all intermediate points; and off-route points within 10 miles laterally of U.S. Hwy 60 between the CA-AZ State line and a point 15 miles west of Blythe. 11. Between Las Cruces, NM and El Paso, TX serving no intermediate points. 12. Between Los Angeles Harbor, CA and Sacramento, CA serving all intermediate points. 13. Between Fresno, CA and Oakland, CA serving no intermediate points. 14. Between San Francisco and San Jose, CA, serving all intermediate points. 15. Between San Jose, and Oakland, CA serving no intermediate points. 16. Between Sunnyvale and Oakland, CA serving no intermediate points. 17. Between Jct U.S. Hwy 50 and CA Hwy 89 south of Lake Tahoe and Camp Richardson, CA, serving all intermediate points and the off-route point of Fallen Leaf, CA. 18. Between the Los Angeles, CA and Tucson, AZ area serving all intermediate points. 19. Between Los Angeles, CA and Yuma, AZ serving all intermediate points

except those named. 20. Between points in Los Angeles, CA and Tucson, AZ serving all intermediate points. 21. Between points in CA and AZ serving all intermediate points. 22. Between points in CA and Reno, NV serving all intermediate points. 23. Between points in Mono and Inyo Counties, CA, located on U.S. Hwy 395 south of June Lake Junction, on the one hand, and, on the other, points in Mono and Inyo Counties within 40 miles of the above-specified portion of U.S. Hwy 395. 24. Between San Bernardino, CA and Jct CA Hwy 58 and Interstate Hwy 15 serving no intermediate points and serving the Jct CA Hwy 58 and Interstate Hwy 15 for purposes of joinder only. 25. Between Jct CA Hwy 58 and Interstate Hwy 15 and Oklahoma City, OK serving no intermediate points and serving Jct of CA Hwy 58 and Interstate Hwy 15 for purposes of joinder only. 26. Between Flagstaff, AZ and Phoenix, AZ serving no intermediate points, but serving Flagstaff for the purpose of joinder only. 27. Between Amarillo, TX and Las Cruces, NM serving no intermediate points, but serving Amarillo for the purpose of joinder only. 28. Between Los Angeles, CA and San Francisco, CA serving all intermediate points and off-route points within 5 miles of the routes. 29. Between Jct CA Hwys 198 and 99 and Fresno, CA serving all intermediate points and off-route points within 5 miles of the routes. 30. Between Bakersfield, CA and Yermo, CA. 31. Between Jct CA Hwys 58 and 14 and Jct CA Hwy 14 and unnumbered Hwy approximately 4 miles west of Inyokern, CA. 32. Between Jct CA Hwy 14 and unnumbered Hwy near Newhall and Solamint, CA, and Saugus, CA. 33. Between Beechers Corners and Inyokern, CA. 34. Between Daggett, CA and Victorville, CA. 35. Between Jct Interstate Hwy 15 and CA Hwy 58 and Jct Interstate Hwy 15 and US Hwy 66. 36. Between Victorville, CA and Palmdale, CA. 37. Between Valyermo, CA and Jct unnumbered county Hwy and CA Hwy 138 near Palmdale, CA. 38. Between Lancaster and Lake Hughes, CA. 39. Between Lancaster, CA and Jct unnumbered Hwy and CA Hwy 58. 40. Between Daggett and Yermo, CA. 41. Between Jct CA Hwy 14 and unnumbered county Hwy near Cantil and Johannesburg, CA. 42. Between Johannesburg and Trona, CA. 43. Between Jct CA Hwy 14 and unnumbered county Hwy approximately 4 miles west of Inyokern, CA, and Jct unnumbered county Hwys east of Ridgecrest, CA located on the Johannesburg-Trona route. 44. Between Jct US Hwy 395 and unnumbered county

Hwy near Rademacher, CA, and Ridgecrest, CA. 45. Between Tehachapi and Cummings Valley, CA. 46. Between Magunden, CA and Jct unnumbered county Hwy and CA Hwy 58. 47. Between Lamont, CA and Jct unnumbered county Hwys near Arvin, CA. Service over the routes 30 through 47 above is authorized to all intermediate points and off-route points within 3 miles on either side of the named highways. 48. Between points in the Greater Los Angeles Territory on the one hand, and, on the other, Bakersfield Territory. 49. Between points in the Greater Los Angeles Territory on the one hand, and, on the other, points in the above-described regular routes. 50. Between points in the Bakersfield, CA Territory. 51. Between points within 10 miles of CA Hwy 14 between Rosamond and Mojave, CA. 52. Between Los Angeles and Atolia, CA serving the intermediate points of Rosamond and Mojave, CA, and those between Mojave and Atolia, CA. 53. Between Jct US Hwy 80 and CA Hwy 111 and Calexico, CA, serving all intermediate points. (B) *Uncrated new furniture*, over irregular routes, from Barstow, CA, to points in Clark County, NV, restricted to the transportation of traffic originating at points in CA, restricted to the following condition: All portions of the general commodity authority awarded to Roadway in MC-F-13067 which are duplicative of the authority being transferred above are restricted against the transportation of uncrated new furniture. Applicants' representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Transferee is a non-carrier. TA has not been filed.

MC-FC-78729. By decision of September 5, 1980, issued under 49 U.S.C. 10927 and the transfer rules at 49 CFR 1132. Review Board Number 5 approved the transfer to Conley Motor Freight, Inc., of Pittsburgh, PA, of Certificate No. MC-37840 issued 3/16/62 to Conley Motor Express, Inc., of Pittsburgh, PA, generally authorizing the transportation of named commodities, including auto tires, household goods, iron and steel products and scrap metals, petroleum, fish, vegetable oils and greases, and seeds, and general commodities (usual exceptions), from, to, and between named points or territories in OH, PA, NJ, NY, OH, and WV, subject to the following conditions: the trustee for transferor must sign the application on behalf of transferor. Applicant's representative is: Carl R. Schiffman, Suite 502 Manor Bldg., Pittsburgh, PA 15219. Transferee holds no authority. TA lease is not sought.

MC-FC-78730. By decision of September 17, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board 5 approved the transfer to J. B. Shortway, Inc., of Jamestown, ND, of Certificate of Public Convenience and Necessity No. MC-114480 issued June 1, 1959 to Jet Base Shortway of Jamestown, ND, authorizing the transportation of passengers and their baggage, and express, newspapers, and mail in the same vehicles with passengers, between Minot and Jamestown, ND, serving all intermediate points. Applicant's representative is: Russel G. Nerison, P.O. Box 1132, Suite 200, Jamestown, ND 58401.

MC-FC-78732. By decision of September 9, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 5 approved the transfer to Wayne Smith d.b.a. Wayne Smith Trucking Company of Piedmont, AL of Permit No. MC-144830F issued March 12, 1979 to Lowell Ford, d.b.a. Ford Trucking Company of Piedmont, AL authorizing the transportation of lumber (except plywood and veneer), from Piedmont, AL, to points in Illinois, Ohio, and Wisconsin, under contract with Willis Lumber Company, of Piedmont, AL. Applicant's representative is: Ralph L. Brooks, P.O. Box 1811, Anniston, AL 36202. TA application has not been filed.

MC-FC-78735. By decision of September 9, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 5 approved the transfer to J. Hall Trucking, Inc. of Plainfield, Indiana, Certificate MC-136573 issued to Morris Jenkins and John Amerman, a partnership, d.b.a. A. J. Trucking, of Clinton, IN, authorizing the transportation of building materials over irregular routes from points in Park, Putnam, Vermillion and Vigo Counties, IN, to points in Edgar County, IL. Applicant is authorized to engage in the above-specified operations. Transferee holds no authority at present from the Commission. Applicant's representative is: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, IN 46204.

MC-FC-78738F, filed August 14, 1980. By decision of September 9, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1151, Review Board Number 5 approved the transfer to B. & R. Motor Express, Inc., Frankfort, NY of (1) Permit No. MC-143820 (Sub-No. 3F) issued July 11, 1979 to Cosmo Balio doing business as Cosmo Balio D. Contract Haulers, of Frankfort, NY authorizing the transportation as a

motor contract carrier, over irregular routes, of *steel plates, steel sheets, and steel coils*, from Gerard, (1) Youngstown, Warren Steubenville, and Cleveland, OH, New Castle, DE, Detroit, MI, and Norman, OK, to the facilities of Bossert Manufacturing Corporation, at Utica, NY; and (2) *steel stampings*, from the facilities of Bossert Manufacturing Corporation, at Utica, NY, to Ashtabula, Newark, Kenton, and Marysville, OH, Winchester, KY, New Castle, DE, Detroit, MI, New Castle, PA, and Norman, OK, under contract with Bossert Manufacturing Corporation, of Utica, NY, and (3) Certificate No. MC-78039, issued August 15, 1961 to Anthony Balio, doing business as B. & R. Trucking Company, of Frankfort, NY, authorizing the transportation, as a motor common carrier, over regular routes, of *general commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Utica, N.Y., and Watertown, N.Y., serving all intermediate points, and the off-route points of Beaver Falls, Gregham, Port Leyden, Castorland, and Glenfield, N.Y.: (a) from Utica over New York Highway 12 to Boonville, N.Y., thence over New York Highway 12D to Lowville, N.Y., and thence over New York Highway 12 to Watertown, and return over the same route, and (b) from Utica to Lowville, N.Y., as specified above, thence over New York Highway 26 to Carthage, N.Y., and thence over New York Highway 3 to Watertown, and return over the same route, and over irregular routes, of (a) *general commodities*, except household goods, as defined by the Commission, other than individual pieces of household furniture, and except explosives, petroleum products in bulk, and commodities requiring refrigeration equipment, from points in New Jersey and Pennsylvania, to Utica, N.Y., and points within 20 miles of Utica, with no transportation for compensation on return except as otherwise authorized, (b) *soft drinks and malt beverages*, from Utica, N.Y., to points in New Jersey and Pennsylvania, with no transportation for compensation on return except as otherwise authorized, (c) *boilers, radiators, and heating equipment and parts thereof*, from Utica and Whitesboro, N.Y., to points in Passaic, Essex, Bergen, Hudson, Union, Somerset, Mercer, Middlesex, and Morris Counties, N.J., and those in Susquehanna, Lackawanna, Luzerne, Columbia, Northumberland, Schuylkill,

Carbon, Northampton, Berks, Philadelphia, Tioga, Bradford, Sullivan, Lycoming, Montour, Wyoming, Wayne, Pike, Monroe, Lehigh, Bucks, Montgomery, Chester, and Delaware Counties, Pa., with no transportation for compensation on return except as otherwise authorized, (d) *granite and monuments*, from Barre, Vt., to Frankfort, N.Y., with no transportation for compensation on return except as otherwise authorized, and (e) *metal products, electrical equipment, and machinery, materials, equipment, and supplies* used in the manufacture and distribution of such commodities, from Utica, N.Y., and points within 20 miles thereof, to New York, N.Y., points in New Jersey, and points in Pennsylvania on and east of U.S. Highway 15, with no transportation for compensation on return except as otherwise authorized. Applicant's representative is: Philip C. Pinsky, Suite 1020—State Tower Building, Syracuse, NY 13202.

MC-FC-78739. By decision of September 12, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132. Review Board Number 5 approved the transfer to Schwenzer's Express, Inc., of Woodbridge, NJ, of a portion of Certificate No. MC-77649, acquired by A & D Express, Inc., of North Brunswick, NJ, in No. MC-F-13893, authorizing the transportation of general commodities, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, between Philadelphia, PA, and New York, NY, serving the intermediate and off-route points of Newark, Jersey City, New Brunswick, Elizabeth, Linden, Weehawken, Hoboken, Rahway, Paterson, Passaic, Maurer, Somerville, Freehold, Belleville, North Bergen, and Kearny, NJ; from Philadelphia over U.S. Hwy. 1 to Jersey City, NJ, thence across the Hudson River to New York (also from Jersey City via Hudson Vehicular Tunnel to New York), and return over the same route. Applicant's representative is: William J. Angelo, 120 Main St., P.O. Box 2, Huntington, NY 11743. Transferee holds no authority. TA lease is sought.

MC-FC-78740. By decision of September 12, 1980 Review Board Number 5 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132. Review Board Number 5 approved the transfer to Piggyback Transportation Service, Inc., P.O. Box 662, Greenwood, Indiana 46172 of Certificate No. MC-146686 (Sub-No. 1F) issued May 19, 1980 to G.M.G. Express, Inc. 2020 State Road

31E, Jeffersonville, IN 47130 authorizing common carrier transportation of: over irregular routes *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, between those points in Marion County, Indiana), on the one hand, and, on the other Louisville, KY, restricted to the transportation of traffic having a prior or subsequent movement by rail or water. Subject to the following conditions: Applicant's representative is: Stephen M. Gentry, Attorney, 1502 Main St., Speedway, IN 46224.

MC-FC-78741. By decision of September 10, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to Air Delivery Service, Incorporated, of Scranton, PA, of Certificate No. MC-127238 and Subs 2, 4, 8, and 10, issued to Dorothy R. Zummo, d/b/a Air Delivery Service, of Scranton, PA, authorizing the transportation of *general commodities* (usual exceptions) in ex-air service, serving between named airports in Pennsylvania, New York, New Jersey, on the one hand, and, on the other, name points in New Jersey, and Pennsylvania. Applicant's representative is: Russell S. Bernhard, 1625 K St., N.W., Washington, D.C. 20006. Transferee holds no authority. TA lease is not sought.

MC-FC-78742. By decision of September 5, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to American Interstate Driveaway, Inc., of Boynton Beach, FL, of Certificate No. MC-129615 (Sub-No. 7) issued August 31, 1972 to American International Driveaway, Inc., of Honolulu, HI, authorizing the transportation of *Motor homes*, in driveaway service, between Decatur and Elkhart, IN, on the one hand, and, on the other, points in the United States (except California and Hawaii). Applicant's representative is: Leon B. Mirer, 710 Southwest Twenty-Fifth Place, Boynton Beach, FL 33435. Transferee is not a carrier. TA lease is not sought.

MC-FC-78743. By decision of September 10, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 5 approved the transfer to Gates Grain Company, Ltd. of West Liberty, IA, of Certificate No. MC-21455 (Sub-13) issued 3/8/67 to Gene Mitchell Co., of West Liberty, IA, authorizing the transportation of feed ingredients (other than liquid) in bulk, from points in MN to Iowa City, IA. Applicant's representative is: Kenneth F. Dudley,

P.O. Box 279, Ottumwa, IA 52501. TA lease is not sought. Transferee holds no authority.

MC-FC-78744. By decision of September 9, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 5 approved the lease by Jack B. Stallings, d/b/a Stallings Motor Lines, of Fairbanks, AK, of Certificate No. MC-133425 (Sub-No. 1) issued to Bayless & Roberts, Inc., of Copper Center, AK, authorizing the transportation of *general commodities* (except articles of unusual value, classes A and B explosives, and household goods as defined by the Commission), between points in AK (except points in the Alaska Panhandle south of Haines, AK); the lease approved is for a one-year term only, as Commission policy prohibits a longer term in the absence of unusual or compelling circumstances. Applicant's representative is: George L. Benesch, P.O. Box 1558, Anchorage, AK 99510. Lessee is not a carrier. TA lease is sought.

MC-FC-78746. By decision of September 16, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 5 approved the transfer to Henry Johnson, Inc. of Certificate No. MC-129387 (Sub No. 43) issued on December 1, 1978 to Payne Transportation, Inc. authorizing the transportation of *Confectioneries and related advertising and display items*. (1) From the facilities of E. J. Brach & Sons, Inc. at Chicago, Sullivan, and Carol Stream, IL and Davenport, IA to the facilities of E. J. Brach & Sons, Inc. at Reno, NV. Restriction: The service authorized immediately above is restricted to the transportation of shipments originating at the named origins and destined to the named facilities at Reno for storage in transit. (2) From the facilities of E. J. Brach & Sons, Inc. at Reno, NV to points in WA, OR, CA, VT, MT, ID and AZ. Restriction: The service authorized immediately above is restricted to the transportation of shipments having a prior movement from the facilities of E. J. Brach & Sons, Inc. at Chicago, Sullivan, and Carol Stream, IL and Davenport, IA. Applicants' representative: Melvin C. Hawson, 1904 Farnam Street, Omaha, NE 68101. Transferee ??? holds no permanent ??? than the Commission.

MC-FC-78752. By decision of September 16, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 5 approved the transfer to Kennedy Freight Lines, Inc. of a portion of Certificate No. MC-6945 (Sub-No. 33)

issued July 31, 1972 to National Transit Corporation authorizing the transportation over irregular routes, of (1) *general commodities* (except automobiles, tractors, trucks, and buses, and commodities in bulk) between Kirkeville, OH, on the one hand, and, on the other, all points in that part of Ohio on and south of U.S. Hwy 30 North with the exception of Bucyrus and its commercial zone as defined by the Commission, except Massillon, OH, and (2) *general commodities* (except heavy machinery requiring special equipment to handle, automobiles, tractors, trucks, and buses, and commodities in bulk), between all points in Licking County, OH on and west of Ohio Hwys 661 and 37, on the one hand, and, on the other, all points in that part of Ohio on and south of U.S. Hwy 30 North, with the exception of Bucyrus and its commercial zone, as defined by the Commission, Canton and its commercial zone, as defined by the Commission, except Massillon, OH. Applicant's representative: Paul F. Deery, 275 East State Street, Columbus, OH 43215.

MC-FC-78761. By decision of September 16, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 5 approved the transfer to Benware Truck Lines, Inc. of Florence, MO, of Certificate No. MC-119890 and MC-119890 (Sub-No. 1) issued March 14, 1961 and January 12, 1965 to Cordie Naylor d/b/a Naylor Truck Line of Fayette, MO authorizing the transportation in MC-119890 of fertilizer, dry, in bulk, and in bags, from Lawrence, KS, to points in Howard, Boone, Pettis, Cooper, Carroll, Saline and Audrain Counties, MO. Feed and fertilizer, in bags, from St. Louis, MO, to points in Howard, Boone, Pettis, Cooper, Carroll, Saline, and Audrain Counties, MO. In MC-119890 (Sub-No. 1) feed, dry, in bulk and in bags, from Kansas City, KS, to points in Boone, Cooper, and Howard Counties, MO. Applicant's representative is: Herman W. Huber, 101 East High St., Jefferson City, MO 65101. TA application has not been filed.

MC-FC-78767. By decision of September 16, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 5 approved the transfer to National Transfer, Inc. d/b/a National Motor Freight of Seattle, WA of Certificate No. MC-95075 (Sub-No. 1) issued 1/7/71 to Borich Transfer Company of Portland, OR, authorizing the transportation of monuments, household goods, and building materials, between points in Clatsop, Columbia, Tillamook, Washington, Yamhill, Polk, Lincoln,

Benton, Lane, Linn, Marion, Clackamas, Multnomah, and Hood River Counties, OR, on the one hand, and, on the other, points in Klickitat, Clark, Cowlitz, Skamania, Lewis, Wahkiakum, Pacific, Grays Harbor, and Thurston Counties, WA. *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities, in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points within 3 miles of Portland, OR, including Portland. *Stores fixtures*, new and used, between Portland, OR, on the one hand, and, on the other, points in WA. Applicant's representative is: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. TA application has not been filed.

[FR Doc. 80-30928 Filed 10-3-80; 8:45 am]

BILLING CODE 7035-01-M

Decision-Notice

The following applications, filed on or after July 3, 1980, 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). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, *Federal Register* at 45 FR 45529 under Ex Parte 55 (Sub-No. 44). *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*. These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 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. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and

payment to applicant of \$10.00, in accordance with 49 CFR 1100.240 (A)(h).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

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 the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves 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 an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or 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.

Dated: September 19, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams. Taylor not participating.

MC F-14474F, filed September 3, 1980. HARKEMA EXPRESS LINES (U.S.) INC. (Harkema) (265 Rutherford Road South, Brampton, Ontario, Canada L6W 1V9)—Purchase (Portion)—ARKANSAS—BEST FREIGHT SYSTEM, INC. (ABF) (301 S. 11th Street, Fort Smith, AR 72901. Representative: S. Harrison Kahn, 733 Investment Bldg., Washington, DC 20005, and Charles B. Tamm, 301 S. 11th Street, Fort Smith, AR 72901. Harkema

seeks authority to purchase a portion of the interstate operating rights of ABF. Harkema Express Lines Limited, the sole stockholder of Harkema, and in turn, S. S. Harkema, who controls Harkema Express Lines Limited, seek authority to acquire control of said rights through the transaction. ABF is authorized to operate as a motor common carrier pursuant to authority issued in MC-29910 and sub-numbers thereunder. ABF is also authorized to operate as a motor common carrier pursuant to authority issued in MC-76032 and sub-numbers thereunder as awarded to ABF in MC F-13608. Harkema is purchasing that portion of ABF's authority which authorizes the transportation, over regular routes, as follows: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), 1. Between Milwaukee, WI and Chicago, IL, serving the intermediate points of Zion, IL; Racine and Kenosha, WI: From Milwaukee over unnumbered highway to junction WI Hwy 100, then over WI Hwy 100 to junction WI Hwy 32, then over WI Hwy 32 to the WI-IL State line, then over IL Hwy 42 to junction IL Hwy 173, then over IL Hwy 173 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Chicago, and return over same route. 2. Between Chicago, IL and Fort Wayne, IN, serving no intermediate points: From Chicago over U.S. Hwy 12 to Michigan City, IN, then over U.S. Hwy 35 to LA Porte, IN, then over IN Hwy 2 to South Bend, IN then over U.S. Hwy 33 to Fort Wayne, and return over the same route. 3. Between Fort Wayne, IN and Toledo, OH, Serving all intermediate points and the off-route points of pioneer and Kunkle, OH: From Fort Wayne over IN Hwy 37 to the IN-OH State Line, then over OH Hwy 2 to Hicksville, OH, then over OH Hwy 18 to junction U.S. Hwy 127, then over U.S. Hwy 127 to west unity, OH, then over unnumbered highway to Alvordton, OH, then over U.S. Hwy 20 to junction OH Hwy 120, then over OH Hwy 120 to Toledo, and return over the same route. 4. Between Toledo, OH and Niagara Falls, NY, Serving all intermediate points, and the off-route point of Rossford, OH: From Toledo over OH Hwy 2 to Lorain, OH, then over OH Hwy 57 to junction OH Hwy 254, then over OH Hwy 254 to Cleveland, OH, then over U.S. Hwy 20 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Buffalo, NY, then over NY Hwy 384 to Niagara Falls, and return over the same route. 5. Between Detroit, MI and Toledo, OH, Serving the

intermediate point of Monroe, MI: From Detroit over U.S. Hwy 25 to Toledo, and return over the same route. 6. Between Buffalo, NY and Albany, NY. Serving all intermediate points: From Buffalo over NY Hwy 5 to Albany, and return over the same route. 7. Between Westfield, MA and Albany NY: From Westfield over U.S. Hwy 20 to Albany, and return over the same route. 8. Between Boston, MA and Philadelphia, PA: From Boston over U.S. Hwy 1 to junction alternate U.S. Hwy 1, near Wickford, RI, then over alternate U.S. Hwy 1 to junction U.S. Hwy 1, near Wakefield, RI, then over U.S. Hwy 1 to Poquonock Bridge, CT, then over unnumbered highway VIA Groton, CT, to junction alternate U.S. Hwy 1, at or near New London, CT, then over alternate U.S. Hwy 1 to junction U.S. Hwy 1, at or near East Lyme, CT, then over U.S. Hwy 1 to Philadelphia, and return over the same point.

9. Between Boston, MA and Junction MA Hwy 12 and U.S. Hwy 20: From Boston over MA Hwy 2 to junction MA Hwy 2A, near East Acton, MA, then over MA Hwy 2A via Littleton Common, Littleton, Ayer, and Lunenburg, MA to Fitchburg, MA, then over MA Hwy 12 to junction U.S. Hwy 20, and return over the same route. 10. Between Norwalk, CT and Lenox, MA: From Norwalk over U.S. Hwy 7 to Lenox, and return over the same route. 11. Between Milldale, CT and Waterbury, CT: From Milldale over Alternate U.S. Hwy 6 to Waterbury, and return over the same route. 12. Between Hartford, CT and Winsted, CT: From Hartford over U.S. Hwy 44 to Winsted, and return over the same route. 13. Between Boston, MA and New Haven, CT: From Boston over U.S. Hwy 20 to Springfield, MA then over U.S. Hwy 5 to Hartford, CT, then over unnumbered highway to junction U.S. Hwy 5, then over U.S. Hwy 5 to New Haven, and return over the same route. 14. Between Providence, RI and junction Connecticut Highway 72 and U.S. Highway 6: From Providence over U.S. Hwy 6 to Willimantic, CT, then over CT Hwy 32 to junction CT Hwy 31, then over CT Hwy 31 via South Coventry, CT, to junction Alternate U.S. Hwy 44, at or near Coventry, CT, then over Alternate U.S. Hwy 44 to junction U.S. Hwy 44, then over U.S. Hwy 44 to Hartford, CT, then over CT Hwy 4 to junction CT Hwy 10, then over CT Hwy 10 to junction CT Hwy 72, then over CT Hwy 72 to junction U.S. Hwy 6, and return over the same route. 15. Between Springfield, MA and New Haven, CT: From Springfield over U.S. Hwy 20 to Westfield, MA, thence over MA Hwy 10 to the MA-CT State line, thence over CT Hwy 10 to New Haven, and return over

the same route. 16. Between Stratford, CT and Canaan, CT: From Stratford over CT Hwy 110 to Shelton, CT, thence over CT Hwy 8 to Winsted, CT, thence over U.S. Hwy 44 to Canaan, and return over the same route. 17. Between Boston, MA and Worcester, MA: From Boston over MA Hwy 9 to Worcester, and return over the same route. 18. Between Providence, RI and Groton, CT: From Providence over RI Hwy 3 via Wyoming, Hope Valley, and Hopkinton, RI, to junction Interstate Hwy 95, thence over Interstate Hwy 95 to the RI-CT State line, thence over CT Hwy 95 to Groton, and return over the same route. Serving the intermediate and off-route points in connection with the above specified regular route operations in Route 7 through 18 as follows: Intermediate points of Chester, Marlboro, North Attleboro, Palmer, Pittsfield, Russell, Springfield, Westfield, and Woronoco, MA, Bridgeport, Hartford, New Haven, and Waterbury, CT, Trenton, NJ, Philadelphia, PA, those on that portion of the route between Boston, MA and Philadelphia, PA. Extending from Westerly, RI, over U.S. Hwy 1 to unnumbered highway, thence over unnumbered highway to Alternate U.S. Highway 1, thence Alternate U.S. Hwy 1 to U.S. Hwy 1, and thence U.S. Hwy 1 to Penns Neck, NJ, those on that portion of the route between Boston, MA, and New Haven, CT, extending from Springfield, MA, over U.S. Hwy 5 to Hartford, CT, thence unnumbered highway to U.S. Hwy 5, and thence U.S. Hwy 5 to New Haven, CT, those on that portion of the route between Providence, RI and Peekskill, NY extending from junction CT Hwy 31 and Alternate U.S. Hwy 44 over Alternate U.S. Hwy 44 to junction U.S. Hwy 44, and those on the authorized portions U.S. Hwys 6, 7, 9, 9W, 44 and 202, MA Hwy 2, 2A, and 12, and CT Hwys 4, 8, 10, 72 and 110, unrestricted; and Pawtucket, Providence, East Providence, Narragansett, and Westerly, RI for traffic other than that moving to or from points in that part of MA on and east of MA Hwy 12; and the intermediate and off-route points within 15 miles of Boston, MA, those within 5 miles of Springfield, MA, those within 10 miles of Hartford, Waterbury, New Haven, and Bridgeport, CT, those in PA and NJ within 15 miles of Philadelphia, PA. In Routes 7 through 18, service in connection with the above specified regular route operations is not authorized between New York, NY and points in New York within 25 miles of New York, NY, on the one hand, and, on the other, authorized New Jersey points, Wilmington, DE, and Philadelphia, PA,

and points within 15 miles of Philadelphia, or between Wilmington, DE, on the one hand, and, on the other, Philadelphia, PA, and points within 15 miles of Philadelphia. Harkema is also purchasing ABF's Certificate No. MC 76032 (Sub-No. 316), which authorizes the transportation, over regular routes, of general commodities, usual exceptions, serving Toledo, OH, as an intermediate point for joinder only in connection with carrier's existing regular-route operations, restricted against the transportation of traffic (1) originating at points in OH and destined to points in MI and OH, and (2) originating at points in MI and destined to points in OH. Harkema presently holds no authority from this Commission. However, its parent, Harkema Express Lines Limited is authorized to operate as a motor common carrier pursuant to authority awarded in MC FC-77875.

Note.—Harkema is purchasing Certificate No. MC 76032 (Sub-No. 316) and a portion of Certificate Nos. MC 76032 (Sub-Nos. 287 and 314). A few of the routes being purchased by Harkema involve only a portion of a specifically identified route in the Sub-Nos. 287 and 314. Applicants filed an Exhibit setting forth those portions of MC 76032 (Sub-Nos. 287 and 314) to be sold to Harkema and those portions to be retained by ABF. This Exhibit is too voluminous to publish in the Federal Register.

MC (F-14478F), filed September 8, 1980. GEORGIA HIGHWAY EXPRESS, INC. (GAHY) (2090 Jonesboro Road, SE, Atlanta, GA 30315)—Merger—FULLER TRANSPORTATION, INC. (Fuller) (1200 Shull Street, P.O. Box 198, West Columbia, SC 29169). Representative: Fritz R. Kahn, 1860 L Street, NW., Suite 1000, Washington, DC 20036. GAHY seeks authority to merge the interstate operating rights of Fuller into GAHY for ownership, management, and operation. Transus, Inc., a non-carrier holding company and sole stockholder of GAHY, and in turn, H. D. Winship, Jr., Wadleigh Winship, and Emory Winship, who control Transus, Inc., through stock ownership, seek authority to continue to control the unified rights of Fuller and GAHY through this transaction. GAHY controls Fuller pursuant to authorization granted in MC-F-13617. Fuller's irregular-route interstate operating rights which are to be merged into GAHY are as follows: MC 33426: (1) *general commodities*, usual exceptions, from Augusta and Savannah, GA, to points in SC; and (2) *fertilizer and cottonseed meal and hulls*, from Augusta, GA, to points in Aiken, Allendale, Bamberg, Barnwell, Edgefield, Greenwood, Hampton, McCormick, and Saluda Counties, SC;

MC 33426 (Sub-4): *empty containers*, from points in Charleston County, SC, to points in Chatham County, GA; MC 33426 (Sub-5): (1) *general commodities*, usual exceptions, (a) between points in Greenville County, SC, (b) between points in Greenville County, SC, on the one hand, and, on the other, points in SC, and (c) from points in Charleston County, SC, to points in Abbeville, Anderson, Cherokee, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, SC; (2) *cotton piece goods*, finished and unfinished, and *empty oil drums*, from points in Cherokee, Spartanburg and Union Counties, SC, to points in Charleston County, SC; (3) *canned goods*, from South Carolina canneries to points in Abbeville, Anderson, Cherokee, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, SC; and (4) *household goods* as defined by the Commission, between points in SC; and MC 33426 (Sub-6): *general commodities*, usual exceptions, from points in SC to Augusta and Savannah, GA. GAHY is authorized pursuant to certificates issued in MC 58923 and sub-numbers thereunder to operate as a motor common carrier in the States of AL, CA, FL, GA, IL, IN, KY, NC, MO, MS, OH, TN, and SC. A wholly owned subsidiary of Transus, Inc., Surf-Air, Inc., was issued a permit as a Surface Freight Forwarder under FF-500. Condition: So far as can be ascertained from the evidence of record in this proceeding, Transus, Inc., GAHY's parent company, is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, Transus, Inc., will be considered a motor carrier within 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.

Note.—Applicants intend to tack Fuller's irregular route authority with GAHY's regular route authority.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-30327 Filed 10-3-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: September 30, 1980.

In our recent decisions a 13-percent surcharge was authorized on all owner-

operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.2-percent. We are authorizing that the 13-percent surcharge for this traffic remain in effect, and that all owner-operators are to receive compensation at this level.

No change is authorized in the 2.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner operators, the 1.3-percent surcharge for United Parcel Service, nor in the 4.9-percent surcharge authorized for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. October 3, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix.—Fuel Surcharge

Base date and price per gallon (including tax)	
January 1, 1979	63.5¢
Date of current price measurement and price per gallon (including tax)	
September 29, 1980	113.2¢

	Transportation performed by—			
	Owner operator ¹	Other ²	Bus carrier	UPS
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	13.2	2.3	4.9	*2.1
Percent surcharge allowed	13	2.3	4.9	*3

¹ Apply to all truckload rated traffic.

² Including less-than-truckload traffic.

³ The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

⁴ The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 80-30324 Filed 10-3-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication 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, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able 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 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 the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (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 notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-060

Decided: September 30, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 146782 (Sub-34F), filed September 25, 1980. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Ave., South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

Volume No. OP4-069

Decided: August 15, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 112107 (Sub-14F), filed August 8, 1979, and previously noticed in the Federal Register issue of August 28, 1980, and republished this issue. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 454 Main Ave., Wallington, NJ 07057. Representative: A. Dayton Schell (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

Note.—The purpose of this republication is to correctly state the commodity description.

Volume No. OP4-070

Decided: September 25, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 131027F, filed September 17, 1980. Applicant: DICKINSON, MIKELL & COMMAR, INC., Four No. Atlantic Wharf, P.O. Box 187, Charleston, SC 29402. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Arlington, VA 22210. To engage in operation, as a broker, in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

By the Commission,
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-30955 Filed 10-9-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions Volume No. OP4-071; Decision-Notice

Decided: September 25, 1980.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication 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, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able 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 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 the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (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 notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.
Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 41116 (Sub-86F), filed September 19, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Transporting (1) *paper and paper products* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in the U.S., under continuing contract(s) with Westvaco, of New Orleans, LA.

MC 61977 (Sub-36F), filed September 22, 1980. Applicant: ZERKLE TRUCKING COMPANY, a corporation, 2400 Eighth Ave., Huntington, WV 25703. Representative: N. W. Bowen, Jr., P.O. Box 5628, Huntington, WV 25703. Transporting (1) *glass containers, and glass container closures*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in Orange County, CA, Will County, IL, Jay County, IN, Cumberland County, NJ, Wilson County, NC, Tulsa County, OK, Ellis County, TX, and Cabell County, WV, on the one hand, and, on the other, points in the U.S., restricted to traffic originating at or destined to the facilities of Kerr Glass Manufacturing Corporation.

MC 79737 (Sub-21F), filed September 19, 1980. Applicant: BERTA BROS. TRANSPORTATION, INC., 3365 East Hwy 50, P.O. Box 429, Canon City, CO 81212. Representative: Raymond M. Kelley, 450 Capitol Life Cntr., Denver, CO 80203. Transporting *general commodities*, between points in Fremont and Pueblo Counties, CO. Condition: To the extent the certificate granted in the proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

Note.—Applicant intends to interline with other carriers at Pueblo or Canon City, CO.

MC 109397, (Sub-523F), filed September 22, 1980. Applicant: TRI-STATE MOTOR TRANSPORT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *general commodities*

(except household goods), between the facilities of Nipak Energy Corporation in NM and TX, on the one hand, and, on the other, points in the U.S. Condition: To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 114627, (Sub-3F), filed September 17, 1980. Applicant: MELLO'S CENTRAL MOVING & STORAGE CO., INC., 251 East 33rd St., New York, NY 10016. Representative: Harold Sacks, 19 West 44th St., New York, NY 10036. Transporting (1) *household goods* as defined by the Commission, and (2) *furniture*, in cartons, between New York, NY, on the one hand, and, on the others, points in FL.

MC 115496, (Sub-134F), filed September 22, 1980. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Ken Simons (same address as applicant). Transporting *pipe and materials and supplies* used in the manufacture and distribution of pipe, between points in Cook County, IL, and Lake County, IN, on the one hand, and, on the other, points in AL, GA, KY, MS, NC, SC, TN, and VA.

MC 136816, (Sub-9F), filed September 19, 1980. Applicant: THE UNIVERSE COMPANY, INC., 3523 "L" St., Omaha, NE 68107. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *meats, meat products, dairy products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in Douglas County, NE, on the one hand, and, on the other, Pontiac, MI, and points in Macomb and Wayne Counties, MI, and points in IL, IN, OH, PA, NY, and NJ.

MC 143776, (Sub-6F), filed September 22, 1980. Applicant: C.D.B., INCORPORATED, 155 Spaulding, SE., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48909. Transporting *agricultural implements*, from Beaumont, TX to points in the U.S.

MC 143956 (Sub-15F), filed September 22, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, 3574 Piedmont Rd., Atlanta, GA 30305. Transporting *general commodities* (except commodities in bulk, foodstuffs and classes A and B

explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities of the Essex Group, Inc.

MC 145827 (Sub-7F), filed September 19, 1980. Applicant: LONG ROCK CO., a corporation, Princeville, IL 61559. Representative: Douglas C. Brown, The INB Center, Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *crude silicon carbide and silicon carbide briquettes*, from Milwaukee, WI, to points in AL, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NB, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI.

MC 145956 (Sub-9F), filed September 22, 1980. Applicant: TRANSMEDIC CARRIERS, INC., P.O. Box 1394, Largo, FL 33540. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. Transporting (1) *paint and paint products*, and (2) *materials and supplies* used in the manufacture of paint, between the facilities of Porter Paint Company in the U.S., on the one hand, and, on the other, points in the U.S. (excluding AK and HI).

MC 146646 (Sub-111F), filed September 19, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *such commodities* as are dealt in, or used by manufacturers and distributors (a) of household fixtures and appliances and (b) of mobile homes, from Lagrange, IN, and Chicago, IL, to the facilities of Manufactured Housing Products Company, Inc., at or near Americus, GA.

MC 146646 (Sub-112F), filed September 19, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting (1) *charcoal, charcoal briquets, hickory chips, vermiculite, charcoal lighter fluid, fireplace logs, and barbecue supplies*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Kingsford Company.

MC 146646 (Sub-113F), filed September 19, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting

chemicals and plastic bottles, between Columbus, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151346 (Sub-1F), filed September 18, 1980. Applicant: ZEE CORPORATION, P.O. Box 396, Langhorne, PA 19047. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting (1) *iron and steel articles, building materials, metal, and floor and roof decking*, and (2) *materials, equipment, and supplies* used in their manufacture and distribution, between points in the U.S., under continuing contract(s) with United Steel Deck, Inc., of South Plainfield, NJ.

[FR Doc. 80-30922 Filed 10-3-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Dockets Nos. 30,000; 30,000 (Sub-1)]

Union Pacific Corp. and Union Pacific Railroad Co.—Control—Missouri Pacific Corp. and Missouri Pacific Railroad Co. and Union Pacific Corp. and Union Pacific Railroad Co.—Control—Western Pacific Railroad Co.; Clarification of Decision

AGENCY: Interstate Commerce Commission.

ACTION: Clarification of decision to require applicants to file additional information.

SUMMARY: The Commission is requiring the submission of all information previously requested in connection with the proceeding by November 14, 1980.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275-7245.

SUPPLEMENTARY INFORMATION: On September 15, 1980, Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Corporation, Missouri Pacific Railroad Company, and Western Pacific Railroad Company ("applicants") filed applications seeking authority from the Commission for consolidation and common control as a single rail system. In a letter to the Chairman of the Commission, dated September 15, 1980 (see Appendix A), applicants advised that they were not at that time providing certain additional information required by the Commission's order served August 25, 1980 (45 FR 63164, September 23, 1980). Applicants stated that they envisioned supplying the required information in installments after working out a schedule for its preparation.

We are aware that the August 25 order requiring the submission of additional information related to specific issues in this proceeding gave applicants only three weeks before their target date for the filing of the applications. Moreover, we did not specifically require applicants to provide the information when the applications were filed. However, we are disturbed by the apparent misunderstanding of our purpose in requesting the information, particularly evidenced in the applicants' comment that "meaningful responses" to some items "may ultimately depend upon the comments and information submitted by potentially affected carriers." It was, and is, our intention that, in the event we find the application complete, the public (including potentially affected carriers), as well as the Department of Transportation and the Department of Justice, should have the opportunity to review the additional information submitted by the applicants.

We are hereby informing the applicants that we expect full responses to all the information requests no later than November 14, 1980. So that persons submitting comments on the application will have adequate opportunity to address the responses to the information requests, we will extend the comment period in this proceeding to December 15, 1980. The November 14 date gives applicants 45 days from the date of application to prepare their submissions while leaving a month for other parties to consider the material. The Commission's staff will be available to provide clarification that the applicants may wish to seek.

We regret that issuance of the scoping has necessitated a 15-day delay in the proceeding. However, we are confident that by identifying many of our concerns early in the proceedings, the proceeding will be handled more expeditiously in the long run.

It is ordered: Applicants will comply with the schedule and procedures stated above.

Decided: September 24, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis and Gilliam. Commissioner Trantum concurring with a separate expression.

Agatha L. Mergenovich,
Secretary.

Commissioner Trantum, concurring:
A number of events, not the least of which was the Commission's "eleventh-hour" service of its decision on waivers and the information request, led to the adoption of the above schedule. The applicants should understand, however,

that the information described in the August 25 "scoping order" is central to our evaluation of the proposed transactions. Accordingly, if we find the applications to be otherwise complete by October 15, our approval should be conditioned on full compliance with the terms of today's order and that of August 25.

[FR Doc. 80-30825 Filed 10-3-80; 8:45 am]
BILLING CODE 7035-01-M

Royal-Manson Shippers' Association and Iowa Falls Western Holding Co.; Railroad Operation, Acquisition, Construction, etc.

Corrections

On page 65074 in the issue of Wednesday, October 1, 1980, in the third column, there appeared a document entitled *Royal-Manson Shippers' Association—Purchase (Portion)—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, trustee) between Royal and Manson, Iowa* which was a duplicate of a document appearing on page 65083 of the same issue.

Delete the document appearing on page 65074 and insert the following document for the Iowa Falls Western Holding Company:

[Finance Docket No. 29450 (Sub-No. 1)]

Iowa Falls Western Holding Co.—Purchase (Portion)—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Iowa Falls and Sibley, Iowa

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Iowa Falls Western Holding Company to purchase certain properties of Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee) (Rock Island) in Iowa and Minnesota. The Commission is also setting a schedule for the proceeding, so that a final decision on the application may be issued within 100 days.

DATES: (1) Verified statements supporting or opposing the application are due October 22, 1980. (2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due November 3, 1980. (3) Verified replies are due November 6, 1980.

ADDRESSES: An original and 5 copies of

all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423, Attention: RITEA acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7026.

SUPPLEMENTARY INFORMATION: Iowa Falls Western Holding Company (IFWH) filed an application on September 12, 1980, under Section 17(b) of the Milwaukee Railroad Restructuring Act, Pub. L. 96-101, 93 Stat. 736 (1979) and section 112 of the Rock Island Railroad Transition and Employee Assistance Act (RITEA), Pub. L. No. 96-254 (1980), for authority to purchase certain properties of the Rock Island located in Iowa and Minnesota. The application will be handled under the rules adopted on Ex Parte 282 (Sub-No. 4), *Acquisition Procedure for Lines of Railroads*, 360 I.C.C. 623 (1980), 45 FR 6107 (January 25, 1980).

The properties sought to be purchased are: trackage, right-of-way, and other properties of the Rock Island:

- (1) Between Iowa Falls and Estherville, IA (110 miles);
- (2) Between Little Rock, IA and Albert Lea, MN (141.1 miles);
- (3) Between Dowa and Buffalo Center, IA (64 miles); and
- (4) Between Hayfield Junction and Woden, IA (18 miles).

We have reviewed the application and found it to be complete. It contains the information required by our regulations, except for those items as temporarily waived by our decision served September 9, 1980. Section 111(b) of RITEA requires that we must act within 100 days after the filing of the application. Accordingly, the filing schedule set forth above will apply to this proceeding.

It is ordered:

1. The application in Finance Docket No. 29450 (Sub-No. 1) is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on the date served.

Dated: September 22, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-30278 Filed 9-30-80; 8:45 am]
BILLING CODE 1505-01-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "The Four Moments of the Sun: Kongo Funerary Art" (included in the list¹ filed as a part of this determination), imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement between the National Gallery of Art and the foreign lenders set forth in the list filed as part of this determination. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C., beginning on or about May 31, 1981, to on or about January 17, 1982, is in the national interest.

Public notice of this determination is ordered to be published in the *Federal Register*.

Charles W. Bray III,
Acting Director, International
Communication Agency.

Dated: October 2, 1980.

[FR Doc. 80-31156 Filed 10-3-80; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 79-11]

Feridun Gunduy; Controlled Substances; Registration Application

On August 28, 1979, a hearing was conducted at the Drug Enforcement Administration before Administrative Law Judge Francis L. Young on issues raised by an order, issued by the Administrator on January 29, 1979, to Feridun Gunduy, M.D., to show cause why Dr. Gunduy's applications for registration with DEA as a practitioner with controlled substances should not be denied for reasons stated in the Order. Those reasons were that Dr. Gunduy was convicted on seven counts of a nine count criminal indictment, each conviction consisting of a federal felony related to controlled substances.

The Controlled Substances Act permits the Administrator of the Drug

Enforcement Administration to revoke or suspend the DEA registration of a practitioner when a drug-related felony conviction has occurred. 21 U.S.C. 824. Further, the same can also serve as the basis on which to deny a practitioner's application for registration.

In any event where this agency pursues denial of an application or revocation or suspension of a registration, it is mandatory to extend to the applicant or registrant an opportunity for an evidentiary hearing on the record.

In this case, a hearing was conducted, and after its conclusion, Administrative Law Judge Young issued his report, opinion and recommended decision to the Administrator.

At the hearing, six of the seven felony convictions were put forward as the legal grounds for the Administrator to deny the pending applications—these six drug-related felony convictions were stipulated to by Dr. Gunduy, and were not placed in issue at the hearing. Accordingly, the need for the Government to prove the basis of the Order to Show Cause through witness testimony and extensive documentary evidence became moot, and the Government rested its case-in-chief upon acceptance of Dr. Gunduy's stipulation and after entering into evidence essential court papers concerning the convictions and the subject DEA applications.

There no longer remained the issue whether the Administrator could deny Dr. Gunduy's applications for registration as a practitioner. However, one issue at the hearing remained: Should the Administrator, in light of Dr. Gunduy's six convictions, exercise his discretion to deny these applications for registration?

The only answer to this question lies in the record of this proceeding and concerns what Dr. Gunduy has said by way of mitigating both the fact of his drug-related felony convictions, and the obvious aspersions cast upon him by them. Has Dr. Gunduy demonstrated in this proceeding that despite these six drug-related felony convictions he is entitled to a license to dispense dangerous drugs—controlled substances?

The Administrator thinks not.

At the hearing, Dr. Gunduy testified at length about his own naivety: In administering the operation of his medical offices, in hiring persons as physicians who actually were not, and concerning the need to create, keep and maintain records and fill out required forms for the dispensing and transfer of controlled substances which the Controlled Substances Act requires.

Foremost, he neglected to control his employee's dispensing and accounting activities for controlled substances in both his offices while he, as the registrant, was exclusively responsible for those activities to be in compliance with the Controlled Substances Act and DEA regulations.

Moreover, when Dr. Gunduy discovered that amounts of controlled substances dispensed from his offices to his weight-reduction patients did not balance with his inventory, he instructed one employee in charge of patient records and dispensing logs to "doctor" those records to eliminate the evident discrepancies.

The common thread running through the record of Dr. Gunduy's testimony at the hearing is that he simply was not aware of which drug control measures were required of him under the Act, and, out of this ignorance, he did not carry out the statutory requirements to monitor and control dangerous drug dispensing and record-keeping in his offices.

Dr. Gunduy's unwittingness or ignorance as to what the law requires of him cannot serve here to mitigate the crimes of which he was convicted and to which he stipulated in this proceeding, nor can it show that because of his ignorance, neglect or unwittingness he is somehow deserving of a DEA license to again dispense controlled substances.

To the Administrative Law Judge, it appeared critical to learn during the hearing of the facts and details underneath Dr. Gunduy's convictions, in order to recommend to the Administrator which course of action to take: Denial of the applications in whole, in part, or not at all.

In his report, the Administrative Law Judge stated he believed the government did not establish sufficient proof of the *detailed nature* of the facts underlying the convictions and consequently this did not convince him that Dr. Gunduy's applications should be denied by the Administrator as a discretionary matter, except as to Schedule II.

To the Administrator, not the underlying details, but the actual fact of Dr. Gunduy's six drug-related felony convictions, is critical in determining whether he should be given a license to dispense any controlled substances under one or more DEA registrations.

A jury has found beyond a reasonable doubt that Dr. Gunduy is guilty of having conspired to unlawfully possess with intent to distribute and dispense controlled substances, of having unlawfully possessed with intent to distribute 250,000 dosaged units of amphetamine in Schedule II, of having unlawfully distributed that amount of

¹An itemized list of objects included in the exhibit is filed as part of the original document.

amphetamine, of having knowingly and intentionally omitted material information from applications, reports, records, or other documents which the Controlled Substances Act requires him to make, keep or file, and of having furnished false or fraudulent material information in applications, reports, records or other documents which the Controlled Substances Act requires him to make, keep or file.

Dr. Gunduy was convicted and sentenced to a fine and jail, by the United States District Court for the Eastern District of New York.

Dr. Gunduy has stipulated to the fact of these convictions in this proceeding on his DEA applications. He has chosen not to contest the fact of his convictions as being relevant to this proceeding nor to place them in issue here.

It is abundantly clear to the Administrator from the record of this proceeding that six drug-related felony convictions of Dr. Gunduy call for absolute denial of his pending DEA applications for registration.

This agency has previously taken the position that the fact of a drug-related felony conviction of the respondent has been sufficient for the Administrator to exercise his discretion to revoke a registration under the authority of § 304 of the Act. *In the Matter of Rosenberg*, 40 FR 4024, January 27, 1975; *In the Matter of Eramo*, 42 FR 61336, December 12, 1977; *In the Matter of Berwick*, 43 FR 19470, May 5, 1978.

This has been confirmed most recently by the United States Court of Appeals for the Ninth Circuit in *Berwick v. Drug Enforcement Administration*, in a memorandum decision issued June 16, 1980 (Docket No. 78-2176).

Nothing in this case causes the Administrator to depart from this position.

Having reviewed the entire record in this case, and in view of the foregoing, the Administrator of the Drug Enforcement Administration hereby finds that the Respondent, Feridun Gunduy, M.D., has been convicted of drug-related felony offenses, that there is a lawful basis under 21 U.S.C. 824 for denying Respondent's applications for registration, and that from the record in this case, Respondent's applications should be denied absolutely.

Therefore, under the authority vested in the Attorney General by the Comprehensive Drug Abuse Prevention and Control Act of 1970 and delegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the applications filed by Dr. Feridun Gunduy for registration at his offices in Queens, and Huntington Station, New

York, dated August 22, 1978 and August 23, 1978, respectively, as a practitioner with controlled substances in Schedules II-V, are hereby denied, effective immediately.

Dated: September 29, 1980.

Peter B. Bensinger,
Administrator.

[FR Doc. 80-30986 Filed 10-3-80; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-249]

Commonwealth Edison Co. (Dresden Nuclear Power Station, Unit 3); Revised Order for Modification of License

I

The Commonwealth Edison Company (licensee) is the holder of Facility Operating License No. DPR-25 which authorizes the operation of the Dresden Nuclear Power Station Unit 3 at steady state reactor power levels not in excess of 2527 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site near Morris, Illinois.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: Fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment,"

December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the Staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B of January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. DPR-25 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I & E Bulletin 79-01B, shall be submitted to the Director, Region III, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order.

Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Isham, Lincoln & Beale, Counselors at Law, One First National Plaza, 42nd Floor, Chicago, Illinois 60603, attorneys for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the *Federal Register* September 12, 1980 (45 FR 60508).

Effective date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,
Director, Division of Licensing.

[FR Doc. 80-30963 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co.; Yankee Nuclear Power Station (Yankee Rowe); Revised Order for Modification of License

I

Yankee Atomic Electric Company (the licensee) is the holder of Facility Operating License No. DPR-3, which authorizes the operation of the Yankee Nuclear Power Station (Yankee Rowe) at steady-state reactor power levels not in excess of 600 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Franklin County, Rowe, Massachusetts.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: Fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a

Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide by monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by our letter of March 6, 1980, as modified by our letter of March 28, 1980, to provide information on emergency procedures and safety related systems. The licensee was requested to define and provide the basis for the hostile environment, inside and outside containment. This hostile environment would then be used, by the licensee, in the determination of unqualified equipment. A complete package, including justification for methods used, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. DPR-3 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in NRC's letters dated March 6, 1980, and March 28, 1980, shall be submitted to the Director, Division of Licensing by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Frederic Greenmond, Esquire, New England Electric System, 20 Turnpike Road, Westboro, Massachusetts 01581, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order. Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980 (45 FR 60099, September 11, 1980).

Effective Date: September 19, 1980.
Bethesda, Maryland.

For the Nuclear Regulatory Commission.
Darrell G. Eisenhut,
Director, Division of Licensing.

[FR Doc. 80-30864 Filed 10-3-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-313]

Arkansas Power & Light Co. (Arkansas Nuclear One, Unit No. 1); Revised Order for Modification of License

I

The Arkansas Power & Light Company (licensee) is the holder of Facility Operating License No. DPR-51, which authorizes the operation of the Arkansas Nuclear One, Unit No. 1 at steady state reactor power levels not in excess of 2568 megawatts thermal (rated

power). The facility consists of a pressurized water reactor located at the licensee's site in Pope County, Arkansas.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A general Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B of January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and

timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. DPR-51 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I & E Bulletin 79-01B, shall be submitted to the Director, Region IV, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Nicholas S. Reynolds, Debevoise & Liberman, 1200 17th Street, Washington, DC 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the *Federal Register* September 12, 1980, (45 FR 60506).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 80-30975 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-237]

Commonwealth Edison Co. (Dresden Nuclear Power Station, Unit No. 2); Revised Order for Modification of License

I

Commonwealth Edison Company (the licensee) is the holder of Provisional Operating License No. DPR-19, which authorizes the operation of the Dresden Nuclear Power Station, Unit No. 2 at steady-state reactor power levels not in excess of 2527 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site in Grundy County, Illinois.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement

parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High

Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by our letter of March 6, 1980, as modified by our letter of March 28, 1980, to provide information on emergency procedures and safety related systems. The licensee was requested to define and provide the basis for the hostile environment, inside and outside containment. This hostile environment would then be used, by the licensee, in the determination of unqualified equipment. A complete package, including justification for methods used, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Provisional Operating License No. DPR-19 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in NRC's letters dated March 6, 1980, and March 28, 1980, shall be submitted to the Director, Division of Licensing by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington,

D.C. 20555, and to Isham, Lincoln & Beale, Counselors at Law, One First National Plaza, 42nd Floor, Chicago, Illinois 60603, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980 (45 FR 60066, September 11, 1980).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 80-30966 Filed 10-3-80; 5:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-10]

Commonwealth Edison Co. (Dresden Nuclear Power Station, Unit No. 1); Revised Order for Modification of License

I

Commonwealth Edison Company (the licensee) is the holder of Facility Operating License No. DPR-2, which authorizes the operation of the Dresden Nuclear Power Station, Unit No. 1 at steady-state reactor power levels not in excess of 700 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site in Grundy County, Illinois.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant

modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualification of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by our letter of March 6, 1980, as modified by our letter of March 28, 1980, to provide information on emergency procedures and safety related systems. The licensee was requested to define and provide the basis for the hostile environment, inside and outside containment. This hostile environment would then be used, by the licensee, in the determination of unqualified equipment. A complete package, including justification for methods used, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. DPR-2 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in NRC's letters dated March 6, 1980, and March 28, 1980, shall be submitted to the Director,

Division of Licensing by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Isham, Lincoln & Beale, Counselors at Law, One First National Plaza, 42nd Floor, Chicago, Illinois 60603, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980 (45 FR 60065, September 11, 1980).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,
Director, Division of Licensing.

[FR Doc. 80-30967 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

I

Dairyland Power Cooperative (LaCrosse Boiling Water Reactor);
Revised Order for Modification of License

I. Dairyland Power Cooperative (the licensee) is the holder of the Provisional Operating License No. DPR-45, which authorizes the operation of the LaCrosse Boiling Water Reactor at steady-state reactor power levels not in excess of 165 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site in Vernon County, Wisconsin.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the

specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by our letter of March 6, 1980, as modified by our letter of March 28, 1980, to provide information on emergency procedures and safety related systems. The licensee was requested to define and provide the basis for the hostile environment, inside and outside containment. This hostile environment would then be used, by the licensee, in the determination of unqualified equipment. A complete package, including justification for methods used, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should

be established by Order effective immediately.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and The Commission's regulations in 10 CFR Parts 2 and 50, it is Ordered That Effective Immediately Provisional Operating License No. DPR-45 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in NRC's letters dated March 6, 1980, and March 28, 1980, shall be submitted to the Director, Division of Licensing by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to O.S. Heistand, Jr., Esquire, Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980 (45 FR 60080, September 11, 1980).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.
Darrell G. Eisenhut,
Division of Licensing.

(FR Doc. 80-30968 Filed 10-3-80; 8:45 am)
BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270, and 50-287]

Duke Power Co. (Oconee Nuclear Station, Units Nos. 1, 2, and 3); Revised Order for Modification of License

I

The Duke Power Company (licensee) is the holder of Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, which authorize the operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, at steady state reactor power levels not in excess of 2568

¹Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

megawatts thermal (rated power) for each unit. The facilities consist of pressurized water reactors located at the licensee's site in Oconee County, South Carolina.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all

safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B of January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental

qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating Licenses Nos. DPR-38, DPR-47, and DPR-55 are hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I & E Bulletin 79-01B, shall be submitted to the Director, Region II, Office of Inspection and Enforcement, by the Licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William S. Porter, Duke Power Company, P.O. Box 2178, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licenses should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facilities on terms consistent with this Order is not stayed by the pendency of any proceedings in the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the Federal Register September 12, 1980, (45 FR 60511).

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

Effective Date: September 19, 1980,
Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 80-30971 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al. (Crystal River Unit No. 3 Nuclear Generating Plant); Revised Order for Modification of License

I
Florida Power Corporation (licensee) and eleven other co-owners are the holders of Facility Operating License No. DPR-72, which authorizes the operation of the Crystal River Unit No. 3 Nuclear Generating Plant, at steady state reactor power levels not in excess of 2452 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Citrus County, Florida.

II
On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate

to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide by-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B of January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. DPR-72 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I & E Bulletin 79-01B, shall be submitted to the Director, Region II, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the

request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to S. A. Brandimore, Vice President and General Counsel, P.O. Box 14042, St. Petersburg, Florida 33733, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the *Federal Register* September 12, 1980 (45 FR 60512).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing.

[FR Doc. 80-30974 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

**Florida Power & Light Co. (St. Lucie Nuclear Power Plant, Unit No. 1);
Revised Order for Modification of
License**

I

Florida Power and Light Company (Licensee) is the holder of License No. DPR-67, which authorizes the operation of the St. Lucie Nuclear Power Plant Unit 1 at steady state reactor power levels not in excess of 2560 megawatts thermal (rated power). The facility consists of a Pressurized Water Reactor located at the Licensee's site in St. Lucie County, Florida.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the

Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—The Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B dated January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some case, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion on needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. DPR-67 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I&E Bulletin 79-01B, shall be submitted to the Director, Region II, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Robert Lowenstein, Esq., Lowenstein, Newman, Reis and Alexrad, 1025 Connecticut Avenue, N.W., Washington, D.C., attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the Federal Register September 11, 1980 (45 FR 60081).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing.

[FR Doc. 80-30979 Filed 10-3-80; 8:45 am]
BILLING CODE 7590-01-M

[Dockets Nos. 50-321 and 50-366]

Georgia Power Co., et al. (Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2); Revised Order for Modification of License

The Georgia Power Company (licensee) and three other co-owners are the holders of Facility Operating Licenses Nos. DPR-57 and NPF-5, which authorize the operation of the Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, at steady state reactor power levels not in excess of 2436 megawatts thermal (rated power) for each unit. The facilities consist of boiling water

reactors located at the licensee's site in Appling County, Georgia.

II

On November 4, 1977, the Union of Concerned Scientists (USC) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I & E Bulletin 79-01B of January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable

assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating Licenses Nos. DPR-57 and NPF-5 are hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I & E Bulletin 79-01B, shall be submitted to the Director, Region II, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW, Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licenses should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facilities on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the *Federal Register* September 11, 1980, (45 FR 60059).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.
Darrell G. Eisenhut,
Director, Division of Licensing.
(FR Doc. 80-30972 Filed 10-3-80; 8:45 am)
BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co. (Oyster Creek Nuclear Generating Station); Revised Order for Modification of License

I

Jersey Central Power & Light Company (the licensee) is the holder of the Provisional Operating License No. DPR-16, which authorizes the operation of the Oyster Creek Nuclear Generating Station at steady-state reactor power levels not in excess of 1930 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site in Ocean County, New Jersey.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50 Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The

Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by our letter of March 6, 1980, as modified by our letter of March 28, 1980, to provide information on emergency procedures and safety related systems. The licensee was requested to define and provide the basis for the hostile environment, inside and outside containment. This hostile environment would then be used, by the licensee, in the determination of unqualified equipment. A complete package, including justification for methods used, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications be the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, IT IS ORDERED THAT EFFECTIVE IMMEDIATELY Provisional Operating License No. DPR-16 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in NRC's letters dated March 6, 1980, and March 28, 1980, shall be submitted to the Director, Division of Licensing by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington,

D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980 (45 FR 60075, September 11, 1980).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhower,

Director, Division of Licensing.

[FR Doc. 80-30960 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station); Revised Order for Modification of License

I

Maine Yankee Atomic Power Company (licensee) is the holder of License No. DPR-36, which authorizes the operation of the Maine Yankee Atomic Power Station at steady power levels not in excess of 2630 megawatts thermal (rated power). The facility consists of a Pressurized Water Reactor located at the licensee's site near Wiscasset, Maine.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested in I&E Bulletin 79-01B dated January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. DPR-36 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I&E Bulletin 79-01B, shall be submitted to the

Director, Region I, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to John A. Ritscher, Esq., Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the Federal Register September 11, 1980 (45 FR 60083).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission,

Darrell G. Eisenhut,

Director, Division of Licensing.

(FR Doc. 80-30932 Filed 10-3-80; 8:45 am)

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al. (Three Mile Island Nuclear Station, Unit No. 1); Revised Order for Modification of License

I

Metropolitan Edison Company (licensee) and two other co-owners are the holders of Facility Operating License No. DPR-50, which authorizes the operation of the Three Mile Island Nuclear Station, Unit No. 1 at steady state reactor power levels not in excess of 2535 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site near Harrisburg, Pennsylvania.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relates to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B of January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety.

Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. DPR-50 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I & E Bulletin 79-01B, shall be submitted to the Director, Region I, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW, Washington, DC 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the **Federal Register** September 11, 1980, (45 FR 60061).

Effective Date: September 25, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Acting Director, Division of Licensing.

[FR Doc. 80-30984 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District (Cooper Nuclear Power Station); Revised Order for Modification of License

I

The Nebraska Public Power District (licensee) is the holder of Facility Operating License No. DPR-46 which authorizes the operation of the Cooper Nuclear Power Station at steady state reactor power levels not in excess of 2381 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site in Nemaha County, Nebraska.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement

parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High

Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B of January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. DPR-46 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I & E Bulletin 79-01B, shall be submitted to the Director, Region IV, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555, and to Arthur C. Gehr, Attorney, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85073, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the Federal Register September 11, 1980 (45 FR 60084).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 80-30977 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District (Fort Calhoun Station, Unit No. 1); Revised Order for Modification of License

I

Omaha Public Power District (licensee) is the holder of License No. DPR-40, which authorizes the operation of the Fort Calhoun Station, Unit No. 1 at steady state reactor power levels not in excess of 1500 megawatts thermal (rated power). The facility consists of a Pressurized Water Reactor located at the licensee's site in Washington County, Nebraska.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-

related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B dated January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. DPR-40 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I&E Bulletin 79-01B, shall be submitted to the

Director, Region IV, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980.

Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Marilyn A. Tebor, Esq., LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the Federal Register September 11, 1980 (45 FR 60089).

Effective date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing.

[FR Doc. 80-30980 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al. (Peach Bottom Atomic Power Station, Units Nos. 2 and 3); Revised Order for Modification of License

I

Philadelphia Electric Company (licensee) and three other co-owners are the holders of Facility Operating Licenses Nos. DPR-44 and DPR-56, which authorize the operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3, at steady state reactor power levels not in excess of 3293 megawatts thermal (rated power) for each unit. The facilities consist of boiling water reactors located at the licensee's site in Peach Bottom, York County, Pennsylvania.

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public

apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B of January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety.

Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating Licenses Nos. DPR-44 and DPR-56 are hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I & E Bulletin 79-01B, shall be submitted to the Director, Region I, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Troy B. Conner, Jr., 1747 Pennsylvania Avenue NW., Washington, D.C. 20006, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV of the Order.

Operating of the facilities on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the Federal Register September 11, 1980, (45 FR 60063).

Effective Date: September 19, 1980.
Bethesda, Maryland.

¹Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

For the Nuclear Regulatory Commission.
 Darrell G. Eisenhut,
 Director, Division of Licensing.
 [FR Doc. 80-30873 Filed 10-3-80; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. 50-344]

**Portland General Electric Co., et al.
 (Trojan Nuclear Plant); Revised Order
 for Modification of License**

In the Matter of Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (Trojan Nuclear Plant).

I

Portland General Electric Company, et al. (licensee) is the holder of License No. NPF-1, which authorizes the operation of the Trojan Nuclear Plant at steady state reactor power levels not in excess of 3411 megawatts thermal (rated power). The facility consists of a Pressurized Water Reactor located at the licensee's site near Rainier, Oregon.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-

related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B dated January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. NPF-1 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I & E Bulletin 79-01B, shall be submitted to the Director, Region V, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the

Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to J. W. Durham, Esq., Vice President and Corporate Counsel, Portland General Electric Company, 121 S. W. Salmon Street, Portland, Oregon 97204, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the Federal Register September 11, 1980 (45 FR 60090).

Effective Date: September 25, 1980, Bethesda, Maryland.

Robert A. Purple,

Acting Director, Division of Licensing.

[FR Doc. 80-30983 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-267]

Public Service Co., of Colorado (Fort St. Vrain Nuclear Generating Station); Revised Order for Modification of License

I

The Public Service Company of Colorado (licensee) is the holder of License No. DPR-34 which authorizes the operation of the Fort St. Vrain Nuclear Generating Station at steady state reactor power levels not in excess of 842 megawatts thermal (rated power) with a current hold at 70%. The facility consists of a Gas-Cooled reactor located at the licensee's site in Weld County, Colorado.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in the two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the

Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provision of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4 which related to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines, or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meeting during the months of February and March, 1980.

of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B of January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest required that a firm schedule for the timely submission of all the information previously request by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. DPR-34 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I&E Bulletin 79-01B, shall be submitted to the Director, Region IV, Office of Inspection and Enforcement by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Bryant O'Donnell, Esq., Kelly, Stansfield and O'Donnell, 990 Public Service Company Building, Denver, Colorado 80202, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980 and published in the *Federal Register* September 11, 1980. (45 FR 60091).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing, Office of
Nuclear Reactor Regulation.

[FR Doc. 80-20378 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas & Electric Co. (R. E. Ginna Nuclear Power Plant); Revised Order for Modification of License

I

Rochester Gas & Electric Company (the licensee) is the holder of the Provisional Operating License No. DPR-18, which authorizes the operation of the R. E. Ginna Nuclear Power Plant at steady-state reactor power levels not in excess of 1520 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Wayne County, New York.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by our letter of March 8, 1980, as modified by our letter of March 28, 1980, to provide information on emergency procedures and safety related systems. The licensee was requested to define and provide the basis for the hostile environment, inside and outside containment. This hostile environment would then be used, by the licensee, in the determination of unqualified equipment. A complete package, including justification for methods used, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety.

Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Provisional Operating License No. DPR-18 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in NRC's letters dated March 6, 1980, and March 28, 1980, shall be submitted to the Director, Division of Licensing by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harry H. Voight, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue, N.W., Suite 1100, Washington, D.C., attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980 (45 FR 60092, September 11, 1980).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing.

[FR Doc. 80-30965 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station); Revised Order for Modification of License

I

The Sacramento Municipal Utility District (licensee) is the holder of Facility Operating License No. DPR-54, which authorizes the operation of the Rancho Seco Nuclear Generating Station, at steady state reactor power levels not in excess of 2772 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Sacramento County, California.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by

Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information development during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualification of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B of January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. DPR-54 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I & E Bulletin 79-01B, shall be submitted to the Director, Region V, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to David S. Kaplan, Secretary and General Counsel, 6201 S. Street, P.O. Box 15830, Sacramento, California 95814, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the Federal Register September 12, 1980, (45 FR 60518).

Effective Date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 80-30976 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas and Electric Co. (San Onofre Nuclear Generating Station, Unit 1); Revised Order for Modification of License

I

Southern California Edison Company and San Diego Gas and Electric Company (the licensees) are the holders of Provisions Operating license No. DPR-13, which authorizes the operation of the San Onofre Nuclear Generating Station at steady state reactor power levels not in excess of 1347 megawatts thermal rated power). The facility consists of a pressurized water reactor located at the licensee's site in San Diego County, California.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects to the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related-Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with the corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolants Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by our letter of March 6, 1980, as modified by our letter of March 28, 1980, to provide information on emergency procedures and safety-related systems. The licensee was requested to define and provide the basis for the hostile environment, inside and outside containment. This hostile environment would then be used, by the licensee, in the determination of unqualified equipment. A complete package, including justification for methods used, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's request for information. However, the licensee's response, to date, is complete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Provisional Operating License No. DPR-13 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in NRC's letters dated March 6, 1980, and March 28, 1980, shall be submitted to the Director, Division of Licensing by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Charles L. Kocher, Assistant General Counsel, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980 (45 FR 60093, September 11, 1980).

Effective Date: September 29, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.
Darrell G. Eisenhut,
Director, Division of Licensing.

[FR Doc. 80-30870 Filed 10-3-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric & Power Co. (North Anna Power Station, Unit No. 1); Revised Order for Modification of License

I

Virginia Electric and Power Company (licensee) is the holder of License No. NPF-4, which authorizes the operation of the North Anna Power Station Unit No. 1 at steady state reactor power levels not in excess of 2775 megawatts thermal (rated power). The facility consists of a Pressurized Water Reactor located at the licensee's site in Louisa County, Virginia.

II

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for

Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualification of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B¹ and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to

¹ Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

provide bi-monthly progress reports to the Commission.

The Commission further directed the staff to add certain documentation requirements to each license after the specific requirements were approved by the Commission. The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III

The information developed during this proceeding emphasizes the importance of adequate documentation, the prompt completion of the review of environmental qualification of safety-related electrical equipment, and the prompt completion of any plant modification needed to assure conformance with the DOR Guidelines or NUREG-0588. A significant aspect of this review is the timely submittal of environmental qualification information by the operating plant licensees to enable the staff to complete its review in accordance with the Commission's Order. The staff has a program presently underway to reevaluate, using the DOR Guidelines and NUREG-0588, the qualifications of safety-related electrical equipment exposed to environments that may exist following postulated accidents. These accidents are Loss of Coolant Accident and Main Steam Line Break inside containment, and High Energy Line Breaks inside and outside containment.

In this connection the licensee was requested by I&E Bulletin 79-01B dated January 14, 1980 to provide a detailed review of the environmental qualification of Class 1E electrical equipment. This review was to include all equipment required to function under postulated accident conditions, both inside and outside the primary containment, and recognize all conditions specified in the bulletin. Evidence of qualification together with methods and justification, was requested.

Clarification was provided by supplemental information, briefings, and in some cases, meetings with the licensee. Timely completion of the staff's review of environmental qualification of electrical equipment and timely completion of needed modifications by the licensee is required to provide continuing reasonable assurance of public health and safety. Such completion is dependent on the prompt receipt of a complete response by the licensee to the staff's requests for information. However, the licensee's response, to date, is incomplete.

Therefore, I have concluded that the public health, safety, and interest require that a firm schedule for the timely submission of all the information previously requested by the staff should be established by Order effective immediately.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that effective immediately Facility Operating License No. NPF-4 is hereby amended to add the following provisions:

Information which fully and completely responds to the staff's request as specified in I&E Bulletin 79-01B, shall be submitted to the Director, Region II, Office of Inspection and Enforcement, by the licensee not later than November 1, 1980.

An earlier response is encouraged to facilitate staff review and issuance of the safety evaluation report. The licensee or any person whose interest may be affected by this Order may request a hearing on or before October 27, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Michael, W. Maupin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212, attorney for the licensee.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the license should be modified to require submission of information as set forth in Section IV. of the Order.

Operating of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. This Order revises, in its entirety, the Order issued August 29, 1980, and published in the *Federal Register* September 11, 1980 (45 FR 60096).

Effective date: September 19, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 80-30981 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

President's Commission for a National Agenda for the Eighties; Meeting

September 26, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Full Commission of the President's Commission for a National Agenda for the Eighties, is scheduled for October 17, 1980 from 9:00 a.m. to 6:00 p.m. in Washington, D.C. The meeting will be held at the Federal Home Loan Bank Board Building, 1700 G Street, N.W., in the Auditorium.

The purpose of the meeting is to discuss elements of the Commission's report, and review the progress of the panel reports.

Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006 (202) 275-0616.

Brenda Mayberry,

Acting Budget and Management Officer.

[FR Doc. 80-30910 Filed 10-3-80; 8:45 am]

BILLING CODE 3110-01-M

Agency Forms Under Review

Background

October 1, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions,

extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out; Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register* but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have

comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

New Forms

• Bureau of Economic Analysis
Public assistance payments estimates by county
Annually

State governments; 50 responses, 300 hours.

Office of Federal Statistical Policy and Standard, 673-7974

• Bureau of Economic Analysis
Unemployment Insurance Benefits
Payments by County
Annually

State Governments, 50 responses, 300 hours

Office of Federal Statistical Policy and Standard, 673-7974

• Maritime Administration
Exporter/Importer Data
MA-740

On occasion

Exporters and importers, 2,500 responses, 2,500 hours

William T. Adams, 395-4814

Revisions

• Bureau of the Census
Annual Retail Trade Report
B-151, 152 and 153
Annually

Retail business firms, 32,000 responses, 12,800 hours

Office of Federal Statistical Policy and Standard, 673-7974

• Bureau of the Census
Aluminum Foil Converted
MA-34P
Annually

Converters of aluminum foil, 225 responses, 113 hours

Office of Federal Statistical Policy and Standard, 673-7974

• Bureau of the Census
Current Retail Sales Reports
B-100, 101, 102 and 102A
Monthly

Retail business firms, 138,600 responses, 34,650 hours

Office of Federal Statistical Policy and Standard, 673-7974

• Maritime Administration
Trustee's annual supplemental
certification
MA-580

Annually

Bank or Trust Company, 59 responses, 29 hours

William T. Adams, 395-4814

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697-1195

New Forms

• Departmental and other DOD
Centralized Examining System
Supplemental Personal Qualification
Form

DD Form

On occasion

Job applicants; 400,000 responses, 400,000 hours

Edward C. Springer, 395-4814

Revisions

• Department of the Air Force
AFLCR 70-1, Bidders list catalog/
bidders list by individual bidder
Annually

Manufacturers, dealers, 4,750 responses, 2,375 hours

Edward C. Springer, 395-4814

Extensions

• Departmental and other standard
integrated support management
system—reporting requirements
On occasion

Any DOD contractor, 2,000 responses, 80,000 hours

Kenneth B. Allen, 395-3785

DEPARTMENT OF ENERGY

Agency Clearance Officer—Dr. Irene Montie—633-9464

New Forms

• Energy and Society Survey 1980
RA-493

Single Time

Individuals, 1,500 responses, 1,000 hours

Jefferson B. Hill, 395-7340

• Data requirements for regulations for
loan guarantees for alcohol fuels,
biomass energy and municipal waste
energy projects

CS/AF-703R

On occasion

Description not furnished by agency, 30 responses, 1,200 hours

Jefferson B. Hill, 395-7340

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph J. Simnad—245-7483

New Forms

• Office of Human Development
Protection and advocacy system three-
year report

Other (see SF-83)

Description not furnished by agency, 56 responses, 1,792 hours

Barbara F. Young, 395-6880

- Office of Human Development
Financial status report (protection and
advocacy program)
SF-269
Quarterly
56 State governments, 224 responses, 286
hours
Barbara F. Young, 395-6880

Extensions

- National Institutes of Health
Training grant application
PHS 2499-1
Other (see SF-83)
Organizations engaged in training, 5,517
responses, 110,340 hours
Richard, Eisinger, 395-6880

Reinstatements

- Alcohol, Drug Abuse and Mental
Health Administration
The employment specialist study
Single time
Drug treatment clients, 2,260 responses,
1,130 hours
Richard, Eisinger, 395-6880

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G.
Masarsky—755-5184

New Forms

- Housing production and mortgage
credit application for homeownership
assistance under Sec. 235(I)
HUD-93100
On occasion
Sellers, mortgagors, and/or mortgagees,
100,000 responses, 100,000 hours
Richard Sheppard, 395-6880

- Housing production and mortgage
credit report on program activity—
Section 8 moderate rehabilitation
program
HUD-52686
Semi-annually
PHA's administering the moderate
rehabilitation program, 800 responses,
1,600 hours
Richard Sheppard, 395-6880

- Housing production and mortgage
credit descriptions of materials
HUD-92005 (formerly FHA-2005)
On occasion
Builders-architects, 80,000 responses,
40,000 hours
Richard Sheppard, 395-6880

Revisions

- Administration (Office of Assistant
Secretary) requisition for grant
payment
HUD-259
On occasion
States and local units of government,
5,000 responses, 2,500 hours

Richard Sheppard, 395-6880

- Community Planning and Development
Comprehensive planning assistance
annual report
(Completion report)
CPD-502
Annually
Recipients of "701" comprehensive
planning assistance, 450 responses,
18,000 hours
Richard Sheppard, 395-6880

- Community Planning and Development
Request for release of funds and
certification
HUD-7015.15
On occasion
Community development block grant
and UDAG grantees, 10,180 responses,
2,545 hours
Richard Sheppard, 395-6880

- Housing Management
Section 8 housing assistance payments
program—application for moderate
rehabilitation
HUD-52515A
On occasion
PHA's who want to administer the
moderate rehabilitation program, 4,000
responses, 40,000 hours
Richard Sheppard, 395-6880

- Housing production and mortgage
credit assistance payments program
for existing housing
HUD-52515
On occasion
PHA's Desir. to Adminis. Sec. 8 existing
housing program, 4,000 responses,
32,000 hours
Richard Sheppard, 395-6880

- Housing production and mortgage
credit application for assignment of
portion of set-aside to specific project
(Sec. 8 State agency program)
HUD-52516
On occasion
Approved State housing finance
agencies, 400 responses, 200 hours
Richard Sheppard, 395-6880

- Housing production and mortgage
credit development program of Indian
housing authority
HUD-53045 and 53045A
On occasion
Official Indian housing authorities, 240
responses, 2,880 hours
Richard Sheppard, 395-6880

- Housing production and mortgage
credit operation subsidy requisition
for partial payments of public housing
urban initiative program (PHUIP)
HUD-53120
Quarterly
Public housing agencies, 268 responses,
586 hours
Richard Sheppard, 395-6880

DEPARTMENT OF LABOR

Agency Clearance Officer, Paul E.
Larson—523-6341

New Forms

- Employment and Training
Administration
Management review of the ES test
development program
MT-313
Single time
Employment Serv. State agency staff in
36 States, 315 responses, 390 hours
Arnold Strasser, 395-6880
- Employment and Training
Administration
Employment initiatives report
ETA 8513
Semi-annually
CETA prime sponsors and SESA's, 600
responses, 1,200 hours
Arnold Strasser, 395-6880

Revisions

- Employment and Training
Administration
Job order form
ES-514
On occasion
SESA's, 4,554,000 responses, 493,400
hours
Arnold Strasser, 395-6880
- Employment and Training
Administration
Win reporting system
ETA 595, 596, and MA 5-97
On occasion
Win offices, 3,838,000 responses, 283,080
hours
Arnold Strasser, 395-6880

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer, John Winsor,
Acting—426-1887

New Forms

- National Highway Traffic Safety
Administration
Confidential business information
On occasion
Business establishments, 150 responses,
600 hours
Hayward, Corinne D., 395-7340

Revisions

- Federal Aviation Administration
Parachute lofts—FAR 149
FAA 8010-4 and 8310-3
On occasion
Parachute maintenance and repair
agency, 11,420 responses, 9,150 hours
Hayward, Corinne D., 395-7340

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy
Tucker—376-0436

Revisions

- Bureau of Customs

Application for identification card of customs 3078
On occasion
Cartmen/lightermen, broker's warehousemen and Conta. Stat. Employment, 5,000 responses, 2,000 hours
Warren Topelius, 395-7340

ACTION

Agency Clearance Officer—Dana Rodgers, Acting—254-8501

Revisions

- Applicant racial/ethnic data sheet
On occasion
Racial/ethnic data linked with an identifier, 13,000 responses, 130 hours
Arnold Strasser, 395-6880

- Action/Peace Corps volunteer reference form

A-36

On occasion
Volunteer reference, 92,160 responses, 17,920 hours
Arnold Strasser, 395-6880

- Action/Peace Corps volunteer application form

A-35

On occasion
Volunteer services, 5,600 responses, 5,600 hours
Arnold Strasser, 395-6880

- Employer educational follow-up questionnaire

A-232

On occasion
Volunteer services, 290 responses, 73 hours
Arnold Strasser, 395-6880

- Request for information about action A-16, A-335, A-33S

On occasion

Volunteer services, 47,250 responses, 378 hours
Arnold Strasser, 395-6880

- Employer job order form from FVS A-229

On occasion

Volunteer services, 80 responses, 20 hours
Arnold Strasser, 395-6880

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—357-7811

Revisions

- Survey of scientific and engineering expenditures at universities and colleges, FY 1980 and FY 1981
NSF 411 and 411

Annually

Institutions of higher education with S/E programs, 579 responses, 14,700 hours
Marsha D. Traynham, 395-7340

PEACE CORPS

Agency Clearance Officer—Richard Celeste—254-7970

New Forms

- Peace Corps

Action/Peace Corps volunteer application form

A-35

On occasion

Volunteer application, 14,400 responses, 14,400 hours
Arnold Strasser, 395-6880

- Peace Corps

Action/Peace Corps volunteer reference form

A-36

On occasion

Volunteers, 92,160 responses, 46,080 hours
Arnold Strasser, 395-6880

- Peace Corps

Request for information about action A-16, A-335

On occasion

Volunteers, 57,750 responses, 462 hours
Arnold Strasser, 395-6880

- Peace Corps

Employer job order form from FVS A-229

On occasion

Volunteer services, 180 responses, 45 hours
Arnold Strasser, 395-6880

- Peace Corps

Employer educational follow-up questionnaire from FVS

A-232

On occasion

Volunteer services, 750 responses, 188 hours
Arnold Strasser, 395-6880

- Peace Corps

Applicant racial/ethnic data sheet
On occasion

Racial/ethnic data linked with an identifier, 13,000 responses, 130 hours
Arnold Strasser, 395-6880

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—John Anderson—653-6890

New Forms

- Groundfish vessel questionnaire

Single time

Fishermen—groundfish fisheries in New England, 117 responses, 29 hours
Edward C. Springer, 395-4814

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389-2146

Revisions

- Request for information re applicant for dietetic internship

VA FL 10-282

On occasion

College/university faculty, 1,000 responses, 250 hours
Laverne V. Collins, 395-6880

Extensions

- Request for and consent to release of information from claimant's records
07-3288

On occasion

Insurance companies, private physicians, 300,000 responses, 50,000 hours
Laverne V. Collins, 395-6880

WATER RESOURCES COUNCIL

Agency Clearance Officer—Louis D. Walker—254-6442

Revisions

- State water management planning program—grant application package—fiscal year 1981

Annually

State agencies, 55 responses, 6,600 hours
Edward H. Clarke, 395-7340
C. Louis Kincannon,

Acting Deputy Assistant Director For Reports Management.

[FR Doc. 80-31060 Filed 10-5-80; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 81-634]

East Boston Community Development Corp.; Application and Opportunity for Hearing

September 29, 1980.

Notice is hereby given that East Boston Community Development Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934 (the "1934 Act"), for exemption from Sections 13 and 14 of the 1934 Act.

The Applicant states, in part:

Applicant is a federally-funded, community development corporation funded under Title VII of the Economic Opportunity Act of 1964, as amended. Its principal purpose is to pursue and encourage the elimination of poverty through community-based economic development in its low-income special impact area with the assistance of shareholders having voting rights, who must reside in the impact area and may not own more than one share of stock, obtained at a maximum of one dollar per share. There is no trading interest in its securities.

Applicant believes that the exemption would be appropriate in view of the nature of its activities and the fact that

existing informational requirements under the Economic Opportunity Act render the protections of the 1934 Act unnecessary.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than October 24, 1980, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-30938 Filed 10-3-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-629]

Life Assurance Co. of Pennsylvania; Application and Opportunity for Hearing

September 29, 1980.

Notice is hereby given that Life Assurance Company of Pennsylvania ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order exempting Applicant from the provisions of Section 15(d) of the 1934 Act.

The Application states, in part:

1. On March 31, 1978 Applicant filed a registration statement on Form S-1 under the Securities Act of 1933 covering 89,125 shares of common stock (Registration No. 2-61086). Such registration statement, which was later amended to cover 205,000 shares as a result of a 2.3 for 1 stock split, was made effective on February 13, 1979. Post-effective Amendment No. 1 was filed on May 3, 1979 and was withdrawn on January 24, 1980 by order of that date at

the request of Applicant because the offering had been suspended.

2. The offering remains in abeyance. None of the shares registered has been sold and there are no pending or outstanding offers to purchase or sell any of the shares. No further solicitations will be made without an updated prospectus and compliance with all other applicable rules.

In the absence of an exemption, Applicant is required to file a form 10-K report for 1979 with the Commission pursuant to Section 15(d) of the 1934 Act.

Applicant contends that its request for an order exempting it from the reporting provisions of Section 15(d) of the 1934 Act is appropriate since it has no public shareholders and the time, effort and expense involved in preparation of the reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than October 24, 1980 may submit to the Commission in writing his views on any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-30938 Filed 10-3-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-638]

Loyal American Life Insurance Co.; Application and Opportunity for Hearing

September 29, 1980.

Notice is hereby given that Loyal American Life Insurance Company ("Applicant") has filed an application pursuant to Section 12(h) of the

Securities Exchange Act of 1934, as amended, (the "1934 Act") for an order exempting Applicant from the provisions of Section 15(d) of that Act.

The Application states, in part:

(1) On April 1, 1980, the Applicant was merged into a wholly-owned subsidiary of The Imperial Life Assurance Company of Canada.

(2) As a result of this transaction, the number of public shareholders of the Applicant was reduced to zero and all trading interest in the Applicant's common stock has been eliminated.

In the absence of an exemption, Applicant would be required to file a report on Form 10-K for the period ended December 31, 1980 and Forms 10-Q for the quarters ended March 31, June 30 and September 30, 1980. Applicant believes that its request for an order exempting it from the reporting provisions of Section 15(d) of the 1934 Act is appropriate since it has no public shareholders, and the time, effort and expense involved in preparation of the reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented all persons are referred to the application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person, not later than October 24, 1980, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-30941 Filed 10-3-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-632]

P.E.C. Electronics Corp.; Application and Opportunity for Hearing

September 29, 1980.

Notice is hereby given that P.E.C. Electronics Corporation ("Applicant"), has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from certain of the reporting requirements of Section 13 of the 1934 act.

The Applicant states, in Part:

(1) The Applicant is a New York corporation subject to the reporting provisions of Section 13 of the 1934 Act.

(2) On May 15, 1980 the Applicant sold substantially all of its operating assets to CM-PEC Acquisition, Inc. In addition to the sale of assets, the Applicant's shareholders approved a plan of dissolution and liquidation.

(3) The Applicant has no operations and is presently liquidating its assets pursuant to the plan adopted by its shareholders.

(4) As of June 5, 1980 there has been virtually no market activity in the Applicant's stock.

In the absence of an exemption, Applicant is required to file certain reports with the Commission pursuant to Section 13 of the 1934 Act, including an annual report on Form 10-K for the fiscal year ended June 30, 1980. Applicant argues that no useful purpose would be served in filing quarterly reports on Form 10-Q and annual reports on Form 10-K.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the office of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person, not later than October 24, 1980, may submit to the Commission his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should briefly state the nature of the interest of the person submitting such information or requesting the hearing, the reason for any such request, and the issue of fact and law raised by the Application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including

the date of the hearing (if ordered) and any postponements thereof.

Any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-30937 Filed 10-3-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 82-633]

Quaker Profit-Sharing and Investment Plan; Application and Opportunity for Hearing

September 29, 1980.

Notice is hereby given that the Quaker Profit Sharing and Investment Plan ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934 as amended (the "1934 Act"), seeking an exemption from the requirement to file reports pursuant to Section 15(d) of the 1934 Act.

The Applicant states in part:

Applicant registered shares of the Quaker Oats Company common stock and participations in the Plan in 1968 and 1978. On June 2, 1980 Applicant filed a post-effective amendment to the registration statement deregistering the participations and common stock.

Applicant requests in particular that it be exempted from filing its Annual Report on Form 11-K for the fiscal year ended June 2, 1980. Applicant states that the financial information which would have been required by Form 11-K is, in any event, made available to plan participants by Section 104(b)(1) of the Employee Retirement Income Security Act of 1974 (ERISA), and that all plan participants will have made available to them, at their request, the same information which they could have obtained from the Form 11-K.

Applicant believes that an exemptive order would be appropriate because there is no further need for dissemination of the information contained in periodic reports.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the Office of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than October 24, 1980, may submit to the Commission in writing his views or any substantial facts bearing on the application or the

desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law released by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-30939 Filed 10-3-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-631]

REI Liquidating Corp.; Application and Opportunity for Hearing

September 29, 1980.

Notice is hereby given that R.E.I. Liquidating Corporation ("Applicant"), formerly Rodale Electronics, Inc., has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from certain of the reporting requirements of Section 13 of the 1934 Act.

The Applicant states, in Part:

(1) The Applicant is a New York corporation subject to the reporting provisions of Section 13 of the 1934 Act.

(2) On May 29, 1980 shareholders of the Applicant approved a plan of dissolution and liquidation.

(3) The Applicant has no operations and is presently liquidating its assets pursuant to the plan adopted by its shareholders.

(4) As of June 5, 1980 there has been virtually no market activity in the Applicant's stock.

In the absence of an exemption, Applicant is required to file certain reports with the Commission pursuant to Section 13 of the 1934 Act, including an annual report on Form 10-K for the fiscal year ended June 30, 1980. Applicant argues that no useful purpose would be served in filing quarterly reports on Form 10-Q and annual reports on Form 10-K.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the office of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person, not later than October 24, 1980, may submit to the Commission his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should briefly state the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the Application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

Any time after said date, and order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-30940 Filed 10-3-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0184]

Grocers Capital Co., Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company (Grocers), 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1980)) for approval of a conflict of interest transaction.

Grocers proposes to loan \$35,000 to Minute Market of California, Inc. (Minute Market), 2735 De La Vina Avenue, Santa Barbara, California. The proceeds of the loan will be used to purchase refrigerated cases and shelving for a Liquor-Deli Store from Grocers Equipment Company (G.E.C.).

All of Grocers stock is owned by subsidiaries of Certified Grocers of California, Ltd. (Certified), a retailer-owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by § 107.3 of SBA Rules and Regulations. As a result, Grocers financing of Minute Market falls within the purview of § 107.1004(b)(5) of the SBA regulations. Grocers loan to Minute Market requires prior written approval of SBA.

Notice is hereby given that any person may not later than October 21, 1980, submit written comments to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Santa Barbara, California area.

(Catalog of Federal Domestic Assistance Programs No. 95.001, Small Business Investment Companies)

Dated: September 29, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-30934 Filed 10-3-80; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council, Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Minneapolis, Minnesota, will hold a public meeting from 10:00 a.m. to 2:00 p.m., Tuesday, December 16, 1980, at the Small Business Administration Office at 610-C Butler Square, 100 North 6th Street, Minneapolis, Minnesota, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information write or call Paul W. Jansen, District Director, U.S. Small Business Administration, 12 South 6th Street, Minneapolis, Minnesota 55402—(612) 725-2980.

Dated: September 29, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-30930 Filed 10-3-80; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of New Orleans, Louisiana, will hold a public meeting from 9:00 a.m. to 2:00 p.m., Friday,

November 14, 1980, at the International Trade Mart Building, #2 Canal Street, 29th Floor, New Orleans, Louisiana, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information write or call Robert J. Crochet, Assistant District Director for Management Assistance, 1001 Howard Avenue, Suite 1702, New Orleans, Louisiana 70113—(504) 589-2354.

Dated: September 30, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-30932 Filed 10-3-80; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Kansas City, Missouri, will hold a public meeting at 9:00 a.m., Tuesday, October 28, 1980, at the Hereford House, Red Room, 2 East 20th Street Kansas City, Missouri, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information write or call Patrick E. Smythe, Deputy District Director, U.S. Small Business Administration, 1150 Grand Avenue, 5th floor, Kansas City, Missouri 64106—(816) 374-5557.

Dated: September 29, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-30929 Filed 10-3-80; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Fargo, North Dakota, will hold a public meeting at 9:30 a.m. Friday, November 21, 1980, at the Federal Building, Room 319, 653 Second Avenue North, Fargo, North Dakota, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Philip J. O'Jibway, District Director, U.S. Small Business Administration, 653 Second Avenue North, Fargo, North Dakota 58102—(701) 237-5771.

Dated: September 30, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-30931 Filed 10-3-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-0116]

Tamco Investors (SBIC), Inc.; Filing of an Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that Tamco Investors (SBIC), Inc. (Tamco), 375 Victoria Road, Youngstown, Ohio 44515, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 of the regulations governing small business companies (13 CFR 107.1004 (1980)) for an exemption from the provisions of the conflict of interest regulation.

This exemption, if granted, will permit Tamco to provide a \$60,000 loan to Mr. Stephen Niarhos, d.b.a. Stephen's Shoes (Stephen).

Mr. Stephen Niarhos is a 50 percent partner in M.N.T. Realty Co., a real estate partnership. The other 50 percent interest in this partnership is owned equally by Messrs. Nathan H. Monus, Jerry P. Tamarkin, Jack B. Tamarkin and Bertram Tamarkin, all officers and directors of Tamco.

Pursuant to Paragraph (f) of the definition of "Associate of a Licensee" in § 107.3 of the regulations, Stephen is considered to be an Associate of Tamco. As such, the transaction will require an exemption pursuant to § 107.1004(b)(1) of the regulations.

Notice is hereby given that any person may, no later than October 21, 1980, submit to the Small Business Administration, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Youngstown, Ohio.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 26, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-30933 Filed 10-3-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80-118]

Ship Structure Committee; Meeting Correction

The Fall Meeting of the Ship Structure Committee, announced in the Federal Register issue of Monday, September 22, 1980, will commence at 9:00 a.m. in lieu of the time previously announced. All other particulars of the meeting remain unchanged.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 80-31051 Filed 10-3-80; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 142—Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 142 on Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment to be held on October 29-31, 1980 in RTCA Conference Room 261, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Fifth Meeting Held on July 15-16, 1980; (3) Review and Discussion of U.S. National Aviation Standard for Discrete Address Beacon System; (4) Discussion of the Test Procedures Working Group Report; (5) Review Draft Paper on Message Formats and Protocol; (6) Working Groups Meet in Separate Sessions; (7) Discussion of Working Group Reports; (8) Editorial Review of Section 1 to Draft DABS Minimum Operational Performance Standard; (9) Identification and Assignment of Remaining Tasks and (10) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484.

Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on September 29, 1980.

Karl F. Bierach,

Designated Officer.

[FR Doc. 80-30935 Filed 10-3-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Surry County, N.C.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Surry County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Gary D. Holly, Environmental Engineer, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone (919) 755-4270.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposed connector highway between US 52 and I-77 in Surry County. The proposed action would be the construction of a controlled-access highway on new location from US 52 southeast of Mount Airy to I-77 west of Mount Airy. The proposed action is needed to serve the projected traffic demand between I-77 and US 52, which are both freeways and major arterials on the North Carolina highway system. It will also serve to relieve the severe traffic congestion already occurring on NC 89, an uncontrolled access highway which currently serves as the connector between I-77 and US 52.

Alternatives under consideration include (1) the "no-build", (2) improving existing facilities, (3) postponement of the action, and (4) a controlled access highway on new location. The new location alternatives will involve studies of various corridors for a freeway with access only at designated interchanges.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. A public meeting and a meeting with local officials have been held in the study area and a public hearing will also be held. Information on the time and place of the public hearing will be provided in the local news.

media. The draft EIS will be available for public and agency review and comment at the time of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular Number A-95 regarding State and Local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued on: September 25, 1980.

Roger Lewis,

Acting Division Administrator, Raleigh, N.C.

[FR Doc. 80-30997 Filed 10-3-80; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular Public Debt Series No. 30-80]

Treasury Bonds of 1995; Invitation for Tenders

September 30, 1980.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$1,500,000,000 of United States securities, designated Treasury Bonds of 1995 (CUSIP No. 912810 CR 7). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated October 14, 1980, and will bear interest from that date, payable on a semiannual basis on May 15, 1981, and each subsequent 6 months on November 15 and May 15, until the principal becomes payable. They will mature November 15,

1995, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, October 7, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, October 6, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one competitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that

such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 96.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive

tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, October 14, 1980. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, October 9, 1980. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount

will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been

established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-30956 Filed 10-3-80; 1:39 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Addition for Processing and Distribution, Warehouse, Outpatient, and Laboratory Administration, Veterans Administration Medical Center, Brooklyn, N.Y.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of the proposed project at the Veterans Administration Medical Center (VAMC), Brooklyn, New York.

The project proposes to construct a three level (basement, ground and first) addition to the southwest face of building No. 1. The addition will be approximately 54,000 gross square feet.

Development of the project will have minimal impacts on the human and natural environment. There will be some temporary impact associated with the construction process: noise, dust, fumes, and visual impact.

Mitigation of the project impacts include: soil erosion and sedimentation protection, noise abatement measures and control of dust and fumes through construction specifications and various engineering implementation techniques.

This Environmental Assessment has been performed in accordance with the

requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 1027A, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: September 26, 1980.

By direction of the Administrator.

Maury S. Crallé, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-30958 Filed 10-3-80; 8:45 am]

BILLING CODE 8320-01-M

Ambulatory Care and Clinical Addition, Veterans Administration Medical Center, Montgomery, Ala.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of the Ambulatory Care and Clinical Addition at the Veterans Administration Medical Center (VAMC), Montgomery, Alabama.

The project proposes construction of a new addition, a 250 car parking lot and a partial realignment of the entrance road. The two-story addition, adjacent to building no. 1 will contain a total of approximately 60,000 gross square feet. Adjacent to the addition will be the 250 car parking lot.

Development of the project will have minimal impacts on the human and natural environment as it affects topography, surface runoff, floodplains, traffic and parking as well as aesthetic and cultural elements. In addition, construction noise, dust, fumes and visual impacts will exist during construction of the project. Long term open space and visual impacts will result from the project developments.

Findings conclude the proposed actions will not cause a significant effect on the physical and human environment and, therefore, the project does not require preparation of an Environmental Impact Statement. This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations,

§§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 1027A, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: September 26, 1980.

By direction of the Administrator.

Maury S. Crallé, Jr.,

Associate Deputy Administrator.

[FR Doc. 30959 Filed 10-3-80; 8:45 am]

BILLING CODE 8320-01-M

Clinical Addition, Support and Education Project, Veterans Administration Medical Center, Amarillo, Tex.; Finding of No Significant Impact

The Veterans Administration has assessed the potential environmental impact that may occur as a result of the construction of a Clinical Addition, Support and Education Project at the Veterans Administration Medical Center, Amarillo, Texas.

The proposed project action will provide additional space and facilities for outpatient care, hospital services and education related activities. The project will include additional surface parking and construction of a new access road to the project site. Exterior site work will also include extension of utilities to the new building and minor site grading.

Development of the proposed project will have impacts on the environment as they affect vegetation, soil stability traffic flow and noise levels.

The mitigation of the project impacts on the environment include: Implementation of erosion and sedimentation controls; onsite noise abatement measures; adequate road design; and building emissions design, in accordance with Federal, State and local air quality standards. Short term impacts of dust and fumes associated with the project construction phase will be minimized by control measures outlined in construction contract documents.

This Environmental assessment has been performed in accordance with the requirements of the National

Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 1027A, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: September 26, 1980.

By direction of the Administrator.

Maury S. Crallé, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-30960 Filed 10-3-80; 8:45 am]

BILLING CODE 8320-01-M

Clinical Addition, Veterans Administration Medical Center, Biloxi, Miss.; Planned Action

The Veterans Administration plans the construction of a four-story (with possible vertical expansion of one additional floor in the future) clinical addition of approximately 67,000 net square feet at the Veterans Administration Medical Center at Biloxi, Mississippi. The addition will be a free standing building with enclosed inpatient access from building No. 1 on all four floors.

The VA has determined that this project is a "Critical Action" as defined by Executive Order 11988 and as such should avoid being sited within the 500 year floodplain. The Flood Insurance Study (FIS) dated December, 1977 for this geographical area, does not delineate the extent of Zone B (500 year) on VA property as a Federal holding and therefore additional data was obtained from the Federal Insurance and Hazard Mitigation Office, Federal Emergency Management Agency, Atlanta, Georgia, and the Corps of Engineers, Mobile District. The 500 year flood elevation was estimated to determine the probable flood hazard and the impact of the proposed project on the floodplain. Available data indicates a portion of the planned site of the clinical addition lies below the 500 year flood elevation. However, a determination has been made by the VA that the planned project will not adversely affect the floodplain. The potential for flooding will be considered in the design of the building by elevating

the structure above the base flood level using open works for support.

Accepted floodproofing and other flood protection measures shall be applied for the new construction. Project alternatives have been considered in the planning process, particularly those which site the building outside the 500 year floodplain. Functionally, the clinical addition must be connected to building No. 1, have an efficient outpatient entrance, and be provided direct vehicular emergency access which will not be affected by floodwaters. Alternative sites adjacent to building No. 1 were unable to satisfy these critical requirements and therefore siting in the floodplain is the only practicable alternative.

This planned action is considered in compliance with the state and local 100 year floodplain protection standards by virtue of its design with respect to the critical action (500 year) flood elevation.

In view of the planned design incorporating accepted flood protection measures mentioned above, it is the determination of the VA that there will be no significant increase in the elevation of flood waters due to this project.

The VA is soliciting comments from state and local levels. The comment period will be open until November 5, 1980. This Notice of Planned Action is in compliance with the announcement requirements of Executive Order 11988, Floodplain Management Guidelines (February 1978). As required, this is the second public notice on this action and follows the first notice published in the **Federal Register** on May 28, 1980.

Comments on this planned action should be postmarked no later than November 5, 1980 and addressed to: Mr. William A. Salmond, Acting Assistant Administrator for Construction (08), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420.

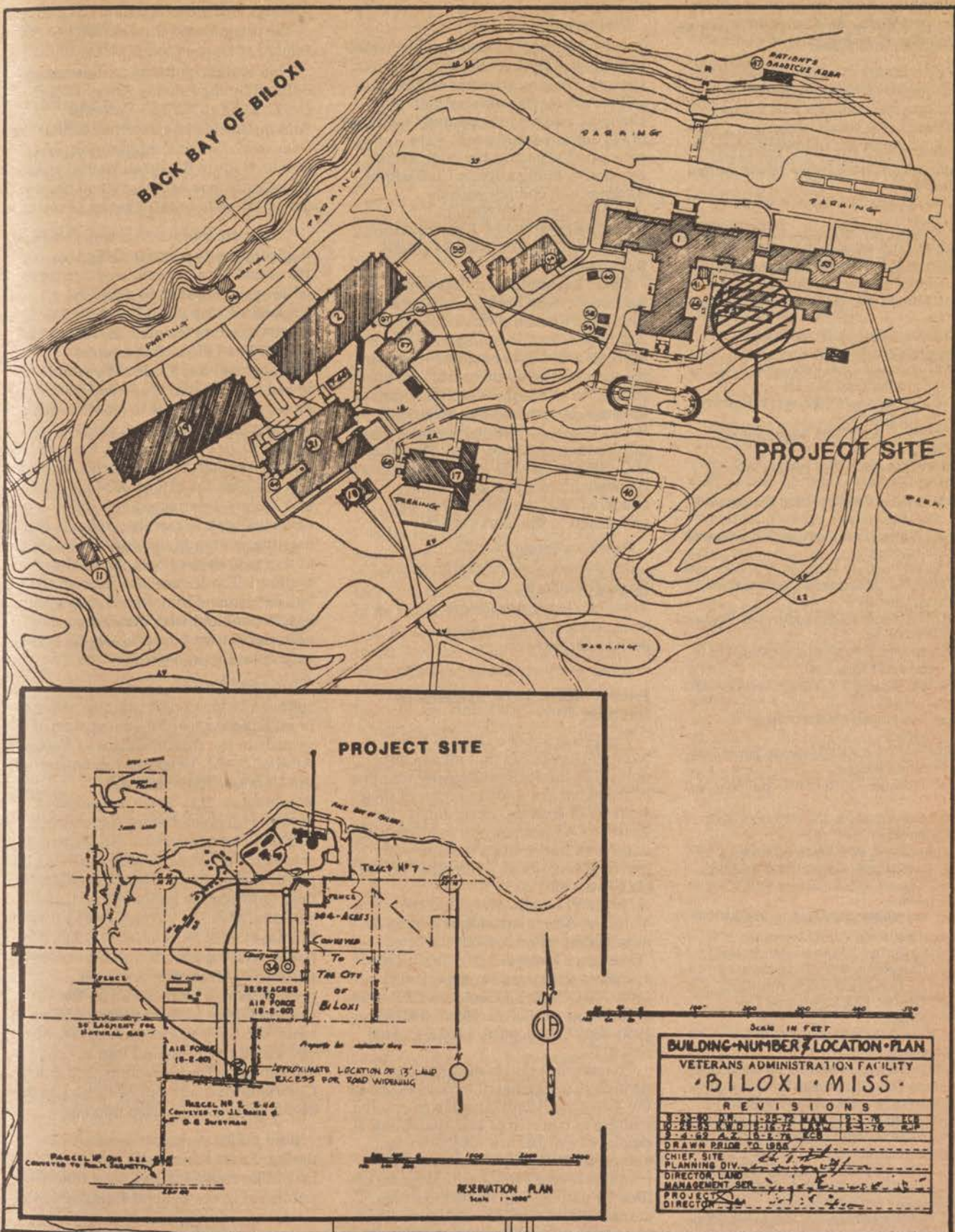
Dated: September 26, 1980.

By direction of the Administrator.

Maury S. Crallé, Jr.,

Associate Deputy Administrator.

BILLING CODE 8320-01-M



Veterans Administration Medical Centers, Albany, N.Y. et al.; Finding of No Significant Impact

The Veterans Administration (VA) has determined that the potential environmental impacts will not be significant as a result of the development of the following projects:

- VAMC Albany, NY, Modify Wards, Patient Privacy.
- *VAMC Batavia, NY, Correct Seismic Deficiencies.
- *VAMC Bath, NY, Renovate Building No. 78; for a Nursing Home Care Unit.
- *VAMC Bedford, MA, Renovate Building No. 5.
- VAMC Buffalo, NY, Renovate Psychiatric Bed Space.
- *VAMC East Orange, NJ, Relocate, Consolidate Research.
- *VAMC Hampton, VA, Renovate, A/C Kitchen in Building, No. 116.
- *VAMC Northport, NY, Renovate Building No. 82, for Research.
- *VAMC Perry Point, MD, New Laundry Building.
- VAMC Philadelphia, PA, Patient Privacy, AOV.
- *VAMC Salem, VA, Renovate Building No. 74.
- *VAMC White River Junction, VT, Research and Education.
- *VAMC White River Junction, VT, Renovate Building No. 28 for, the Department of Veterans Benefits.
- VAMC Wilmington, DE, Addition to Regional Office Building.
- VAMC Atlanta, GA, Regional Office Lease Renewal and Expansion.
- *VAMC Mt. Home, TN, Land Exchange, 12.5 Acres.
- *VAMC Mt. Home, TN, Electrical Deficiencies.
- VAMC Cincinnati, OH, Upgrade Secondary Distribution System.
- *VAMC Danville, IL, Renovate Building No. 14.
- *VAMC Leavenworth, KS, Eliminate Exit Deficiencies.
- VAMC Madison, WI, Air Conditioning.
- VAMC Omaha, NE, Educational Addition.
- *VAMC Tomah, WI, Eliminate Exit Deficiencies.
- *Wood, WI National Cemetery, Office Service Building.
- VAMC Big Spring, TX, Renovate Surgery.
- *VAMC Cheyenne, WY, Department of Veterans Benefits Building Addition.
- *VAMC Denver, CO, Safety and Fire Deficiencies.
- VAMC Denver CO, Regional Office Realignment.
- *VAMC Ft. Harrison, MT, Department of Veterans Benefits, Minor Construction.
- VAMC Livermore, CA, Eliminate Exit Deficiencies and Two Service Elevators.
- *VAMC (Brentwood) Los Angeles, CA, Seismic Reinforcement.
- *VAMC (Brentwood) Los Angeles, CA, Dental/Radiology Building, Renovate Building No. 210 for Research.
- VAMC Oklahoma City, OK, Regional Office Relocation.

*VAMC San Francisco, CA, Regional Office, Realignment.

An * designates those stations which need to comply with Section 106, Historic Preservation Act of 1966.

These projects were evaluated by checklist analysis sheets and "Findings of No Significant Impact" were concluded based on the information presented. Publication in the **Federal Register** will comply with the requirements of the National Environmental Policy Act Regulations, § 1508.13, Title 40, Code of Federal Regulations.

Checklist analysis sheets which document these findings will be placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 1027A, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202-389-2526). Questions or requests for single copies of the checklist analysis sheets may be addressed to the above office.

Dated: September 26, 1980.

By direction of the Administrator.

Maury S. Crallé, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-30961 Filed: 10-3-80; 8:45 am]

BILLING CODE 8320-01-M

Privacy Act of 1974; Systems of Records

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires that all agencies publish in the **Federal Register** a notice of the existence and character of their systems of records. Accordingly, the Veterans Administration published and adopted a notice of its inventory of personal records on September 27, 1977 (42 FR 49726).

Notice is hereby given that the Veterans Administration is adding a new system of records entitled "Grievance Records" (63VA05). This system is authorized under 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, 38 U.S.C. 4108 and 4115.

The purpose of this new system of records is to document actions taken by the Veterans Administration to resolve matters of concern or dissatisfaction of employees which are subject to the control of the agency. The system contains records relating to grievances filed by employees. These case files contain statements of witnesses, reports of interviews and hearing examiner's

findings and recommendations, a copy of the original and final decisions, and related correspondence and exhibits.

This system contains routine uses as defined by the Privacy Act of 1974 (5 U.S.C. 552a(a)(7)). The Veterans Administration has determined that the release of data and information, as provided for in the listed routine uses statements, is a necessary and proper use of the data in this system of records.

This system of records was previously published as part of the Office of Personnel Management's government-wide system notice. See **Federal Register** of May 29, 1979 (44 FR 30884)—as amended on October 26, 1979 (44 FR 61708). The Office of Personnel Management has made a decision, based on comments received from Federal agencies, not to continue the government-wide system entitled "OPM/GOVT-2, Grievance Records." In a memorandum to all agencies dated July 10, 1980, the Office of Management and Budget determined that if the agencies wish to merely duplicate the existing system of records that no report of a new system of records will be required. The Veterans Administration has determined that the existing system is sufficient and with the exception of editorial clarity, has adopted the system as previously published.

Interested persons are invited to submit written comments, suggestions, or objections regarding the system of records to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All relevant material received before November 5, 1980, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until November 17, 1980. Any person visiting the above address for the purpose of inspecting any such comments will be received by the VA Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in VA Central Office and will be furnished the above address and room number.

If no public comment is received during the 30-day review period allowed for public comment, or unless otherwise published in the **Federal Register** by the Veterans Administration, the system of records is effective September 30, 1980.

Approved: September 30, 1980.
Max Cleland,
Administrator.

63VA05

SYSTEM NAME:

Grievance Records, 63VA05.

SYSTEM LOCATION:

These records are located in personnel or designated offices in the Veterans Administration (VA) in which the grievances were filed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former VA employees who have submitted grievances with the agency in accordance with part 771 of OPM Regulations (5 CFR Part 771); VA Personnel Manual MP-5, Part I, Chapter 771, and Part II, Chapter 8; or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by agency employees under part 771 of OPM Regulations and VA Personnel Manual MP-5, Part I, Chapter 771, and Part II, Chapter 8. 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 original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that may be established 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, 38 U.S.C. 4108 and 4115, 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:

1. 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 disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

2. 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.

3. 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 requesting the agency's decision on the matter.

4. 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.

5. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

6. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

7. By the agency maintaining the records or the OPM 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.

8. 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.

9. 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.

10. 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.

STORAGE:

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 three years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Officials maintaining the system—Personnel Officer at station where employed (see Appendix 1 for local addresses). Official responsible for policies and procedures—Assistant Administrator for Personnel (05), VA Central Office, 810 Vermont Avenue, NW, Washington, D.C. 20420.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the agency personnel or designated office where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified:

- Name.
- Date of birth.
- Approximate date of closing of the case and kind of action taken.
- Organizational component involved.

RECORDS ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the agency personnel or designated office where the action was processed.

Individuals must provide the following information for their records to be located and identified:

- Name.
- Date of birth.
- Approximate date of closing of the case and kind of action taken.
- Organizational component involved.

Individuals requesting access must also follow the VA's Privacy Act regulations regarding access to records and verification of identity (38 CFR 1.577).

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 requests 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 agency personnel or designated office where the grievance was processed. Individuals must furnish the following information 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.

Individuals requesting amendment must also follow the VA Privacy Act regulations regarding amendment to records and verification of identity (38 CFR 1.577).

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.

[FR Doc. 80-31015 Filed 10-3-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 45, No. 195

Monday, October 6, 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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Securities and Exchange Commission	5

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., October 7, 1980.

PLACE: 2033 K Street NW., Washington, D.C., Office of the Chairman.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-1837-80 Filed 10-2-80; 11:24 am]

BILLING CODE 6351-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION

October 2, 1980.

TIME AND DATE: 2 p.m., October 14, 1980.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Briefing of the Commission by Irwin M. Stelzer and other members of the Subcommittee on Review of the Commission Decisional Process, Advisory Committee on Revision of Rules of Practice and Procedure. The purpose of the briefing is to present to the Commission, the Subcommittee's report on the decisional process in gas certificate cases.

CONTACT PERSON FOR MORE

INFORMATION: Lois D. Cashell, Acting Secretary; telephone (202) 357-8400.

A transcript of the hearing will be available for public review at FERC's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday except

Federal holidays. In addition, any person may purchase a copy of the transcript from the reporter.

[S-1839-80 Filed 10-2-80; 2:40 pm]

BILLING CODE 6450-85-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Date of Publication will be October 3, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE

OF MEETING: 2 p.m., October 8, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The meeting previously scheduled for October 8, 1980 at 2 p.m. has been changed to 2:30 p.m.

No. 400, October 2, 1980.

[S-1840-80 Filed 10-2-80; 2:55 pm]

BILLING CODE 6720-01-M

4

NUCLEAR REGULATORY COMMISSION.

DATE: September 19 and 25, 1980

(changes).

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed (changes).

MATTERS TO BE CONSIDERED: Friday, September 19:

2:25 p.m.

Affirmation session (additional items):
h. IE Delegation of Subpoena Authority.

i. Amendments to Part 2 Concerning Responses in Support of Summary Dispositions.

j. Request for Hearing in South Texas.
k. Intervention Petition and Request for Hearing on Reactor Export to South Korea.

l. Commission Opinion on Certified Question in Black Fox.

m. Final Rulemaking on Burial of Small Quantities of Radionuclides.

The meeting on Order in Indian Point was CANCELLED.

Thursday, September 25:

10 a.m.

The Discussion of Management-Organization & Internal Personnel Matters was cancelled.

2 p.m.

Affirmation session (additional items):

c. Commission Action on the pending Petition for Review in Seabrook.

d. Request for Exemption for Contaminated Smelted Alloys.

ADDITIONAL INFORMATION: By vote of 4-0 on September 19, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business required that the additional Affirmation Items, held that day, be held on less than one week's notice to the public.

By vote of 3-0 on September 25, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business required that the additional Affirmation Items, held that day, be held on less than one week's notice to the public.

CONTACT PERSON FOR MORE

INFORMATION: Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING

SERVICE FOR SCHEDULE UPDATE: (202) 634-1498.

Those planning to attend a meeting should verify the status on the day of the meeting.

October 1, 1980.

Roger M. Tweed,

Office of the Secretary.

[S-1838-80 Filed 10-2-80; 12:54 pm]

BILLING CODE 7590-01-M

5

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of October 6, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Open meetings will be held on Tuesday, October 7, 1980, at 10:00 a.m. and Thursday, October 9, 1980 at 10:00 a.m. Closed meetings will be held on Tuesday, October 7, 1980, following the 10:00 a.m. open meeting and on Thursday, October 9, 1980, at 8:30 a.m. and following the 10:00 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain

staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 522b(c)(4)(8)(9)(A) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioners Loomis, Evans, and Friedman determined to hold the aforesaid meetings in closed session.

The subject matter of the open meeting scheduled for Tuesday, October 7, 1980, at 10:00 a.m., will be:

1. Consideration of whether to propose for public comment Rule 180 under the Securities Act of 1933 (the "Act"). The proposed rule would exempt from the registration requirements of the Act interests and participations issued in connection with certain pension and profit-sharing plans commonly known as "H.R. 10" plans of partnerships that meet the criteria set forth in the proposed rule. For further information, please contact Mary A. Cole at (202) 272-2057.

2. Consideration of whether to publish for comment Rule 3a-4 under the Investment Company Act of 1940 ("the Act"), which would deem investment management services which provide their clients with individual treatment not to be investment companies. For further information, please contact Mark J. Machkey at (202) 272-3401.

3. Consideration of whether the Commission should utilize competitive procedures in designating an entity to operate and maintain the computerized data base of lost, stolen and counterfeit securities under Section 17(f)(1) of the Securities Exchange Act of 1934 and Rule 17f-1 thereunder. For further information, please contact Marc L. Weinberg at (202) 272-2388 or Philip L. Sbarbaro at (202) 272-2911.

4. Consideration of whether to issue two proposed releases announcing (a) adoption of amendments to the requirements applicable to the filing by self-regulatory organizations of proposed rule changes and other materials with the Commission and (b) withdrawal of certain earlier proposals relating to these matters. For further information, please contact Susan Davis at (202) 272-2828.

5. Consideration of whether to issue a final order relating to a proposed rule change filed by the Chicago Board Options Exchange, Incorporated ("CBOE") which would substantially revise its rules governing the process by which the CBOE disciplines members and associated persons. For further information, please contact Stuart Strauss at (202) 272-2405.

6. Consideration of a rulemaking petition filed by Chromalloy American Corporation which proposes the adoption of new Rule 16a-12 under the Securities Exchange Act. The proposed rule would establish a special definition of the term "purchase" in connection with acquisitions of securities under employee benefit plans, and would provide that any acquisition of securities

resulting from participation by officers and directors in a company's stock purchase, stock bonus or similar plan shall be deemed to have taken place at the time of the election to participate in such plan. For further information, please contact David J. McKee at (202) 272-2719.

7. Consideration of whether to grant the application of R. G. Dickinson & Co., John E. Waggoner, and Raymond D. Duve, Jr. for relief pursuant to Rule 252(f) of Regulation A. For further information, please contact Thomas J. Baudhuin at (202) 272-2644.

8. Consideration of whether to issue a release to amend Form S-18 and item 2 of Regulation S-K to allow companies engaged in the mining business register their securities on Form S-18 and, in view of this proposal, whether Form S-3 should be rescinded. For further information, please contact Robert Rupp at (202) 272-2644.

9. Consideration of whether to propose for comment amendments to Rule 144 under the Securities Act. The amendments would exempt from the amount limitation, manner of sale and notice requirements of Rule 144, sales of restricted securities by non-affiliates, provided that minimum holding periods are met and provided there is current information about the issuer of the securities available to the public. For further information, please contact Ann M. Glickman or William E. Toomey at (202) 272-2573.

10. Consideration of whether to approve a request filed by National Securities Clearing Corporation, ("NSCC") seeking to have the Commission to review its Ethics Counsel decision denying request of NSCC to disqualify Anthony C. J. Nuland from representing Bradford Securities Processing Services, Inc. and Bradford National Corporation.

The subject matter of the open meeting scheduled for Thursday, October 9, 1980, at 10:00 a.m., will be:

1. Consideration of whether to propose for comment (a) Securities Exchange Act Rule 13e-2 which would regulate purchases by an issuer and other of certain of the issuer's equity securities, and (b) amendments to Securities Exchange Act Rule 10b-6 that are related to Rule 13e-2. For further information, please contact Mary E. Chamberlin at (202) 272-2880.

2. Consideration of whether the Commission should issue releases (a) proposing amendments to its net capital rule which would lower capital requirements for brokers and dealers operating under the alternative net capital rule; proposing amendments to its customer protection rule which would exclude certain items from the Reserve Formula of that rule thereby lowering capital requirements for brokers and dealers operating under the alternative net capital rule; and soliciting public comment on a broad range of questions regarding the Commission's financial responsibility program for brokers and dealers; and (b) proposing amendments to its net capital rule which would increase the percentage deductions ("haircuts") to be applied by brokers and dealers to debt securities held in proprietary and other accounts of brokers and dealers when computing net capital. For

further information, please contact Gregory N. Smith at (202) 272-2368 or Rosanne F. Greene at (202) 523-5495 regarding part (a) and Michael A. Macchiaroli at (202) 272-2372 regarding part (b).

3. Consideration of whether to authorize the publication of a release describing the general content and objectives of a series of Capital Market Working Papers. The papers in the series will discuss economic aspects of various facets of the capital markets and securities regulation. For further information, please contact Jeffery L. Davis at (202) 272-2850.

The subject matter of the closed meeting scheduled for Tuesday, October 7, 1980, following the 10:00 a.m. open meeting, will be:

Formal order of investigation.
Institution and settlement of administrative proceeding of an enforcement nature.
Institution of injunctive actions.
Regulatory matters bearing enforcement implications.
Proposed order of administrative proceeding of an enforcement nature.

The subject matter of the closed meeting scheduled for Thursday, October 9, 1980, at 8:30 a.m., will be:

Regulatory matter bearing enforcement implications.

The subject matter of the closed meeting scheduled for Thursday, October 9, 1980, following the 10:00 a.m. open meeting, will be:

Litigation matters.
Settlement of injunctive actions.
Freedom of Information Act appeals.
Consideration of *amicus* participation.
Formal order of investigation.
Institution of administrative proceeding of an enforcement nature.
Regulatory matter bearing enforcement implications.
Institution of injunctive actions.
Institution of injunction action and settlement of administrative proceeding of an enforcement nature.
Institution of injunctive action and access to investigative files by Federal, State, or Self-Regulatory authorities.
Proposed order of administrative proceeding of an enforcement nature.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2092.

October 2, 1980.

[S-1841-80 Filed 10-2-80; 3:26 pm]

BILLING CODE 8010-01-M

federal register

**Monday
October 6, 1980**

Part II

Improving Government Regulations

**Schedule of Publication Dates for
Agency Semiannual Agendas**

ROBERT
L. HARRIS

Part II

Improving
Government
Regulations

THEORY OF
ECONOMIC ANALYSIS

IMPROVING GOVERNMENT REGULATIONS

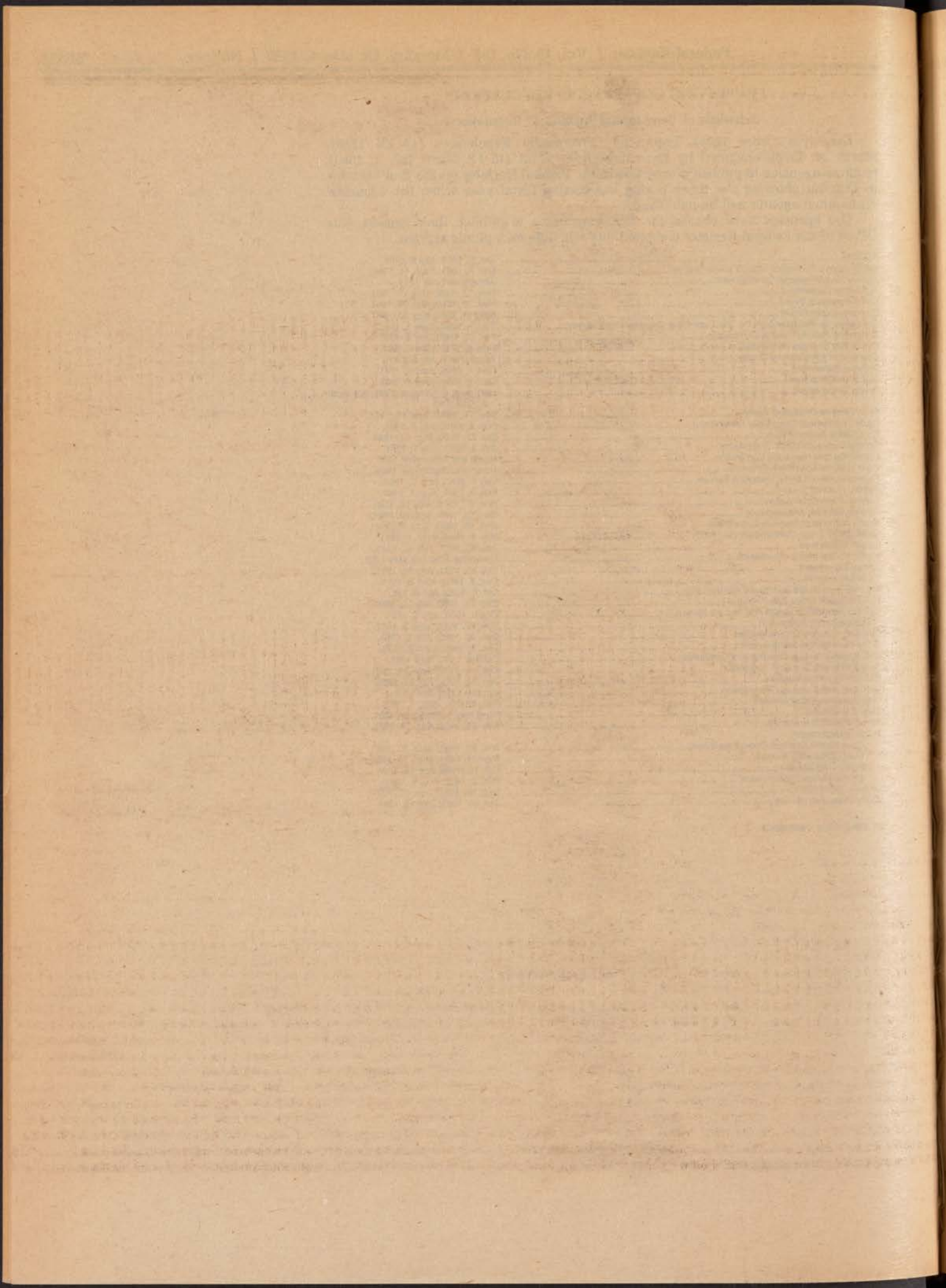
Schedule of Semiannual Agenda of Regulations

Executive Order 12044, Improving Government Regulations (43 FR 12661; March 24, 1978), amended by Executive Order 12221 (45 FR 44249; July 1, 1980), requires agencies to publish a schedule in the **Federal Register** on the first Monday in October showing the times during the coming fiscal year when the agencies' semiannual agenda will be published.

The agencies have chosen the following dates to publish their agenda. The Office of the Federal Register compiled this schedule as a public service.

ACTION.....	Jan. 5, 1981; July 6, 1981.
Administrative Committee of the Federal Register.....	Mar. 9, 1981; Sept. 14, 1981.
Agency for International Development.....	January and July 1981.
Agriculture Department.....	Nov. 14, 1980; May 15, 1981.
Civil Aeronautics Board.....	Nov. 28, 1980; May 29, 1981.
Commerce Department.....	Nov. 14, 1980; May 15, 1981.
Committee for Purchase from the Blind and Other Severely Handicapped.....	Dec. 1, 1980; June 1, 1981.
Commodity Futures Trading Commission.....	Apr. 10, 1981; Oct. 9, 1981.
Community Services Administration.....	Nov. 4, 1980; May 1, 1981.
Council on Environmental Quality.....	Jan. 5, 1981; July 6, 1981.
Defense Department.....	Dec. 1, 1980; June 1, 1981.
Education Department.....	Dec. 1, 1980; June 1, 1981.
Energy Department.....	Last week of October 1980; last week of April 1981.
Environmental Protection Agency.....	Dec. 15, 1980; June 15, 1981.
Equal Employment Opportunity Commission.....	Feb. 2, 1981; July 1, 1981.
Farm Credit Administration.....	Oct. 31, 1980; Mar. 31, 1981.
Federal Communications Commission.....	Jan. 2, 1981; July 1, 1981.
Federal Deposit Insurance Corporation.....	March and September 1981.
Federal Home Loan Bank Board.....	March and September 1981.
Federal Mediation and Conciliation Service.....	May 1, 1981; Nov. 2, 1981.
Federal Reserve System.....	Feb. 4, 1981; Aug. 4, 1981.
Federal Trade Commission.....	Nov. 17, 1980; May 15, 1981.
General Services Administration.....	Nov. 28, 1980; May 29, 1981.
Health and Human Services Department.....	Dec. 16, 1980; June 16, 1981.
Housing and Urban Development Department.....	Mar. 2, 1981; Sept. 1, 1981.
Interior Department.....	Jan. 30, 1981; July 31, 1981.
Interstate Commerce Commission.....	November 1980 and May 1981.
Justice Department.....	Jan. 30, 1981; July 31, 1981.
Labor Department.....	Dec. 5, 1980; June 5, 1981.
National Aeronautics and Space Administration.....	Oct. 6, 1980; Apr. 6, 1981.
National Credit Union Administration.....	Dec. 11, 1980; July 15, 1981.
National Foundation on the Arts and the Humanities.....	Oct. 6, 1980; Apr. 6, 1981.
National Science Foundation.....	Nov. 20, 1980; June 3, 1981.
Office of Management and Budget.....	Dec. 30, 1980; July 1, 1981.
Office of Personnel Management.....	Dec. 2, 1980; June 2, 1981.
Pennsylvania Avenue Development Corporation.....	October 1980; April 1981.
Pension Benefit Guaranty Corporation.....	Dec. 19, 1980; June 19, 1981.
Railroad Retirement Board.....	Jan. 30, 1981; July 31, 1981.
Securities and Exchange Commission.....	January 1981; July 1981.
Small Business Administration.....	Feb. 2, 1981; Aug. 3, 1981.
State Department.....	November 1980; March 1981.
Transportation Department.....	Feb. 26, 1981; Aug. 24, 1981.
Treasury Department:	
Government Financial Operations Bureau.....	Mar. 30, 1981; Sept. 30, 1981.
Internal Revenue Service.....	Mar. 31, 1981; Sept. 30, 1981.
Public Debt Bureau.....	Oct. 15, 1980; Apr. 15, 1981.
All other offices and bureaus.....	Feb. 2, 1981; Aug. 3, 1981.
Veterans Administration.....	Dec. 18, 1980; June 15, 1981.
Water Resources Council.....	Jan. 15, 1981; July 15, 1981.

BILLING CODE 1505-02-M



Test Report Federal

Monday
October 6, 1980

Part III

Office of Management and Budget

**Federal Agencies Responsible for Audits
of States**

OFFICE OF MANAGEMENT AND BUDGET

Federal Agencies Responsible for Audits of States

AGENCY: Office of Management and Budget.

ACTION: Final notice.

SUMMARY: This notice transmits a final list of Federal agencies responsible for administering the audit provisions of OMB Circular A-102, "Uniform requirements for grants to State and local governments." The list is issued as part of the Administration's Financial Priorities Program. It is the final step in arranging for "single audits" of State agencies carrying out federally assisted programs.

The list identifies almost 800 State departments and agencies that are major recipient of Federal aid. It assigns a "cognizant" Federal agency to each of them. The responsibilities of the cognizant agency are spelled out in Attachment P of Circular A-102.

Nothing in this notice should be construed as limiting the authority of Individual Inspectors General, or other audit officials, to make such audits as they deem appropriate. The Office of Management and Budget will, from time to time, publish changes to the list.

EFFECTIVE DATE: This notice is effective upon issuance.

FOR FURTHER INFORMATION CONTACT: James R. Doyle, Financial Management Branch, Office of Management and Budget, Washington, D.C. 20503, (202) 395-3993.

SUPPLEMENTARY INFORMATION: On April 17, 1980, a notice was published in the *Federal Register* (45 FR 26286-92) listing cognizant Federal agencies. This followed an informal review of the list by Federal Inspectors General, State budget officers, and State audit officials. Interested persons were invited to submit comments on the *Federal Register* listing. Numerous written and oral comments were received from Federal agencies and State governments. These comments were considered in developing the final list.

A few States indicated a preference for one cognizant agency for the entire State, rather than one for each major department or agency. Because of uncertainty as to how this arrangement would work, it was decided to test the concept in one State, Montana, before passing judgment on its feasibility elsewhere. After an evaluation of the Montana experience, additional State-wide assignments may be considered.

A system for assigning audit cognizance for local governments is now

under development. In the meantime, local governments that already have a cognizant agency for indirect cost purposes under Circular 74-4, "Cost principles for grants to State and local governments," should contact that same agency on audit matters. Other local governments should contact the Federal agency from which they receive the most assistance.

Similar systems of cognizance are being worked out for Indian Tribal governments and for community action agencies. These systems are being developed under the leadership of the Interior Department and the Community Services Administration, respectively, in cooperation with other affected agencies. When completed, cognizance lists will be published by OMB.

James T. McIntyre, Jr.,
Director.

Federal Agencies Responsible for Audits of States—Sept. 26, 1980

Major State Departments, Agencies and Cognizant Agency

Alabama

Office of the Governor—HUD
Office of State Planning & Federal Programs—HUD
Department of Agriculture & Industries—USDA
Department of Conservation & Natural Resources—DOI
State Geologists & Geological Survey—DOI
State Board of Education—ED
Board of Trustees, Dept. of Archives & History—DOI
State Board of Health—HHS
Alabama Mental Health Board—HHS
State Board of Pensions & Security—DOL
Department of Labor—DOL
Department of Industrial Relations—DOL
State Highway Department—DOT
Alabama Youth Services Board—HHS
Alabama Law Enforcement Planning Agency—DOJ
Medical Services Administration—HHS
Commission on Aging—HHS
Department of Corrections—DOJ
State Forestry Commission—USDA

Alaska

Office of the Governor—DOL
Department of Commerce & Economic Development—DOE
Department of Community & Regional Affairs—DOL
Board of Education—ED
Department of Environmental Conservation—EPA
Department of Fish & Game—DOI
Department of Health & Social Services—HHS
Department of Labor—DOL
Department of Natural Resources—USDA
Department of Transportation & Public Facilities—DOT
State Housing Authority—HUD

Arizona

Office of the Governor—DOC

Department of Economic Security—DOL
Department of Health Services—HHS
Department of Education—Superintendent of Public Instruction—ED
Justice Planning Agency—DOJ
Department of Transportation—DOT
Game & Fish Department—DOI
State Land Department—USDA
Industrial Commission—DOL
Livestock Sanitary Board—USDA
Department of Corrections—DOJ
Egg Inspection Board—USDA

Arkansas

Office of the Governor
State Board of Education—USDA
Department of Health—HHS
Department of Human Services—USDA
Department of Labor—DOL
Department of Local Services—DOL
Department of Natural & Cultural Heritage—DOI
Department of Parks & Tourism—DOI
Department of Pollution Control & Ecology—EPA
Highways Commission—DOT
Game & Fish Commission—DOI
Commission on Crime & Law Enforcement—DOJ
Department of Energy—DOE
Veterans' Home—VA
Department of Commerce—USDA

California

Office of the Governor—DOJ
Department of Justice—Attorney General—DOJ
Department of Education—Superintendent of Public Instruction—ED
Department of Food & Agriculture—USDA
Department of Industrial Relations—DOL
State Consumer Services Agency—OPM
Business & Transportation Agency
Department of Housing & Community Development—HUD
Department of Economic Development—DOC
Department of Transportation—DOT
Health & Welfare Agency
Department of Health—HHS
Department of Rehabilitation—ED
Department of Mental Health—HHS
Department of Alcohol & Drug Abuse—HHS
Department of Aging—HHS
Vocational Rehabilitation Appeals Board—ED

Other Agencies

Department of Navigation & Ocean Development—DOT
Department of Forestry—USDA
California Coastal Commission—DOC
Solid Waste Management Board—EPA
San Francisco Bay Conservation & Development Commission—DOC
State Coastal Conservancy—HUD
Tahoe Regional Planning Agency—USDA
Air Resources Board—EPA
Water Resources Control Board—EPA
Secretary of Environmental Affairs—EPA
California Housing Finance Agency—HUD
Energy Resources Conservation & Development Commission—DOE
Department of Employment Development—DOL

Colorado

Office of the Governor—DOE
 Department of Agriculture—USDA
 State Board of Education—ED
 Department of Health—HHS
 Department of Highways—DOT
 Department of Labor & Employment—DOL
 Department of Institutions—HHS
 Department of Local Affairs—HUD
 Department of Natural Resources—DOI
 Department of Social Services—USDA
 Office of State Planning & Budgeting—HUD
 Colorado Housing Finance Authority—HUD

Connecticut

Office of the Governor
 Office of Policy & Management—DOJ
 Labor Department—DOL
 Department of Agriculture—USDA
 Department of Environmental Protection—EPA
 Department of Health Services—HHS
 Department of Mental Retardation—HHS
 Department of Mental Health—HHS
 Department of Transportation—DOT
 Department of Income Maintenance—HHS
 Department on Aging—HHS
 State Board of Education—ED
 Department of Children & Youth Services—HHS
 Department of Human Resources—HHS
 Veteran's Home—VA
 Agricultural Experimental Station—USDA

Delaware

Office of the Governor—DOJ
 Department of State—DOI
 Department of Community Affairs & Economic Development—DOC
 Department of Health & Social Services—HHS
 Department of Labor—DOL
 Department of Natural Resources & Environmental Control—DOI
 State Board of Education—ED
 Department of Transportation—DOT
 Department of Agriculture—USDA

District of Columbia

Department of General Services—DOC
 Department of Housing and Community Development—HUD
 Department of Environmental Services—EPA
 Department of Transportation—DOT
 Department of Human Services—HHS
 Department of Employment Services—DOL
 Department of Recreation—DOI
 Public Schools—ED
 Public Safety and Justice Agencies—DOJ
 Economic Development and Regulation Agencies—DOE
 General Government Agencies—USDA

Florida

Office of the Governor—DOE
 Department of Agric. & Consumer Services—Commr. of Agriculture—USDA
 Department of Labor & Employment Security—DOL
 Department of Community Affairs—DOJ
 Department of Environmental Regulation—EPA
 Department of Natural Resources—DOI
 Department of Transportation—DOT
 Department of Education—Commissioner of Education—ED

Department of Health & Rehabilitative Services—USDA
 Northwest Florida Regional Housing Authority—HUD

Georgia

Office of the Governor—DOE
 Department of Agriculture—Commissioner of Agriculture—USDA
 Department of Labor—DOL
 Department of Education—Supt. of Schools—USDA
 Board of Human Resources—HHS
 Board of Medical Assistance—HHS
 Natural Resources Board—DOI
 Veterans Service Board—VA
 Board of Community Affairs—DOJ
 State Transportation Board—DOT
 Forestry Commission—USDA

Hawaii

Office of the Governor—HHS
 Department of Agriculture—USDA
 Department of Land & Natural Resources—DOI
 Department of Planning & Economic Development—DOE
 Department of Transportation—DOT
 Board of Education—ED
 Department of Health—HHS
 Department of Labor & Industrial Relations—DOL
 Department of Social Services & Housing—HHS

Idaho

Executive Office of the Governor—Governor—HHS
 Department of Agriculture—USDA
 Department of Education—Supt. of Public Instruction—ED
 Department of Employment—DOL
 Department of Fish & Game—DOI
 Department of Health & Welfare—HHS
 Department of Parks & Recreation—DOI
 Department of Transportation—DOT
 Department of Water Resources—DOI
 Department of Lands—USDA

Illinois

Office of the Governor—DOL
 Department of Aging—HHS
 Department of Agriculture—USDA
 Department of Conservation—DOI
 Department of Labor—DOL
 Department of Mental Health & Developmental Disabilities—HHS
 Department of Mines & Minerals—DOI
 Department of Public Aid—HHS
 Department of Public Health—HHS
 Department of Transportation—DOT
 Department of Veterans' Affairs—VA
 Department of Children & Family Services—HHS
 Department of Dangerous Drugs—HHS
 State Board of Education—ED
 Law Enforcement Commission—DOJ
 Institute of Natural Resources—DOE
 Department of Commerce & Community Affairs—DOL
 Illinois Dangerous Drug Commission—DOJ
 Illinois Environmental Protection Agency—EPA

Indiana

Office of the Governor
 Commission of the Aging & Aged—HHS

Criminal Justice Planning Agency—DOJ
 Department of Public Instruction—Superintendent—ED
 Employment Security Division—DOL
 State Board of Health—HHS
 Highway Commission—DOT
 Division of Labor—DOL
 Office of Manpower Development—DOL
 Manpower Development Council—DOL
 Department of Mental Health—HHS
 Department of Natural Resources—DOI
 Planning Services Agency—DOT
 Department of Public Welfare—HHS
 Rehabilitation Services Board—ED
 Indiana 15 Regional Planning Commission—DOC
 Department of Agriculture—USDA
 Public Service Commission—DOT
 Department of Commerce—DOE

Iowa

Office of the Governor—DOL
 Bureau of Labor—DOL
 State Department of Public Instruction—ED
 Commission for the Blind—ED
 Department of Health—HHS
 Department of Social Services—HHS
 Crime Commission—DOJ
 Department of Public Safety—DOJ
 Department of Agriculture—USDA
 Transportation Department—DOT
 Conservation Commission—DOI
 Department of Environmental Quality—EPA
 Energy Policy Council—DOE
 Geological Board—DOI
 Natural Resources Council—DOI
 State Soil Conservation Committee—USDA
 Housing Authority—HUD
 Commission on Aging—HHS
 Job Service Department—DOL

KANSAS

Office of the Governor
 Board of Agriculture—USDA
 Department of Economic Development—HUD
 State Board of Education—ED
 Fish & Game Commission—DOI
 Department of Health & Environment—HHS
 Human Resources Department—DOL
 Department of Social & Rehabilitative Services—HHS
 Department of Transportation—DOT
 Water Resources Board—DOI
 Soldier's Home—VA
 Department of Grain Inspection—USDA
 State Energy Office—DOE
 Department of Aging—HHS

Kentucky

Office of the Governor—HUD
 Development Cabinet
 Office of the Secretary—DOC
 Department of Agriculture—Commissioner of Agriculture—USDA
 Department of Commerce—DOC
 Department of Parks—DOI
 Department of Fish & Wildlife Resources—DOI
 Economic Development Administration—DOC
 Appalachian Regional Commission—DOC
 Department of Justice—DOJ
 Education & the Arts Cabinet
 Office of the Secretary—ED
 Department for Human Resources
 Office of the Secretary—HHS

Department for Natural Resources & Environmental Protection—USDA
 Department of Mines & Minerals—DOL
 Department of Transportation—DOT
 Department of Energy—DOE
 Department of Local Government—DOC
 Kentucky Housing Corporation—HUD

Louisiana

Office of the Governor—DOC
 Department of Culture, Recreation & Tourism—DOI
 Department of Transportation & Development—DOT
 Department of Health & Human Resources—HHS
 Department of Natural Resources—EPA
 Department of Labor—DOL
 Department of Urban & Community Affairs—HUD
 Department of Wildlife & Fisheries—DOI
 Department of Agriculture—USDA
 Department of Education—Superintendent of Education—ED
 Comm. on Law Enforcement & Admin. of Criminal Justice—DOJ
 War Veterans' Home—VA
 Office of Elderly Affairs—HHS

Maine

Executive Department—Governor—CSA
 Department of Agriculture—USDA
 Department of Marine Resources—DOC
 Dept. of Educational & Cultural Ser.—ED
 Department of Human Services—HHS
 Department of Indian Affairs—DOI
 Dept. of Mental Health & Corrections—HHS
 Department of Manpower Affairs—DOL
 Department of Conservation—USDA
 Department of Environmental Protection—EPA
 Dept. of Inland Fisheries & Wildlife—DOI
 Department of Transportation—DOT
 Main State Housing Authority—HUD
 Board of Trustees, Maine Veterans Home—VA

Maryland

Executive Department—Governor
 Department of Agriculture—USDA
 Department of Economic & Community Development—HUD
 Department of Health & Mental Hygiene—HHS
 Department of Human Resources—DOL
 Department of Natural Resources—DOI
 Department of State Planning—HUD
 Department of Transportation—DOT
 Board of Education—USDA
 Office for Children & Youth—HHS
 Office on Aging—HHS
 Governor's Commission on Law Enforcement & Administration of Justice—DOJ
 Dept. of Historical Grants Preservation—DOI

Massachusetts

Office of the Governor—DOJ
 Department of State—Secretary of the Commonwealth—DOI
 Executive Office for Administration & Finance—HHS
 Executive Office of Environmental Affairs—DOI
 Executive Office of Communities & Development
 Office of the Secretary—HUD
 Executive Office on Human Services
 Office of the Secretary—HHS

Executive Office of Transportation & Construction
 Office of the Secretary—DOT
 Executive Office of Educational Affairs
 Office of the Secretary—ED
 Executive Office of Manpower Affairs & Economic Development
 Office of the Secretary—DOL
 Department of Elder Affairs—HHS
 Office of Energy Resources—DOE
 War Veteran's Home—VA
 Community Economic Development Assistance Corp. (CEDAC)—DOL

Michigan

Executive Office of the Governor—DOJ
 Department of Management & Budget—DOJ
 State Board of Education—ED
 Department of Public Health—HHS
 Department of Mental Health—HHS
 Department of Social Services—HHS
 Department of Labor—DOL
 Natural Resources Commission—DOI
 Agricultural Commission—USDA
 Department of Transportation—DOT
 Office of Service to the Aging—HHS

Minnesota

Office of the Governor
 Department of Administration—DOL
 Department of Agriculture—USDA
 Department of Corrections—DOJ
 State Board of Education—USDA
 Department of Economic Security—DOL
 Department of Health—HHS
 Department of Transportation—DOT
 Veterans Affairs Department—VA
 Department of Public Welfare—USDA
 Pollution Control Agency—EPA
 Energy Agency—DOE
 State Planning Agency—DOI
 Department of Natural Resources—DOI
 Department of Labor & Industry—DOL
 Housing Finance Agency—HUD
 Crime Control Planning Board—DOJ
 Minnesota Board on Aging—HHS

Mississippi

Office of the Governor—HHS
 Department of Education—Superintendent of Education—ED
 Department of Agriculture & Commerce—USDA
 Highway Commission—DOT
 Office of the Adjutant General—DOD
 Department of Mental Health—HHS
 Commission for the Department of Natural Resources—DOI
 Commission for Department of Wildlife Conservation—DOI
 Board of Trustees of Archives & History—DOI
 Forestry Commission—USDA
 State Board of Health—HHS
 Department of Public Welfare—HHS
 Department of Youth Services—ED
 Employment Security Commission—DOL
 Mississippi R & D Center—HUD
 Medicaid Commission—HHS
 Commission for Educational TV—ED
 Governor's Office of Job Training & Development—DOL

Missouri

Office of the Governor—DOC
 Department of Agriculture—USDA

Conservation Commission—DOI
 State Board of Education—ED
 State Highway Commission—DOT
 Department of Labor & Industrial Relations—DOL
 Mental Health Commission—HHS
 Department of Natural Resources—DOI
 Department of Public Safety—DOJ
 Department of Social Services—HHS
 Department of Transportation—DOT

Montana

All Departments and Agencies—HHS

Nebraska

Office of the Governor
 Department of Agriculture—USDA
 Department of Environmental Control—EPA
 State Board of Health—HHS
 Department of Labor—DOL
 Department of Public Institutions—HHS
 Department of Public Welfare—HHS
 Department of Roads—DOT
 State Board of Education—ED
 Commission on Aging—HHS
 Commission on Law Enforcement & Criminal Justice—DOJ
 State Energy Office—DOE
 Policy Research Office—DOC

Nevada

Office of the Governor—DOL
 Office of Community Services—HHS
 Office of Traffic Safety—DOT
 Comprehensive Employment & Training Council—DOL
 Governor's Office of Planning
 Coordination—HUD
 State Board of Agriculture—EPA
 Department of Conservation & Natural Resources—DOI
 State Board of Education—ED
 Employment Security Department—DOL
 Department of Energy—DOE
 State Board of Wildlife Commissioners—DOI
 Board of Directors, Dept. of Transportation—DOT
 Department of Human Resources—HHS
 Department of Law Enforcement Assistance—DOJ
 State Rural Housing Authority—HUD

New Hampshire

Office of the Governor—DOJ
 Department of Resources & Economic Development—DOI
 Fish & Game Commission—DOI
 Department of Public Works & Highways—DOT
 Water Supply & Pollution Control Commission—EPA
 Labor Department—DOL
 Department of Health & Welfare—HHS
 Department of Agriculture—USDA
 Department of Employment Security—DOL
 State Board of Education—ED
 Veteran's Home—VA
 Council on Aging—HHS

New Jersey

Executive Department—Governor—HHS
 Department of Law & Public Safety—Attorney General—DOT
 State Board of Agriculture—DOT
 Department of Community Affairs—HHS
 Department of Education—ED
 Department of Energy—DOT

Department of Environmental Protection—DOT

Department of Health—HHS

Department of Human Services—HHS

Department of Labor & Industry—DOL

Department of Transportation—DOT

Delaware Valley Regional Planning

Commission—DOT

Port Authority of New York & New Jersey—DOT

Tri-State Regional Planning Commission—DOT

State Law Enforcement Planning Agency—DOJ

War Veteran's Home—VA

Department of Corrections—DOL

New Mexico

Office of the Governor—DOL

Department of Commerce & Industry—DOC

State Board of Education—ED

Transportation Department—DOT

Highway Commission—DOT

Health & Environment Department—HHS

Department of Natural Resources—DOI

Energy and Minerals Department—DOE

Department of Agriculture—USDA

Criminal Justice Department—DOJ

Human Services Department—HHS

New Mexico Employment Security

Department—DOL

Department of Finance & Administration—HUD

State Livestock Board—USDA

State Agency on Aging—HHS

New York

Office of the Governor

Division of Criminal Justice Services—DOJ

Division of State Police—DOT

Office for the Aging—HHS

Office of Parks & Recreation—DOI

State Energy Office—DOE

Department of State—Secretary of State—DOE

Department of Transportation—DOT

Department of Environmental Conservation—EPA

Department of Agriculture & Markets—USDA

Department of Labor—DOL

Department of Health—HHS

Department of Mental Hygiene—HHS

Department of Social Services—HHS

Department of Commerce—DOC

Port Authority of New York and New

Jersey—DOT

Urban Development Corporation—HUD

Metropolitan Transportation Authority—DOT

Housing Finance Agency—HUD

Tri-State Regional Planning Commission—DOT

North Carolina

Office of the Governor

Dept. of Public Education—Supt. of Public

Instruction—ED

Department of Agriculture—Commissioner—USDA

Department of Labor—Commissioner—DOL

Department of Administration—HUD

Department of Commerce—DOE

Department of Crime Control & Public

Safety—DOJ

Department of Cultural Resources—DOI

Department of Human Resources—HHS

Department of Natural Resources &

Community Development—DOL

Department of Transportation—DOT

Employment Security Commission—DOL

North Dakota

Office of the Governor—DOL

Department of Labor—Labor

Commissioner—DOL

Department of Agriculture—Commissioner of

Agriculture—USDA

Department of Public Instruction—ED

State Health Council—HHS

Social Services Board of North Dakota—HHS

Director of Institutions—HHS

Employment Security Bureau—DOL

Game & Fish Department—DOI

Highway Department—DOT

North Dakota Parks & Recreation

Department—DOI

Combined Law Enforcement Council—DOJ

Livestock Sanitary Board—USDA

Ohio

Executive Department—Governor

Department of Agriculture—USDA

Department of Economic & Community

Development—DOE

State Board of Education—ED

Bureau of Employment Services—DOL

Department of Energy—DOE

Environmental Protection Agency—EPA

Department of Health—HHS

Department of Mental Health & Mental

Retardation—HHS

Department of Natural Resources—DOI

Department of Public Welfare—HHS

Department of Transportation—DOT

Commission on Aging—HHS

Office of Manpower Development—DOL

Ohio Rail Transportation Authority—DOT

Ohio Historical Society—DOI

Oklahoma

Office of the Governor—DOC

Board of Agriculture—USDA

Dept. of Human Services—HHS

Employment Security Commission—DOL

War Veterans Commission—VA

State Board of Health—HHS

State Board of Mental Health—HHS

Department of Economic & Community

Affairs—DOL

Transportation Commission—DOT

Crime Commission—DOJ

Tourism & Recreation Commission—DOI

State Department of Education—ED

Department of Labor—Commissioner—DOL

Department of Vocational & Technical

Education—ED

Department of Energy—DOE

Veteran's Center—VA

Oregon

Office of the Governor—HUD

Department of Agriculture—USDA

Department of Education—Supt. of Public

Instruction—USDA

Department of Energy—DOE

Department of Human Resources—USDA

Governing Board, Dept. of Transportation—DOT

Economic Development Commission—DOC

Land Conservation & Development

Commission—DOC

Department of Forestry—USDA

Fish & Wildlife Commission—DOI

Department of Environmental Quality—EPA

Water Resources Department—DOI

Tri-County Metropolitan Transportation

District—DOT

Law Enforcement Council—DOJ

Port of Portland Commission—DOT

Workmen's Compensation Board—DOL

Pennsylvania

Office of the Governor—DOL

Department of Agriculture—USDA

Department of Commerce—DOC

Department of Community Affairs—HUD

Governor's Council on Drug & Alcohol

Abuse—HHS

Department of Education—ED

Department of Environmental Resources—EPA

Fish Commission—DOI

Game Commission—DOI

Department of Health—HHS

Department of Labor & Industry—DOL

Department of Public Welfare—USDA

Department of Transportation—DOT

Department of Aging—HHS

Delaware Valley Regional Planning

Commission—DOT

Delaware River Port Authority—DOT

Delaware River Basin Commission—EPA

Soldiers and Sailors Home—VA

Historical and Museum Comm.—DOI

Puerto Rico

Commission to Combat Crime (Gov's

Office)—DOJ

Board on Environmental Quality—EPA

Puerto Rico Aqueduct & Sewage Auth.—EPA

Office of Energy—DOE

Planning Office—HUD

Department of Education (Public

Instruction)—USDA

Department of Health—HHS

Department of Labor and Human

Resources—DOL

Department of Transportation & Public

Works—DOT

Department of Social Services—USDA

Department of Housing—HUD

Department of Natural Resources—DOC

Department of Services to Combat

Addiction—HHS

Rhode Island

Executive Department—Governor—DOJ

Department of Economic Development—DOL

Department of Mental Health, Retardation &

Hospitals—HHS

Department of Social & Rehabilitative

Services—HHS

Department of Transportation—DOT

Department of Labor—DOL

Department of Environmental Management—DOC

Department of Health—HHS

Department of Employment Security—DOL

Department of Community Affairs—HHS

Board of Regents for Education—ED

Department of Elderly Affairs—HHS

Department of Administration—DOC

Department of Attorney General—DOJ

Department of Business Regulation—DOC

Blackstone Valley District Fund—EPA

South Carolina

Office of the Governor—DOL

Department of Education—Superintendent of

Education—ED

Board of Commissioners of the School for the

Deaf & Blind—ED

Board of Health & Environmental Control—HHS
 Mental Health Commission—HHS
 Commission on Mental Retardation—HHS
 Commission on Alcohol & Drug Abuse—HHS
 State Board of Social Services—HHS
 State Board on Vocational Rehabilitation—ED
 Board of Directors of the Children's Bureau—HHS
 Commission for the Blind—ED
 Commission on Aging—HHS
 Human Affairs Commission—DOL
 Water Resources Commission—DOC
 State Land Resources Conservation Commission—USDA
 State Forestry Commission—USDA
 Department of Agriculture—USDA
 Wildlife & Marine Resources Commission—DOI
 Parks, Recreation & Tourism Commission—DOI
 Department of Labor—DOL
 Employment Security Commission—DOL
 Highway & Public Transportation Commission—DOT
 Housing Authority Board—HUD
 Public Service Commission—DOT

South Dakota

Department of the Governor—DOE
 Department of Agriculture—USDA
 Department of Education & Cultural Affairs—ED
 Department of Game, Fish & Parks—DOI
 Department of Health—HHS
 Department of Labor—DOL
 Department of Water & Natural Resources—EPA
 Department of Public Safety—DOJ
 Department of Social Services—HHS
 Department of Transportation—DOT
 Veteran's Home—VA
 Livestock Sanitary Board—USDA

Tennessee

Office of the Governor—DOJ
 Department of Economic & Community Development—DOL
 Department of Education—ED
 Department of Employment Security—DOL
 Department of Human Services—HHS
 Department of Labor—DOL
 Department of Mental Health & Mental Retardation—HHS
 Department of Public Health—HHS
 Department of Agriculture—USDA
 Department of Conservation—DOI
 Department of Transportation—DOT
 Wildlife Resources Commission—DOI
 Commission on Children and Youth—HHS
 Commission on Aging—HHS
 Housing Development Authority—HUD
 Tennessee Energy Authority—DOE

Texas

Office of the Governor—DOJ
 Department of Agriculture—Commissioner—USDA
 Department of Community Affairs—DOL
 State Health Board—HHS
 Highways & Public Transportation Commission—DOT
 Industrial Commission Board—DOC
 Mental Health & Mental Retardation Board—HHS
 Parks & Wildlife Commission—DOI

State Commission for the Blind—ED
 State Board of Education—ED
 Human Resources Board—HHS
 Board of Rehabilitation Commission—ED
 Water Development Board & Water Commission—EPA
 Employment Commission—DOL
 Texas Energy & Natural Resources Council—DOE
 Railroad Commission—DOT

Utah

Office of the Governor
 Department of Agriculture—USDA
 State Planning—DOC
 Department of Economic & Community Development—HUD
 Department of Public Safety—DOJ
 Department of Social Services—HHS
 Department of Public Instruction—USDA
 Department of Natural Resources—DOI
 Industrial Commission—DOL
 Department of Transportation—DOT
 State Energy Office—DOE
 Department of Employment Security—DOL

Vermont

Executive Office—Governor—CSA
 Department of Agriculture—USDA
 Agency of Human Services
 Department of Corrections—DOJ
 Department of Social Welfare—HHS
 Department of Social & Rehabilitation Services—ED
 Comprehensive Employment & Training Office—DOL
 Office on Aging—HHS
 Department of Mental Health—HHS
 Vermont Veterans' Home—VA
 Department of Labor & Industry—DOL
 Department of Employment Security—DOL
 Board of Education—ED
 Environmental Conservation Agency—DOI
 Agency of Development & Community Affairs—HUD
 Agency of Transportation—DOT
 Department of Health—HHS
 State Energy Office—DOE

Virginia

Office of the Governor
 Office of the Secretary of Commerce & Resources
 Commission on Game & Inland Fisheries—DOI
 State Water Control Board—EPA
 Department of Labor & Industry—DOL
 Department of Housing & Community Development—HUD
 State Air Pollution Control Board—EPA
 Virginia Housing Development Authority—HUD
 Office of the Secretary of Education—ED
 Office of the Secretary of Human Resources—HHS
 Office of the Secretary of Public Safety—DOJ
 Office of the Secretary of Transportation—DOT
 Department of Agriculture & Commerce—USDA
 Employment Commission—DOL
 Comm. of Outdoor Recreation—DOI
 Washington
 Office of the Governor
 Department of Agriculture—USDA

Office of Archaeology and Historic Preservation—DOI
 Department of Commerce & Economic Development—DOC
 Planning & Community Affairs Agency—HUD
 Department of Emergency Services—DOD
 Department of Ecology—EPA
 Department of Fisheries—DOC
 Game Commission—DOI
 Dept. of Natural Resources—Commissioner of Public Lands—USDA
 State Energy Office—DOE
 Department of Social & Health Services—HHS
 Department of Labor & Industries—DOL
 Employment Security Department—DOL
 Department of Veterans Affairs—VA
 Superintendent of Public Instruction—ED
 Transportation Commission—DOT
 Traffic Safety Commission—DOT
 State Parks & Recreation Commission—DOI
 Interagency Committee for Outdoor Recreation—DOI
 Washington State Commission for the Blind—ED
 Office of Financial Management—DOJ

West Virginia

Office of the Governor
 Department of Agriculture—Commissioner—USDA
 Board of Education—ED
 Board of Vocational Education—ED
 Economic & Community Development—DOL
 Department of Employment Security—DOL
 Board of Health—HHS
 Department of Highways—DOT
 Department of Labor—DOL
 Workmen's Compensation Fund—Commissioner—DOL
 Department of Mines—DOL
 Department of Natural Resources—DOI
 Department of Welfare—HHS
 State Planning Council (developmental disabilities services)—ED
 Commission on Aging—HHS
 West Virginia Railroad Maintenance Department—DOT

Wisconsin

Office of the Governor—DOJ
 Department of Public Instruction—Superintendent—ED
 Board of Vocational, Technical & Adult Education—ED
 Department of Administration—DOC
 Department of Local Affairs & Development—HUD
 Department of Health & Social Services—HHS
 Department of Industry, Labor & Human Relations—DOL
 Department of Military Affairs—Adjutant General—DOD
 Department of Veteran Affairs—VA
 Dept. of Agriculture, Trade & Consumer Protection—USDA
 Natural Resources Board—DOI
 Department of Transportation—DOT
 Board of Curators, Historical Society of Wisconsin—DOI
 Housing Finance Authority—HUD

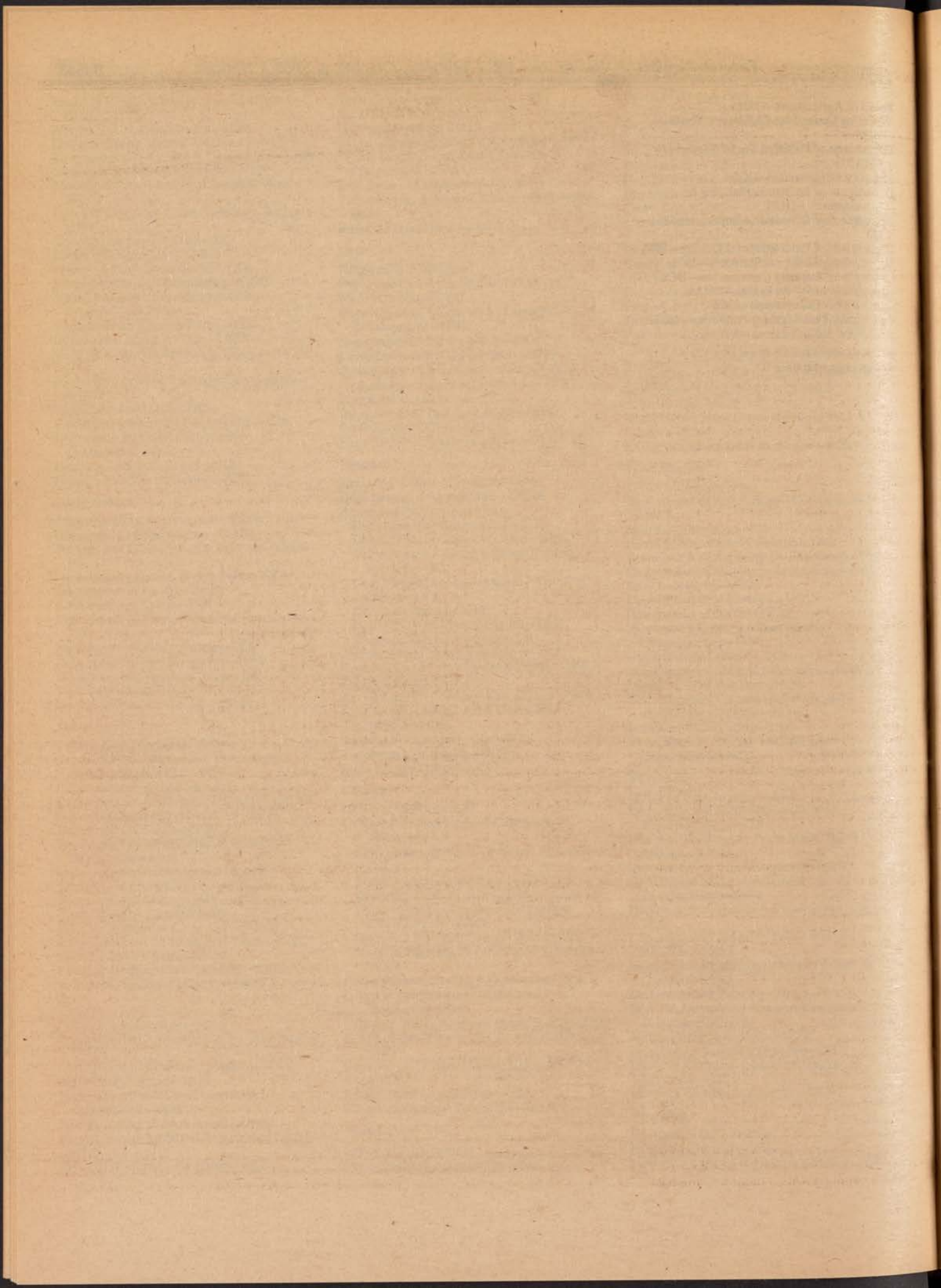
Wyoming

Governor's Office—DOL
 Attorney General—DOJ
 Governor's Office of Highway Safety—DOT

Board of Agriculture—USDA
Wyoming Council for Children & Youth—
HHS
Department of Health & Social Services—
HHS
Highway Commission—DOT
Department of Economic Planning &
Development—HUD
Department of Education—Superintendent—
ED
Department of Environmental Quality—EPA
Department of Labor & Statistics—DOL
Employment Security Commission—DOL
Department of Public Lands—USDA
Game & Fish Commission—DOI
Community Development Authority—HUD
Soldier's & Sailor's Home—VA

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Federal Reserve

Monday
October 6, 1980

Part IV

Federal Reserve System

Electronic Fund Transfers; Exemptions;
Final Rules; Proposed Rule; and
Proposed Official Staff Commentary

FEDERAL RESERVE SYSTEM

12 CFR Part 205

(Reg. E; Docket No. R-0325)

Electronic Fund Transfers;
Exemptions; Documentation of
TransfersAGENCY: Board of Governors of the
Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is adopting in final form a series of technical amendments to Regulation E, which implements the Electronic Fund Transfer Act. The amendments will (1) exempt family transfer plans from the act and regulation, (2) permit institutions that ordered or purchased certain automated teller machines (ATMs) before February 6, 1980, to omit a unique account identifier from the terminal receipt, and (3) modify two periodic statement requirements. These actions are being taken to ease financial institutions' compliance burden and forestall the loss of what appear to be valuable consumer services. The Board is also publishing an economic impact analysis of the amendments. The amendments are being adopted without an opportunity for public comment because they appear technical in nature and relieve regulatory burdens.

EFFECTIVE DATE: October 6, 1980.**FOR FURTHER INFORMATION CONTACT:**

Regarding the regulation: Lynne B. Barr, Senior Attorney, or John C. Wood, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2412).
Regarding the economic impact analysis: Frederick J. Schroeder, Economist, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. (202-452-2584).

SUPPLEMENTARY INFORMATION: (1) Regulatory provisions. The major portion of the Electronic Fund Transfer Act and Regulation E went into effect on May 10, 1980. Since the regulation was issued in final form, the Board has received a number of inquiries concerning issues that were not addressed in the regulatory proposals. In response to these inquiries and after its own analysis, the Board is adopting a series of amendments to the regulation in final form, effective immediately. The Board is also proposing a separate amendment to address compulsory use of EFT; see the proposed rule document elsewhere in this edition.

Section 904(a)(2) of the act requires the Board to prepare an analysis of the economic impact of the regulation that considers, among other things, the impact of the regulation on the various participants in electronic fund transfer systems, the effects upon competition in the provision of electronic fund transfer services among large and small financial institutions, and the availability of such services to different classes of consumers, particularly low-income consumers. An economic impact statement appears in section (2) below. The statement and the amendments have been transmitted to Congress.

Section 205.3(d)(4)—Family transfer plans. Most automatic intra-institutional transfers are exempt from the requirements of the act and regulation under § 205.3(d). Certain financial institutions (primarily credit unions) offer plans under which funds can be transferred automatically from one consumer's account to an account belonging to a member of the consumer's family within the same financial institution. These transfers are not presently exempt from the regulation unless at least one of the accounts involved is held jointly by the family member and the consumer.

The Board is amending the regulation to exempt automatic intra-institutional transfers from a consumer's account to an account held by a member of the transferor's family. It does not appear that consumers will be harmed by adoption of this amendment and the Board is concerned that financial institutions have discontinued this service as a result of Regulation E.

Section 205.9(a)(3), footnote 3—Exemption from requirement that unique account identification be provided on the terminal receipt. The regulation requires that the terminal receipt made available to the consumer at the time a transfer is initiated at an electronic terminal uniquely identify the account accessed, if the debit card used for the transfer can access multiple accounts of the same type. It has come to the Board's attention that a small number of ATMs that permit access to multiple accounts of the same type (for example, by permitting withdrawals from two checking accounts) cannot, as is required by footnote 3, uniquely identify each account on the terminal receipt. This problem appears to affect one brand of ATM currently in use by approximately 35 institutions. The estimated cost of modification to bring the ATMs into compliance appears to the Board to be significant. The Board is concerned that financial institutions have discontinued what appears to be a

valuable service to consumers as a result of this requirement of the regulation.

The Board is amending the regulation to limit the requirement that accounts be uniquely identified on terminal receipts (if the access device used for the transfer can access multiple accounts of the same type) to machines that were ordered or purchased after February 6, 1980, the date on which this portion of the regulation was issued in final form.

The Board believes that continuation of this EFT service to consumers will offset any loss in protection that the amendment entails. Avoidance of the costs associated with ATM modifications should be beneficial both to financial institutions and their customers.

The Board is limiting the amendment to those ATMs that are incapable of the unique identification and that were ordered or purchased before February 6, 1980. Both conditions must be met before compliance with the requirement is excused. It appears that most ATMs currently being manufactured that permit access to multiple accounts of the same type can uniquely identify the account.

Section 205.9(b)(1)(iv)(A), footnote 5—Omission of state name from periodic statements in certain limited instances. Footnote 5 to the regulation provides that the city and state name may be omitted from the periodic statement in certain instances. The Board is expanding the circumstances under which a financial institution may omit the state name in which a terminal is located. Under the amendment, the state name could also be omitted if the transfer occurred at a terminal located within 50 miles of the financial institution's main office. The Board believes that the purpose of the requirement (providing consumers with enough data to recognize the transfers) will be adequately served under this exception, without detriment to consumers.

Sections 205.9(b)(1)(v)—Deletion of requirement that third-party code be reproduced on the periodic statement. The Board is deleting from the regulation the requirement that a code placed on a terminal receipt naming a third party to or from whom funds are transferred be reproduced on the periodic statement. It appears that this requirement is redundant, because the name of the third party has appeared on the terminal receipt and must appear on the periodic statement.

These amendments will become effective on October 6, 1980. This action is taken in order to avoid unnecessary compliance efforts by financial

institutions and harm to consumers who might be deprived of beneficial services if financial institutions ceased providing these services. The Board finds that the notice and deferral of effective date provisions of 5 U.S.C. 553 (b) and (d) would be impracticable and contrary to the public interest. For the same reasons, the expanded rulemaking procedures set forth in the Board's policy statement of January 15, 1979 (44 FR 3957), will not be followed in connection with this proceeding.

(2) *Economic impact analysis.* Section 205.3(d)(4) is added to exempt intra-institutional automatic transfers between accounts held by consumers who are members of the same family. This provision would affect a large number or predominantly small financial institutions, primarily credit unions, that offer family transfer plans to their customers or members. Institutions that offer these plans and that have no other significant compliance responsibilities under the act would be relieved of a potential compliance cost burden. Without the exemption, it is likely that some family transfer plans would have to be terminated. Consumers using the plans will continue to receive traditional documentation. Suspension of the act's protections for this class of transfers is not expected to result in costs or hardships to consumers.

Footnote 3 is amended to exempt certain ATMs from the requirement that terminal receipts uniquely identify the account accessed. A problem arises when more than one account of a given type—for example, two checking accounts—can be accessed electronically by one access device, and the ATM is incapable of distinguishing between them for purposes of the terminal receipt. Approximately 200 ATMs operated by about 35 financial institutions cannot uniquely identify different accounts of the same type. The number of consumers served by those ATMs who might consequently be affected by the exemption is unknown. In any case, the number of exempted transactions would be very small relative to total EFT transaction volume covered by the regulation. Modifications to bring the machines into compliance with the existing regulation are estimated by the vendor of the affected ATMs to average \$8,000 per institution. The exempted therefore may save the institutions up to \$280,000 or forestall their abandonment of some consumer services. No significant loss of consumer protection is expected to follow from the exemption.

Section 205.9(b)(1) is amended to allow financial institutions to omit a code from the periodic statement and to omit the state name for transfers made at terminals within 50 miles of the institution's main office. This exemption benefits those institutions that have interstate terminal networks falling within the 50-mile limitation and that would otherwise have to incur expense to redesign computer software and statement forms. Consumers are not expected to be deprived of any significant informational benefit, since it is assumed that terminal location descriptions will be meaningful in a local transaction area even when they lack state names.

The amendments are not expected to place smaller financial institutions at a competitive disadvantage, increase reporting or recordkeeping burdens, or adversely affect the availability of EFT services to low-income consumers.

(3) Pursuant to the authority granted in 15 U.S.C. 1693b, the Board amends Regulation E, 12 CFR Part 205, effective October 6, 1980, to read as follows:

1. Section 205.3 is amended by adding paragraph (d)(4), to read as follows:

§ 205.3 Exemptions.

(d) *Certain automatic transfers.* * * *

(4) From a consumer's account to an account of another consumer, within the financial institution, who is a member of the transferor's family.

2. Section 205.9 is amended by revising footnote 3 to paragraph (a)(3) and footnote 5 to paragraph (b)(1)(iv)(A) and by deleting the last sentence of paragraph (b)(1)(v), to read as follows:

§ 205.9 Documentation of Transfers.

(a) *Receipts at electronic terminals.* * * *

(3) The type of transfer and the type of the consumer's account(s)³

³ If more than one account of the same type may be accessed by a single access device, the accounts must be uniquely identified unless the terminal is incapable of such identification and was purchased or ordered by the financial institution prior to February 6, 1980. In a point-of-sale transfer, the type of account need not be identified if the access device used may access only one account at point of sale.

(b) *Periodic statements.* * * *

(1) * * *

(iv) * * *

(A) * * *.⁵

⁵ The city and state may be omitted if all the terminals owned or operated by the financial institution providing the statement (or by the system in which it participates) are

located in the same city. The state may be omitted if all the terminals owned or operated by the financial institution providing the statement (or by the system in which it participates) are located in that state. The state may also be omitted for transfers occurring at terminals within 50 miles of the financial institution's main office.

(v) The name of any third party to or from whom funds are transferred.⁹

By order of the Board of Governors of the Federal Reserve System, September 30, 1980.

Theodore E. Allison,
Secretary of the Board.

[FR Doc. 80-30944 Filed 10-3-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Reg. E; Docket No. R-0326]

Electronic Fund Transfers; Exemptions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is publishing for comment a proposed amendment to Regulation E to exempt overdraft checking plans from the compulsory use provision of the Electronic Fund Transfer Act. The amendment is being proposed to address an issue not covered when the regulation was promulgated. The Board is also publishing for comment an economic impact analysis, as required by § 904 of the act.

DATE: Comments must be received on or before November 5, 1980.

ADDRESS: Comments may be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th & Constitution Avenue, NW., Washington, D.C. between 8:45 a.m. and 5:15 p.m. Comments may also be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m. All material submitted should refer to Docket No. R-0326.

FOR FURTHER INFORMATION CONTACT:

Regarding the regulation: Lynne B. Barr, Senior Attorney, or John C. Wood, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2412). Regarding the economic impact analysis: Frederick J. Schroeder, Economist, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2584).

SUPPLEMENTARY INFORMATION: (1)

General. The major portion of the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*) and Regulation E went into effect on May 10, 1980. The Board, in response to inquiries concerning the issue of compulsory use, is proposing an amendment to the exemption section of the regulation. The amendment would, if adopted as proposed, exempt certain overdraft checking plans from the compulsory use prohibition of the act. The Board has also adopted a number of technical amendments to the exemption and documentation sections; see the separate final rule document in this edition.

Section 904(a)(2) of the act requires the Board to prepare an analysis of the economic impact of the regulation that considers, among other things, the impact of the regulation on the various participants in electronic fund transfer systems, the effects upon competition in the provision of electronic fund transfer services among large and small financial institutions, and the availability of such services to different classes of consumers, particularly low-income consumers. A proposed economic impact statement relating to the proposal appears in section (3) below. The statement and the proposed amendment have been transmitted to Congress, as required by § 904(a)(4).

Section 904(c) permits the Board to modify the requirements of the act as they affect small financial institutions if the Board determines that modifications are necessary to alleviate any undue compliance burden. The Board solicits comment on whether the proposed amendment should be modified in any way to address the compliance burdens of small financial institutions.

Because a prompt resolution of the issues addressed in the proposed amendment is desirable in view of the compliance effort already undertaken by financial institutions, the Board believes that an expedited rulemaking procedure is in the public interest. Accordingly, the expanded procedures set forth in the Board's policy statement of January 15, 1979 (44 FR 3957), will not be followed in connection with this proceeding.

(2) **Regulatory provision.** Section 913 of the act prohibits the conditioning of an extension of credit upon the consumer agreeing to repay by means of preauthorized transfers. Under § 205.3(d)(3) of the regulation, preauthorized loan payments from a consumer's account to the financial institution are exempt from all the requirements of the act and regulation except this ban on compulsory use.

In response to requests from a number of financial institutions, the Board is proposing to amend § 205.3(d)(3). The amendment would, if adopted as proposed, allow financial institutions to require preauthorized transfers from consumer's accounts at the same institution when credit is extended pursuant to a plan under which advances are made when the consumer's account is overdrawn or to maintain a specified minimum balance.

The Board solicits comment on the consumer harm or benefit that could result from adoption of the proposal. It appears that financial institutions in the past have generally required such automatic debiting of payments without serious consumer problems. Consumers

may benefit from the proposal by a reduction in charges for returned items or finance charges.

In addition, the Board requests comment on what costs will be saved by financial institutions if the proposal is adopted as proposed, from avoidance of reprogramming, collection efforts, or processing of paper payments.

The overdraft plans that are the subject of this proposal generally require an agreement to debit a minimum payment each monthly or other payment period from available or advanced funds. Other plans have automatic debiting whenever funds are deposited into the consumer's account, and do not have a fixed periodic or recurring payment schedule. It is the Board's opinion that these latter plans are already in compliance with section 913, because they do not require the consumer to agree to repayment by preauthorized transfers, which are defined in the act and regulation as transfers "authorized in advance to recur at substantially regular intervals."

(3) **Economic impact analysis.** It is proposed that § 205.3(d)(3) be amended to exempt extensions of credit to cover overdrafts or maintain specified minimum balances from the act's provision prohibiting compulsory use of EFT. Overdraft credit plans appear to be a well-established and well-accepted consumer service. Automatic transfers provide the simplest and least costly method for repayment of these credit extensions. Providing nonautomatic repayment alternatives would require reorganization and expense on the part of financial institutions and could lead to higher prices or reduced service levels for consumers. No significant loss of consumer protection is expected to follow from this exemption.

The proposed amendment is unlikely to place small financial institutions at a competitive disadvantage, increase reporting or recordkeeping burdens, or adversely affect the availability of EFT services to low-income consumers.

(4) Pursuant to the authority granted in 15 U.S.C. 1693b, the Board proposes to amend Regulation E, 12 CFR Part 205, by revising § 205.3(d)(3), to read as follows:

§ 205.3 Exemptions**(d) Certain automatic transfers.**

(3) From a consumer's account to an account of the financial institution, such as a loan payment (except that the financial institution is subject to §§ 913(1), (15), and 916 of the Act for extensions of credit other than those made when the consumer's account is

overdrawn or to maintain a specified minimum balance in the account).

By order of the Board of Governors of the Federal Reserve System, September 30, 1980.
Theodore E. Allison,
Secretary of the Board.

[FR Doc. 80-30943 Filed 10-3-80; 8:45 am]

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12 CFR Part 205

[Reg. E; EFT-2]

Electronic Fund Transfers; Proposed Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed official staff interpretation.

SUMMARY: In accordance with 12 CFR 205.13(b)(2), the Board staff is publishing for comment a proposed official staff commentary on Regulatory E, Electronic Fund Transfers. This proposed interpretation takes the form of questions and answers about the regulatory requirements applicable to electronic fund transfers to or from consumer asset accounts.

DATE: Comments must be received on or before November 14, 1980.

ADDRESS: Comments should include a reference to EFT-2 and should be mailed to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th and Constitution Avenue, NW., Washington, D.C., between 8:45 a.m. and 5:15 p.m. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT:

John C. Wood (202-452-2412), Jesse B. Filkins (202-452-3867), Lynn Goldfaden (202-452-3867), Gerald Hurst (202-452-3667), or Gena Silver (202-452-2412), Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: (1)

Introduction. Regulation E (12 CFR Part 205) implements the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*). Certain portions of the regulation were published on March 28, 1979 (44 FR 18468), and October 15, 1979 (44 FR 59464). The final portions were issued on February 6, 1980 (45 FR 8248).

The Board staff has prepared a commentary addressing the regulation's various requirements in order to facilitate compliance by financial institutions that provide electronic fund transfer services. The commentary is in the form of questions and answers, and

responds to questions raised in letters and telephone calls, and at meetings and workshops on Regulation E.

Some of the positions in the commentary are being formalized in writing for the first time. A significant number, on the other hand, appeared in the Board's Federal Register notices when various provisions of the regulation were proposed or adopted; these are being repeated here for the sake of completeness and to present them in a more permanent format. Other portions of the commentary merely restate the regulatory provisions in nontechnical language or provide examples to aid interested parties in understanding the regulation.

The commentary is being published as an official staff interpretation so that financial institutions acting in conformity with the interpretation will have the protection provided by § 915(d)(1) of the Electronic Fund Transfer Act. While it incorporates material that may not warrant inclusion in an official staff interpretation, the staff believes that publishing some portions of the commentary in the Federal Register (as required for an official staff interpretation), and not others, might have created confusion.

Commenters should not feel compelled to comment on each of the items presented. They are invited to focus on material not published previously—in particular, on positions that need to be broadened, narrowed, or clarified, and on areas in which modification would ease operational and other compliance burdens without diminishing consumer protections.

The questions in the commentary are identified by hyphenated numbers, the first part of the number indicating the regulatory section and the second part the particular question concerning that section. For example, 9-1 indicates the first question on § 205.9.

The commentary covers all sections of the regulations except § 205.1. To keep its length manageable, detailed explanations of the regulatory provisions have been omitted. References to the specific sections of Regulations E (and, in some cases, of the Electronic Fund Transfer Act) are included at the end of each answer.

A subject index accompanies the commentary and should prove useful in locating related questions.

Comments will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)). After comments are considered, this official staff interpretation may be amended.

Final action will be reported in the Federal Register.

(2) Authority: 15 U.S.C. 1693m(d).

12 CFR Part 205, EFT-2—Official Staff Commentary (Proposed) on Regulation E

The following is a proposed official staff interpretation of Regulation E (12 CFR Part 205) issued pursuant to § 205.13(b)(2). It is limited to the facts and issues discussed. Sectional references are to the regulation or the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*).

Section 205.2—Definitions and Rules of Construction

2-1

Q: What are some examples of access devices?

A: Access devices include debit cards, personal identification numbers (PINs), telephone bill payment codes, and other mechanisms that may be used by a consumer to initiate an electronic fund transfer. They do not include magnetic tapes or other devices used solely by a financial institution to initiate electronic fund transfers. [§ 205.2(a)(1)]

2-2

Q: Are profit-sharing and pension accounts covered by the definition of "account"?

A: Yes. They are consumer asset accounts. [§ 205.2(b)]

2-3

Q: Escrow accounts are frequently established to assure payment of items such as real estate taxes, insurance premiums, and completion of repairs or improvements; are they considered asset accounts?

A: No. These funds are not consumer asset accounts for purposes of Regulation E. In an arrangement of this type, the funds are not solely in the consumer's control; control is shared with a financial institution, escrow agent, or other party. Disbursement occurs upon the happening of an agreed upon event. [§ 205.2(b)]

2-4

Q: Is an account that is established to accumulate funds for U.S. Savings Bond Purchases a Regulation E account?

A: No. Such accounts generally are not established by the consumer, who has merely authorized the purchase of bonds in a given denomination and has set the periodic amount to be withheld or transferred for this purpose. [§ 205.2(b)]

2-5

Q: Are Christmas club or vacation club accounts subject to Regulation E?

A: Yes. Christmas club and vacation club accounts are consumer asset accounts. Whether they are subject to Regulation E, however, will depend on how fund transfers are made. If all transfers into and out of the account have been authorized in advance by the consumer and are to or from another account of the consumer at the same institution, then the transfers are exempt. If a transfer out of the account is by check (including a computer-generated check), Regulation E does not apply because that transfer is paper-initiated. [§§ 205.2(b), 205.2(g), 205.3(d)]

2-6

Q: In the definition of business day, what does the phrase "substantially all business functions" include?

A: The phrase includes the back-office operations of the institution. For example, if the offices of an institution are open on Saturdays for handling common transactions with consumers (such as deposits, withdrawals, loan applications), but not for processing claims of account errors or performing other internal functions, then Saturday is not a business day for that institution. [§ 205.2(d)]

2-7

Q: Suppose the telephone line for reporting loss or theft of an access device or unauthorized transfers is available on Sunday, but no other business functions are performed. Is Sunday a business day?

A: No. Financial institutions are encouraged to make telephone lines available on weekends. Mere telephone line availability, however, does not satisfy the "substantially all business functions" standard. [§ 205.2(d)]

2-8

Q: For purposes of the various time limits set by the regulation (for correcting errors and reporting loss of an access device, for example), does business day refer only to that portion of the day that the financial institution carries on substantially all business functions?

A: No. A business day includes the entire 24-hour period ending at midnight. [§ 205.2(d)]

2-9

Q: If a financial institution engages in substantially all business functions until 12 noon on Saturdays instead of its normal 3 p.m. closing, is the day a business day?

A: The regulation does not specify the number of hours that an institution must be open in order to have a business day. The financial institution may determine,

at its election, whether an abbreviated day is a business day. If a day is a business day for purposes of the consumer's reporting a lost or stolen access device, however, it will also count as a business day for the institution's resolving errors. [§§ 205.2(d), 205.6, and 205.11]

2-10

Q: The term electronic fund transfer excludes payments made by check, draft, or similar paper instrument at an electronic terminal. Does it also exclude payments made by cash at an electronic terminal?

A: Yes. Cash payments are not electronic fund transfers because they do not debit or credit a consumer's account. [§ 205.2(d) and (g)]

2-11

Q: Does the term electronic fund transfer include deposits of cash, checks, drafts, or similar paper instruments at automated teller machines (ATMs) to an account with this service?

A: Yes. Deposits made at ATMs and other electronic terminals are electronic fund transfers. However, these deposits are exempt from the requirement that the terminal location be disclosed on the periodic statement. [§ 205.9(b)(1)(iv), footnote 4a]

2-12

Q: Does the term electronic fund transfer include deposits that are made by a consumer at an ATM to an account that is not accessible by electronic fund transfer?

A: No. An account does not become subject to the regulation by virtue of the consumer's making a deposit to that account. (See question 2-23.) [§ 205.2(g)]

2-13

Q: Does the term electronic fund transfer include preauthorized payroll allotments that are made directly to a creditor to repay a credit extension?

A: No. These transfers do not debit or credit a consumer asset account. The allotments withheld from the consumer's payroll go into a loan account, which is not a consumer asset account. [§ 205.2(b) and (g)]

2-14

Q: In the definition of electronic fund transfer, does the phrase "check, draft, or similar paper instrument" apply to items such as deposit slips and paper listings that accompany magnetic tapes?

A: No. The phrase also does not include key-punched cards, MICR-encoded paper slips, or non-machine readable paper tape. [§ 205.2(g)]

2-15

Q: A financial institution issues an identification card to a consumer for use at other financial institutions. To obtain funds, the consumer presents the card and signs a withdrawal authorization at the remote financial institution; an institution employee then telephones the account-holding institution to obtain approval. If approval is given, the funds are paid to the consumer and the consumer's account is memo posted for the designated amount. Settlement between the institutions, however, is not made until the account-holding institution receives the signed withdrawal authorization. Is this an electronic fund transfer?

A: No, because the actual transfer of funds is initiated and carried out by paper means. [§ 205.2(g)]

2-16

Q: Are check truncation systems covered?

A: No, because the fund transfer is initiated by "check, draft, or similar paper instrument." [§ 205.2(g)]

2-17

Q: An employer or other payor transmits a composite check made payable to a financial institution to make payroll deposits or other credits to consumers' accounts at the institution. The payee information (names, account numbers, and amount of individual credits) is contained on magnetic tape, computer print-out, or paper listing. Are these transfers subject to the regulation?

A: No. The transfer of funds originates by check. It is excluded from the definition of electronic fund transfer, and thus from Regulation E coverage provided the transfer is not being carried out in this manner to circumvent or evade Regulation E requirements. [§ 205.2(g)]

2-18

Q: Suppose the financial institution in question 2-17 holds only some of the employees' accounts, and that it forwards the remaining credits via an automated clearing house (ACH). Are the subsequent transfers subject to the regulation?

A: Yes. The transfers made via the ACH are electronic fund transfers and are covered, even though the fund transfer by composite check from the employer to the financial institution is not. [§ 205.2(g)]

2-19

Q: Under the U.S. Treasury's direct deposit program, Social Security benefits are sent via the ACH to the consumer's financial institution. Some

institutions receive fund transfers through a correspondent bank, which sends a computer print-out listing the recipients, together with a composite check payable to the financial institution. If the institution writes individual deposit slips for posting to consumers' accounts, are these transfers subject to the regulation?

A: Yes. The transactions originated as electronic fund transfers through the ACH; the later introduction of a composite check, with either computer print-out or teller created deposit slips, is immaterial. [§ 205.2(g)]

2-20

Q: A utility company obtains authorizations from consumers to debit their accounts periodically for utility charges. The financial institution debits the consumers' accounts in accordance with billing information contained on a magnetic tape provided by the utility, and sends the utility a composite check. Are these transfers subject to the regulation?

A: Yes, because the fund transfers originate by electronic means. [§ 205.2(g)]

2-21

Q: A consumer authorizes a company to debit a checking account automatically for a payment. The company presents a paper draft that ultimately debits the consumer's account at the financial institution. Is the transfer subject to the regulation? What if the debit is initiated through an ACH?

A: Transfers initiated by paper drafts are excluded from the definition of electronic fund transfer. Transfers via the ACH are subject to the regulation. [§ 205.2(g)]

2-22

Q: A consumer has an agreement authorizing the account-holding financial institution to debit a savings account to make recurring payments to another party, or to make recurring interest payments to the consumer. The bank's computer periodically generates an individual check to the payee. Is the transfer subject to the regulation?

A: No. The transfer is exempt because it originates by paper check (even though that check is computer-generated), provided the transfer is not carried out in this manner in order to circumvent or evade the regulation. [§ 205.2(g)]

2-23

Q: If a check or draft is sent in response to a consumer's telephone

authorization, is the transfer subject to the regulation?

A: The transfer is covered because it is initiated by telephone, unless it qualifies for the specific exemption provided in the regulation for certain telephone-initiated transfers. [§§ 205.2(g), 205.3(e)]

2-24

Q: If a consumer uses a pay-by-phone plan to initiate a payment, must the financial institution provide a terminal receipt?

A: No. A receipt is required only when the consumer initiates an electronic fund transfer at an electronic terminal. A telephone is not an "electronic terminal." [§ 205.2(h)]

2-25

Q: Is a POS terminal an electronic terminal requiring a receipt?

A: Yes, if it captures data in electronic form at the time the transfer is initiated and this data is used to effectuate the transfer. [§ 205.2(h)]

2-26

Q: Does "electronic terminal" include a computer terminal operated by someone other than the consumer—such as a teller or a sales clerk?

A: "Electronic terminal" includes only terminals that are operated by a consumer or a consumer's access device. It does not include computer equipment used internally by a financial institution's employees to process a transfer. For example, a POS terminal operated by a sales clerk would qualify as an electronic terminal if the consumer's access device is used in initiating a transaction (and if there is electronic data capture; see question 2-25). A terminal operated by a teller but not requiring the consumer's access device is not an electronic terminal. [§ 205.2(h)]

2-27

Q: Does the regulation apply to foreign bank branches in the United States? Does it apply to foreign branches of domestic banks?

A: The term "financial institution" covers any person (including a foreign bank) offering EFT services, if the consumer asset account is situated in a state, territory, or possession of the United States, or in Puerto Rico or the District of Columbia. The regulation applies to any electronic funds transfer to or from such an account, regardless of the residential status of the consumer holding the account. [§ 205.2(i)]

2-28

Q: A financial institution's employee fraudulently takes money from a consumer's account by electronic means. Is the consumer liable for these transfers?

A: No. The term "unauthorized electronic fund transfer" excludes any transfer initiated by the financial institution or its employees. The Regulation E liability provisions do not apply and the consumer has no liability for any such transfers. [§§ 205.2(1), 205.6]

Section 205.3—Exemptions

3-1

Q: A consumer's account is "memo posted" at the time a payment to a third party is guaranteed or authorized under a check guarantee or authorization service, but the financial institution does not pay out the funds until the check is received. Is the service exempt?

A: Yes, because although a temporary hold is placed on the funds in the consumer's account, the guarantee does not result in a direct debit to the account. Debiting occurs when the check or draft is presented for collection. [§ 205.3(a)]

3-2

Q: If a transfer of funds to a financial institution is made by Fedwire or a similar network, and the instructions for crediting individual consumers' accounts are transmitted on magnetic tape, has an electronic fund transfer taken place?

A: No. A Fedwire or similar transfer of funds is exempt. [§ 205.3(b)]

3-3

Q: Suppose a company transfers funds by Fedwire or a similar network from one financial institution to another, and transfers via ACH are then made from the second institution to the accounts of company employees at still other institutions. Has an electronic fund transfer taken place?

A: Yes. Although the initial transfer was not covered, the ACH transfers to employees' accounts are distinct from the initial transfer and are subject to the regulation. [§§ 205.3(b), 205.2(g)]

3-4

Q: A consumer calls a financial institution, under a telephone transfer plan, to request a transfer of funds from a savings to a checking account. Does the automatic-transfer exemption apply to this transaction?

A: No, because even though the transfer is between the consumer's accounts at the same institution, it

occurs only after a specific request has been made by the consumer. [§ 205.3(d)]

3-5

Q: Preauthorized transfers from a financial institution to a consumer's account at the same institution are exempt from the act and regulation generally, but not from the statutory prohibition against requiring an employee (as a condition of employment) to receive payroll deposits by electronic means at a particular institution. Does this prohibition apply to a financial institution as an employer? If so, would it suffice to give the employees the choice of two institutions?

A: Yes. The prohibition applies to all employers, including financial institutions. To comply with the law, an employer should give its employees a reasonable choice among a range of institutions. Or, it may give employees the option of receiving payment by check or cash. [§ 205.3(d)(2), § 913]

3-6

Q: Preauthorized loan payments to the institution in which the consumer holds an account are exempt generally, but are subject to the statutory prohibition against requiring repayment by means of preauthorized electronic fund transfers. If an institution required automatic payment by electronic means on credit agreements made before May 10, 1980, must the institution now go back and offer those consumers an alternate means of repayment?

A: No, it is not necessary to do so. However, if a consumer who entered into such an agreement before May 10, 1980, now asks to repay by other than electronic means, the financial institution should honor the request. (See proposed exemption for overdraft checking plans in the proposed rules section of this edition.)

Similarly, an employer should grant all its employees a choice of institutions for receipt of electronic payroll deposits, by may continue to rely on preexisting agreements in the absence of a request from the employee. [§ 205.3(d), § 913]

3-7

Q: Under certain types of graduated payment mortgages, the borrower establishes a pledged savings account that is used to supplement the monthly payments made by the borrower during an initial term—for example, in the first five years of the loan. The lender debits the pledged account automatically for the prescribed sum each month. That automatic transfer of funds is an integral feature of this type of alternative mortgage. Does the prohibition against

compulsory use of electronic fund transfers apply to this type of program?

A: No. The legislative history of the prohibition against compulsory use makes clear that it is permissible to offer a borrower a reduced annual percentage rate or some other cost-related incentive to elect an automatic repayment feature. In the case of pledged-account mortgages, the special terms for lower monthly payments in the first five years of the amortization period appear to be such an incentive. [§ 205.3(d)(3), § 913]

3-8

Q: A consumer authorizes a financial institution to make periodic fund transfers from the consumer's account to an account held jointly with another consumer at the same institution. Are these transfers exempt? What about transfers to a family member's account?

A: Automatic transfers between a consumer's accounts within a financial institution are exempt; there need not be complete identify of account holders on the two accounts. Intra-family transfers that occur automatically within a financial institution are also exempt. [§ 205.3(d) (1) and (4)]

3-9

Q: A financial institution electronically debits or credits consumer accounts for such items as stop-payment charges, NSF charges, overdraft charges, provisional recredits, and error adjustments. Are these types of transfers exempt?

A: These are intra-institutional transfers that are initiated by the financial institution automatically, on the occurrence of certain events. They are exempt. [§ 205.3(d)]

3-10

Q: A financial institution offers group life insurance coverage to its account holders. The insurance can be obtained only through the financial institution, and the premiums can only be paid by means of an aggregate payment from the financial institution. Consumers' accounts are debited for their share of the premiums, and the financial institution makes payment on behalf of participating consumers for the total premium due under the group policy. Are these transfers subject to the regulation?

A: No. The debit to an individual consumer's account is an automatic transfer to an account of the financial institution. Although the funds are ultimately transferred to a third party, the group insurance can only be obtained through the institution, and the transfer can therefore be regarded as a

bona fide intra-institutional transfer. [§ 205.3(d)(3)]

3-11

Q: Check order charges are electronically debited to an account at the consumer's request. Checks can only be obtained and paid for through the financial institution. Is this transfer subject to the regulation?

A: No. Although a third party is involved, the check printing is a service that is ancillary to the institution-customer relationship. [§ 205.3(d)(3)]

3-12

Q: Rhode Island has a banking system that sanctions the pairing of a thrift institution with a commercial bank. The paired institutions frequently share quarters and have common tellers and teller stations. Customers receive a unified statement that distinguishes the two accounts by number and type, but not by institution. Are transfers that occur within the thrift-commercial pair intra-institutional transfers for purposes of the automatic-transfer exemptions?

A: Under the unique circumstances that exist in Rhode Island, transfers within the paired institutions qualify for intra-institutional status. [§ 205.3(d)]

3-13

Q: Does a transfer to or from an account of the consumer at a subsidiary institution (or within the same bank holding company) qualify as an intra-institutional transfer?

A: No. Such a transfer does not qualify. [§ 205.3(d)]

3-14

Q: A consumer signs a telephone transfer agreement form, authorizing the financial institution to transfer funds between accounts within the institution. To initiate a transfer, the consumer telephones an employee of the institution, who then completes the transfer manually by means of debit memos, deposit slips, etc. Is the transfer exempt?

A: No. The transfer is initiated by telephone under a prearranged plan, and is therefore covered. The fact that the transaction is intra-institutional and is completed manually does not change this result. [§§ 205.3(d) and (e), 205.2(g)]

3-15

Q: A financial institution's telephone transfer plan requires the consumer to make a separate request for each transfer from the consumer's account. That is, the consumer cannot authorize succeeding periodic payments to the designated payee by means of a single telephone call. Is this service exempt?

A: No. The service is covered. Even though the consumer cannot authorize recurring payments by means of one telephone request, the parties do have an agreement that the consumer can initiate transfers from time to time. [§ 205.3(e)]

3-16

Q: A consumer calls the financial institution and requests a transfer of funds from a savings to a checking account to cover a potential overdraft. A signature card signed by the consumer gives the financial institution authority to transfer funds upon the consumer's request. However, there is no agreement or plan stated, on the signature card or elsewhere, that specifically mentions transfers initiated by telephone. Is this type of transfer exempt?

A: Yes, because there is no prearranged plan. [§ 205.3(e)]

3-17

Q: Many consumers who sign up for a telephone transfer service use it only occasionally, others not at all. Is the service exempt, since the institution does not know when (or whether) a telephone transfer will be made?

A: No. The service is not exempt, because any transfer that does occur will be occurring under a prearranged plan. [§ 205.3(e)]

3-18

Q: A financial institution holds certain Individual Retirement Accounts (IRAs) under custodial agreements. The custodial agreement is identical to a trust agreement, except that the parties are identified as depositor and custodian, rather than as grantor and trustee. Under the Internal Revenue Code, these accounts qualify as trust so long as they otherwise meet the requirements for an IRA. Do these custodial accounts qualify for the Regulation E exemption for trusts?

A: Yes. So long as the custodial agreements are the functional equivalent of trust agreements, they are exempt. [§ 205.3(f)]

3-19

Q: What is a *bona fide* trust agreement?

A: The term is not defined by the act or regulation. Financial institutions must therefore look to state or other law (as in question 3-18). The Board and the staff will not make determinations in individual cases. [§ 205.3(f)]

Section 205.4—Special Requirements

4-1

Q: In a shared system, must an institution's initial disclosures include

EFT charges and frequency or dollar limitations imposed by other institutions in the system, to the extent that it knows what these are?

A: No, because this information is not within the purview of the institution's relationship with its customer. [§ 205.4(a), 205.7(a)]

4-2

Q: If institution B is making disclosures on behalf of institution A, which holds a consumer's account, may B limit the disclosures to those within its knowledge?

A: No. The responsibility for making disclosures rests with the account-holding institution. The disclosures B makes for A (if A's responsibility is to be met) have to include information within A's knowledge and the purview of A's relationship with A's customers. For example, B would have to disclose electronic fund transfer charges imposed by A. [§ 205.4(a)]

4-3

Q: If X and Y open a joint checking account and a joint savings account at institution A, how many disclosure statements must A provide?

A: One, provided it covers both accounts. The disclosure can be given to either X or Y. [§ 205.3(b)]

Section 205.5—Issuance of Access Devices

5-1

Q: When a renewal or substitution is made, may more than one access device be sent in place of the existing device?

A: No. For example, only one new card and PIN may be issued to replace a card and PIN previously issued. [§ 205.5(a)(2)]

5-2

Q: Must a renewal or substitute access device permit exactly the same types of electronic fund transfers as the original?

A: The renewal or substitute device may permit the same types, more types, or fewer types. If a type is added, new disclosures may be required. (Refer to question 7-8.) If fewer types of transfers are possible, a change-in-terms notice is required. [§§ 205.5(a)(2), 205.7(a), 205.8(a)]

5-3

Q: Must a successor financial institution be an entity that replaced the original financial institution (for example, through a corporate merger or acquisition)?

A: No. A successor could also include, for example, a party who acquires

accounts or takes over the operation of an EFT system. [§ 205.5(a)(2)]

5-4

Q: Suppose an institution issued an access device on an unsolicited basis before February 8, 1979 (the effective date of the EFT Act's restrictions on unsolicited issuance). May the institution now issue a validated renewal or substitute device, or must it do so only after receiving a request from a consumer?

A: If the institution does not know whether the device was "accepted," it may issue a validated renewal or substitute device for a pre-2/8/79 device, provided certain disclosures accompany the renewal or substitute device. The renewal or substitute device does not become "accepted"—and the consumer can incur no liability for unauthorized use—until the consumer uses or signs it, or authorizes someone else to use it.

The financial institution may not, however, make a further renewal or substitution (absent a request from the consumer) unless the consumer has signed or used, or authorized another to use, the first renewal or substitute device. [§§ 205.2(a)(2), 205.5(a)(2) and (3), 205.6(a)(1)]

5-5

Q: Could issuance to the consumer of a personal identification number (PIN)—a secret code needed to initiate an electronic fund transfer—constitute both (1) a way of validating the debit card and (2) a way to identify the consumer (required as a condition of imposing liability for unauthorized transfers)?

A: Yes. [§§ 205.5(b), 205.6(a)(2)]

5-6

Q: Suppose an institution issues an unsolicited debit card and the necessary PIN to a consumer, enabling the consumer to initiate electronic fund transfers. Suppose further that the institution instructs the consumer not to use the card and PIN until the consumer has come to an office of the institution for verification of identity. Does this procedure comply with Regulation E?

A: No. Because the consumer could use the card and PIN to initiate transfers (even though instructed not to do so), the institution has not met the requirement that unsolicited access devices be unvalidated when issued. [§ 205.5(b)(1)]

5-7

Q: Same facts as in question 5-6, except that the institution's ATM system is programmed not to accept the consumer's card and PIN. After the

consumer requests validation of the card, the institution reprograms its computer so that the card and PIN now work in the system. Does this validation procedure comply with Regulation E?

A: Yes, provided the institution verifies the consumer's identity by some reasonable means before reprogramming. [§ 205.5(b)]

5-8

Q: Must an institution verify identity by one of the methods listed in the regulation?

A: No. They are merely examples; any reasonable means of verifying identity will comply. Even if an institution uses reasonable means, however, if it fails to verify identity correctly—so that an imposter succeeds in having a device validated—the institution is liable for any unauthorized transfers from the consumer's account. [§ 205.5(b)(4), 205.2(a)(2), 205.6(a)(1)]

5-9

Q: Regulation E permits the unsolicited issuance of an access device. May an institution issue a combined credit card/access device to a consumer, without a request or application for the card, under this provision?

A: Yes, provided that (1) the only credit feature is a preexisting overdraft credit line attached to the consumer asset account (or a similar line of credit that maintains a specified minimum balance in the account) and (2) the institution complies with Regulation E procedures. [§ 205.5(c)(1)(iii), 205.5(b)]

5-10

Q: Does the answer to question 5-9 mean that the unsolicited issuance of any other type of combined credit card/access device is prohibited?

A: No. Official staff interpretations FC-0041 and FC-0072 of Regulation Z also permit the issuance, on an unsolicited basis, of a card that may become a credit card provided that (1) the card has a substantive purpose other than obtaining credit, and (2) any credit privilege is attached only upon the consumer's request. (The other purpose could be to initiate electronic fund transfers.) The rules on unsolicited issuance of access devices would continue to apply. [§ 205.5(c)(2)(iii), 205.5(b), 226.13(a)(1)]

Section 205.6—Liability of Consumer for Unauthorized Transfers

6-1

Q: If an unauthorized transfer does not involve an access device (for example, when the unauthorized transfer is made through an automated

clearing house), may any liability be imposed on the consumer?

A: No. In order for the consumer to have any liability three conditions must be met:

(1) The unauthorized transfer involves an accepted access device,

(2) The financial institution has provided a means to identify the consumer to whom the access device was issued, and

(3) The financial institution has provided the consumer with certain information in writing.

When there is no access device involved the first two conditions cannot be met; as a result the consumer has no liability. [§ 205.6(a)]

6-2

Q: If a financial institution fails to disclose its business days, does a consumer have any liability for unauthorized transfers?

A: No, unless applicable state law or an agreement between the consumer and the financial institution sets a liability limit of \$50 or less. [§ 205.6(a)(3)(iii)]

6-3

Q: If more than one access device is issued to access a particular consumer account, must the financial institution provide a means to identify each separate user in order to impose liability for unauthorized transfers?

A: No. The financial institution may provide means to identify the separate users, but is not required to do so. [§ 205.6(a)(2)]

6-4

Q: Does the use of personal identification numbers (PINs) or other alphabetical or numerical codes satisfy the requirement of "electronic or mechanical confirmation" for identifying the consumer to whom an access device was issued?

A: Yes. [§ 205.6(a)(2)]

6-5

Q: Give some examples of when and how the following would apply: (1) the \$500 liability limit provision, (2) the unlimited liability provision, and (3) both provisions.

A: *Situation 1—\$500 limit applies.*

Date and event

June 1—C's card is stolen.
June 2—\$100 unauthorized transfer.
June 3—C learns of theft.
June 4—\$25 unauthorized transfer.
June 5—Close of 2 business days.
June 7—\$600 in unauthorized transfers that could have been prevented had notice been given by June 5.
June 9—C notifies bank.

C's liability

Amount of transfers before close of 2 business days: \$125	\$50
Amount of transfers after close of 2 business days and before notice to institution which would not have occurred but for C's failure to notify within 2 business days: \$600	\$450
C's total liability	500

¹Maximum liability for this period.

²Because maximum overall liability is \$500.

Situation 2—Both \$500 provision and unlimited liability provision apply.

Date and event

June 1—C's card is stolen.
June 3—C learns of theft.
June 5—Close of 2 business days.
June 7—\$200 unauthorized transfer that could have been prevented had notice been given by June 5.
June 10—Periodic statement is transmitted to C (for period from 5/10 to 6/9).
June 15—\$200 unauthorized transfer that could have been prevented had notice been given by June 5.
July 10—Periodic statement of C's account is transmitted to C (for period from 6/10 to 7/9).
August 4—\$300 unauthorized transfer. Transfer could have been prevented had notice been given by June 5.
August 9—Close of 60 days after transmittal of statement showing unauthorized transfer.
August 10—Periodic statement of C's account is transmitted to C (for period from 7/10 to 8/9).
August 15—\$100 unauthorized transfer. Transfer could have been prevented had notice been given by August 9.
August 20—C notifies bank.

Computation of C's liability

Paragraph (b)(1) will apply to determine the consumer's liability for any unauthorized transfers that appear on the periodic statement and transfers that occur before the close of the 60-day period. (The transfers need not both appear on the periodic statement and occur before the close of the 60-day period.) The maximum liability under (b)(1) is \$500.

C's liability

Amount of transfers before close of 2 business days: \$0	\$0
Amount of transfers after close of 2 business days and before close of 60-day period which would not have occurred but for C's failure to notify: \$700	\$500
C's liability under (b)(1)	500

¹Maximum liability.

Paragraph (b)(2)(ii) will apply to determine the consumer's liability for transfers occurring after the close of the 60-day period. There is no dollar ceiling on liability under paragraph (b)(2)(ii).

	C's liability
Amount of transfers before close of 60 days and before notice, which would not have occurred but for C's failure to notify within 60 days: \$100 on August 15.....	\$100
C's total liability	600

Situation 3—Only unlimited liability provision applies.

Facts same as in Situation 2, except that C does not learn of the card theft, but questions the account balance and notifies bank on August 20 of possible unauthorized transfers.

In this situation only paragraph (b)(2) applies, and C's liability is computed as follows:

	C's liability
Amount of transfers appearing on the periodic statement or occurring during the 60-day period: \$700	\$50
Amount of transfers after close of 60-day period and before notice, which would not have occurred but for C's failure to notify within 60 days: \$100	100
C's total liability	150

¹Maximum liability for this period.

6-6

Q: May a financial institution treat the consumer's receipt of a periodic statement that reflects unauthorized transfers as establishing that the consumer had actual knowledge of loss or theft of an excess device?

A: No. [§ 205.6(b)]

6-7

Q: Suppose the consumer gives notice at an address or telephone number other than that specified by the financial institution. Is the notice valid for purposes of limiting liability?

A: Yes. Although a financial institution must disclose a specific telephone number and address, the institution has received notice for purposes of limiting the consumer's liability even if that notice is given at some other address or phone number of the institution. [§ 205.6(c)]

6-8

Q: Suppose that a credit card which is also an access device is used to obtain unauthorized cash advances from a line of credit at an automated teller machine. Do the consumer liability provisions of Regulation E, or those of Regulation Z, apply?

A: Regulation Z applies. Since a consumer asset account is not involved, an electronic fund transfer has not occurred that would make the

transaction subject to Regulation E. [§ 205.6(d)(2)]

6-9

Q: If the unauthorized transfers in question 6-8 were instead withdrawals from a checking account, and they triggered a cash advance under an overdraft line of credit, which liability provisions would apply?

A: Regulation E would apply, because the transfer involved an extension of credit only as a consequence of the overdraft protection feature tied to the checking account. [§ 205.6(d)(1)]

6-10

Q: If a consumer's access device is also a credit card and the device is used to make withdrawals from the checking account and, separately, to obtain cash advances directly from the line of credit, which liability provisions apply?

A: Both Regulation E and Regulation Z would apply. Regulation E would apply to the unauthorized transfers involving the checking account, while Regulation Z would apply to the transfers involving the credit line. As a result, a consumer might be liable for up to \$50 under Regulation Z and, in addition, for \$50, \$500 or an unlimited amount under Regulation E. [§ 205.6(d)]

6-11

Q: The regulation mentions the need for the consumer to "take such steps as are reasonably necessary to provide the financial institution with the pertinent information" about the loss or theft of an access device. Suppose a consumer is unable to furnish the institution with an account number or card number; has the consumer given adequate notice?

A: Yes. In instances where the consumer is unable (due to the circumstances involved) to provide the number, the notice is still valid for purposes of limiting the consumer's liability. [§ 205.6(c)]

Section 205.7—Initial Disclosure of Terms and Conditions

7-1

Q: An institution is required to give initial disclosures either (1) at the time the consumer contracts for an EFT service or (2) before the first electronic fund transfer to or from the consumer's account. Suppose an institution provides initial disclosures when a consumer opens a checking account, and that the consumer does not sign up for an EFT service on that account until 11 months later. Has the institution satisfied the disclosure requirements?

A: No. Ideally, disclosures should be given at the time of contracting for the EFT service. The alternate timing

provision is intended to facilitate compliance when the institution learns, after the contract has already been entered into, that a consumer has contracted for an EFT service. For example, when a contract for preauthorized debits or credits is made with a third party rather than directly after the institution, the alternate provision would allow disclosure after contracting but before the first electronic fund transfer. [§ 205.7(a)]

7-2

Q: Does this mean that disclosures given earlier than the time of contracting do not comply with the regulation?

A: Advance disclosures will comply if they are given within a reasonably short period of time before the consumer contracts for the EFT service, so that the consumer is likely to have retained the disclosures that were given. Six months in advance would be too long for this purpose. Two months would probably be reasonable.

Suppose, for example, that an institution gives Regulation E disclosures to a consumer who opens an account, even though the consumer has not signed up for an EFT service. A month or two later, the consumer requests direct deposit of salary, and the direct deposits begin via an ACH. In this case, the institution need not redisclose when it receives the prenotification. The same would be true if, a month or two after opening the account, the consumer requests and receives a debit card. [§ 205.7(a)]

7-3

Q: In the case of Social Security direct deposits, the financial institution receives no prenotification. How can an institution comply?

A: In order to authorize direct deposit of Social Security payments, both the consumer and the institution must complete a Form 1199. The institution can make disclosures at that time. [§ 205.7(a)]

7-4

Q: Are there special rules for disclosure statements concerning such matters as type size, number of pages, or the relative conspicuousness of various terms?

A: No. The regulation imposes no requirements concerning matters of form, although it does specify that the disclosures must be given in a readily understandable written statement that the consumer may retain. [§ 205.7(a)]

7-5

Q: If the only electronic fund transfers to or from an account are preauthorized

transfers, must the institution make a liability disclosure regarding unauthorized transfers, and provide a telephone number and address for reporting loss or theft of an access device?

A: No. Regulation E only requires disclosures to be made as applicable. Since no liability may be imposed on a consumer for unauthorized transfers not involving an access device, the disclosures relating to consumer liability are inapplicable. [§ 205.7(a)(1) and (2), 205.6(a)(1)]

7-6

Q: Suppose an institution chooses not to impose any liability on consumers for unauthorized electronic fund transfers involving access devices. Must it make any liability disclosure?

A: No. Again, the disclosures are inapplicable [§ 205.7(a)(1) and (2)]

7-7

Q: Must the disclosure statement given to a consumer relate only to the particular EFT services that the consumer will receive?

A: It is permissible to provide a disclosure statement that covers all the types of EFT services the institution offers, even if an individual consumer receiving the disclosures will not be able to use all of the different types of services. [§ 205.7(a)]

7-8

Q: Suppose a consumer signs up for an EFT service and receives disclosures. If the consumer later arranges for an additional EFT service from the same institution, must additional disclosures be given?

A: Yes, to the extent that the new service is subject to terms and conditions different from those for the existing service. This is also the case, for example, when the institution begins to furnish a new service upon renewal of an access device. (Refer also to question 5-2.) [§ 205.7(a)]

7-9

Q: Several required disclosures relate to a consumer's rights under Regulation E or the act. Must the disclosures spell out these rights in full, as they are set forth in the regulation and the act?

A: No. These matters can and should be disclosed by means of summary descriptions. For example showing the amount of detail that needs to be provided, see the model disclosure clauses in Appendix A. [§ 205.7(a)(1), (6), (7) and (8)]

7-10

Q: Should preauthorized transfers be disclosed as a "type" of electronic fund transfer that the consumer may make?

A: No. Preauthorized transfers need not be listed as one of the types of transfer that a consumer can make, although an institution may wish to do so as a matter of customer relations. [§ 205.7(a)(4)]

7-11

Q: How much must the consumer be told about limitations on frequency and dollar amount of transfers?

A: The general rule is that information on these limitations must be disclosed in detail to consumers. This is so even if the limitations are related to the security aspects of the electronic fund transfer system. The only exception is that, to the extent confidentiality of details is determined—by the institution—to be essential to the security of an account or the system, those details may be withheld. In any case, at least the fact that there are limitations must be disclosed. [§ 205.7(a)(4)]

7-12

Q: The regulation requires disclosure of charges for electronic fund transfers or for the right to make transfers. If a per-transfer charge for electronic fund transfers is the same as the per-item charge for non-electronic transactions, must it be disclosed?

A: Yes. Such charges must be disclosed. If an institution does not wish to detail the various charges on the disclosure statement, however, it may disclose them on a separate document provided to the consumer along with the principal disclosure statement. [§ 205.7(a)(5)]

7-13

Q: If an institution imposes per-item charges only under certain conditions (such as when the transactions for the cycle exceed a certain number) must the institution disclose what those conditions are?

A: Yes. Again, this information may be provided in a separate document enclosed with the Regulation E disclosures. [§ 205.7(a)(5)]

7-14

Q: What if there is only a fixed service charge that is assessed when the balance in the account falls below a certain minimum?

A: No disclosure is required, since there is no charge attributable to an EFT service. [§ 205.7(a)(5)]

7-15

Q: Are charges for stop-payment orders, dishonor, or overdrafts required to be disclosed?

A: No. These are not charges for electronic fund transfers or for the right to make such transfers. [§ 205.7(a)(5)]

7-16

Q: The regulation requires an institution to list the circumstances under which, in the ordinary course of business, it will disclose information to third parties about an account. Suppose a consumer holds two accounts in an institution. Account No. 1 has EFT service, but account No. 2 does not. Does the requirement apply to both accounts?

A: No. the required disclosure relates only to account No. 1. However, the institution must describe the circumstances under which any information relating to that account (not just information concerning electronic fund transfers) will be made available to third parties. [§ 205.7(a)(9)]

7-17

Q: For purposes of this disclosure requirement, does the term "third parties" include other subsidiaries of the same holding company?

A: Yes. [§ 205.7(a)(9)]

7-18

Q: The regulation contains an error resolution notice. Is this notice a model clause that the institution may use at its option?

A: No. Although use of the model clauses contained in appendix A is optional, the error resolution notice falls in a different category. It is a required disclosure and must be given in a form substantially similar to that which appears in the regulation. The institution may, however, delete inapplicable provisions (e.g., the requirement of written confirmation of an oral notification), substitute trade names, or use different language—so long as the substance of the notice remains substantially the same. [§ 205.7(a)(10)]

7-19

Q: Several disclosures involve telephone numbers: numbers for reporting loss or theft of an access device or possible unauthorized transfers, for inquiring about receipt of a preauthorized credit, for stopping payment of a preauthorized debit, and for giving notice of error. May an institution use a single telephone number for all these purposes?

A: Yes. Conversely, an institution could also use different telephone numbers for one or more of these

purposes. For example, an institution may use regional telephone numbers (or the phone numbers of branches) and provide an appropriately identified list in place of a single number for any given disclosure.

Moreover, a telephone number (or list of numbers) need not be incorporated into the text of the disclosure to which it relates. The institution may instead insert a reference to a number or list of numbers to be found elsewhere on or with the disclosures.

7-20

Q: Suppose that prior to May 10, 1980, a consumer had EFT service on an account, but that service has terminated (for example, the consumer returned the access device, or no preauthorized transfers had occurred for more than a year). The account itself, however, was still open on May 10. Was the institution required to provide the consumer with initial Regulation E disclosures by June 9, 1980?

A: No. However, if the EFT service is reactivated, the institution will have to provide initial disclosures at the time of contracting or before the first transfer. [§ 205.7(a) and (b)]

Section 205.8—Change in Terms; Error Resolution Notice

8-1

Q: What categories of initial disclosures are affected by the change-in-terms notice requirement?

A: Changes to be disclosed include (but are not necessarily limited to): an increase in the consumer's liability for unauthorized electronic fund transfers; a change in the days considered to be business days; a decrease in available types of electronic fund transfers, or an increased strictness in limitations on frequency or dollar amounts of transfers; an increase in charges for electronic fund transfers or the right to make transfers, or the imposition of such charges for the first time; and a decrease in the institution's liability to the consumer for failure to make or to stop certain transfers. [§§ 205.8(a), 205.7(a)(1), (3), (4), (5) and (8)]

8-2

Q: Is an institution required to disclose a change in the telephone number or address for reporting possible unauthorized transfers?

A: No, but it must do so if it wishes to impose any liability on the consumer for such transfers. [§§ 205.6(a), 205.8(a)]

8-3

Q: Suppose an institution closes down some of its automated teller machines.

Must the institution disclose this change?

A: No, because the change does not relate to an item required to be given in the initial disclosures. [§ 205.8(a)]

8-4

Q: Suppose an institution limits the amount of money that consumers can withdraw daily from its ATMs. Because the secrecy of the limits is essential to maintaining the security of the accounts or the system against theft, the details of the limits were not stated in the initial disclosures. The institution disclosed only that limits exist. If the limits are now made stricter, what must the institution disclose to its customers?

A: No disclosure is required, provided secrecy is still essential. In contrast, if the institution had no security limits when it made the initial disclosures, and is now imposing limits for the first time, it must disclose at least the fact that limits have been adopted. [§§ 205.8(a), 205.7(a)]

8-5

Q: If an institution terminates a consumer's ATM or POS service by cancelling the access device, must it provide a disclosure?

A: No. However, if the service involves credit (because the device is a combined credit card/access device, for example), notification under Regulation B (Equal Credit Opportunity) may be required. [§§ 205.8(a), 202.9(a)]

8-6

Q: May an institution give notice of a change in terms by sending copies of its revised disclosure statement?

A: Yes, provided attention is directed to the change (for example, in a cover letter referencing the changed term). [§ 205.8(a)]

8-7

Q: In general, an institution must either provide its customers with the full error resolution notice annually, or include a short-form notice on or with each periodic statement. Suppose an institution does not send periodic statements to certain EFT customers. How should it comply with this requirement?

A: It must send the full error resolution notice annually. [§ 205.8(b)]

8-8

Q: An institution sends annual long-form error resolution notices. If it wishes to adopt the short-form alternative, when must the first short-form notice be sent?

A: No later than 12 months after the last long-form notice was sent.

Conversely, if an institution wants to switch to long-form, the first long-form notice should be sent no later than 12 months after the last short-form notice. [§ 205.8(b)]

Section 205.9—Documentation of Transfers

9-1

Q: An institution's electronic terminals are programmed to provide a receipt only if the consumer who wants documentation presses a particular key at the time of the transfer. Does this comply with the regulation?

A: Yes, the regulation merely requires that the documentation be made "available" to the consumer at the time of the transfer. (See § 205.9(f) for the exemption from this requirement for certain cash-dispensing terminals.) [§ 205.9(a) and (f)]

9-2

Q: What is the purpose of the footnote in the regulation that permits financial institutions to make terminal receipts available through third parties?

A: It permits institutions to arrange for operators of terminals in an EFT system (e.g., merchants or other financial institutions) to make the receipt available. The financial institution holding the consumer's account or providing the EFT services to consumers remains responsible for the availability of the receipts. [§ 205.9(a), footnote 2]

9-3

Q: Does a financial institution comply with the receipt requirement if it simply prints the receipt information on a display screen?

A: No. The written receipt must be in a form that the consumer may retain. [§ 205.9(a)]

9-4

Q: Are there special requirements regarding type size, length of receipt, or other factors?

A: No. The regulation does require, however, that the information on the receipt be set forth "clearly." A series of unlabelled numbers or codes for various types of information, if not readily understandable on their face, would not be clearly set forth within the meaning of the regulation.

Multiple electronic fund transfers may be shown on a single receipt. The institution may also document individual transfers on separate receipts, even though the consumer makes multiple transfers at the same time. [§ 205.9(a)]

9-5

Q: Does the terminal receipt requirement apply if a transfer is initiated but not completed (because the ATM is out of cash, for example)?

A: Most terminals generate a receipt even when a transfer is not completed because of a terminal malfunction or because the consumer decided not to complete the transfer. Institutions are encouraged, but not required, to provide receipts in these instances. [§ 205.9(a)]

9-6

Q: Does a violation result if a terminal runs out of paper and a receipt is not made available to the consumer?

A: A failure to provide a terminal receipt is not a violation if the financial institution maintains procedures reasonably adapted to assure compliance with the receipt requirement. (See § 915(c) of the act for exemption from liability for *bona fide* unintentional errors.) [§ 205.9(a)]

9-7

Q: May a financial institution disclose only an accounting or business date on the terminal receipt?

A: No. The date on which the consumer uses the electronic terminal must be disclosed on the receipt, although an accounting or business date may also be disclosed if clearly labelled. [§ 205.9(a)(2)]

9-8

Q: What if a transfer is initiated very late one day (for example, at 11:59 p.m.) and completed on the next day (for example, at 12:01 a.m.)?

A: The financial institution may disclose either calendar date on the receipt in that instance. [§ 205.9(a)(2)]

9-9

Q: What degree of specificity is required on terminal receipts and periodic statements for the type of transfer?

A: Common descriptions that adequately identify the type of transfer to the consumer are sufficient. There is no prescribed list of terms, although three examples are contained in the regulation. On periodic statements, it may be sufficient simply to show the amount of the transfer in either the debit or the credit column if other information on the statement enables the consumer to identify the type of transfer (for example, a terminal location or third-party name). [§ 205.9(a)(3) and (b)(1)(iii)]

9-10

Q: How should the type of account be disclosed on the terminal receipt when more than one account of the same type

can be accessed by the consumer's access device?

A: If an access device can be used by the consumer to make transfers—for example, to or from two checking accounts—the terminal receipt must specify which of the two checking accounts has been accessed. A financial institution could disclose a cash withdrawal as "withdrawal from checking I" or "withdrawal from checking II" or, if only one other account of any type can be accessed by the same access device, "withdrawal from other account." The number of the account being accessed could be used to identify the type of account and also serve as the unique identifier of the account. [§ 205.9(a)(3) and (4)]

9-11

Q: A footnote states that the type of account need not be identified if the access device used to initiate the transfer may access only one account of any type in a point-of-sale transfer. Does this exception apply when that device is used at an ATM?

A: No. Except as noted below, it is not available for ATM transfers, even if the access device is capable of accessing only one account at an ATM.

The exemption for POS transfers is available even if the access device can access more than one account when used at a different type of facility. Also, the word "account" refers only to accounts as defined in Regulation E—that is, consumer asset accounts. Thus, if a consumer can use an access device at a POS terminal either to debit an asset account or to obtain credit, the exemption is still available.

There is a limited exception for certain ATMs, but only if they were purchased or ordered before February 6, 1980. [Note: See the final rule document elsewhere in this edition.] [§ 205.9(a)(3), footnote 3]

9-12

Q: A financial institution's ATMs permit access to multiple accounts of the same type when the ATM is on-line, and receipts uniquely identify the accounts by use of account numbers. When the ATM is off-line, however, access is only permitted to a "primary" account of each type, designated by the consumer in advance. The consumer is informed at the ATM that only access to the primary account is permitted at that time (and can decline to complete the transaction). Is it permissible for the receipt to describe the transfer as a "withdrawal from checking," for example, without a unique identification of the account?

A: Yes. Because the consumer can only access one account of each type at

the time of the off-line transfer, no unique identification is necessary. [§ 205.9(a)(3), footnote 3]

9-13

Q: Why does the regulation permit a withdrawal from a consumer's share draft account at a credit union to be identified as a "withdrawal from checking"?

A: The regulation permits generic descriptions of the type of account to facilitate operations in a shared EFT network. For example, a member of a credit union whose access device permits electronic transfers to or from a share draft account may be able, in a shared system, to use that access device at a terminal owned or operated by a bank. The bank's terminals may describe accounts only as "checking" or "savings" accounts, and may not have the capability to generate a receipt that describes the transfer as a "withdrawal from share account." [§ 205.9(a)(3) and (b)(1)(iii)]

9-14

Q: Does this provision permitting generic descriptions extend to periodic statement requirements?

A: Yes. [§ 205.9(a)(3) and (b)(1)(iii)]

9-15

Q: May the number or code that uniquely identifies the consumer initiating the transfer, the consumer's account(s), or the access device used to initiate the transfer be chosen at the financial institution's option?

A: Yes. Any unique identification that will tie the consumer to the particular transfer will be sufficient to comply with this requirement. [§ 205.9(a)(4)]

9-16

Q: The location of the terminal must be disclosed on the terminal receipt (1) by using the actual description of the location of the terminal, in one of three prescribed forms, or (2) by using an identification such as a code or terminal number. If a financial institution chooses the first option, how may it satisfy the requirement?

A: Financial institutions may, for example, preprint the terminal locations on its receipts. Institutions with terminals in several locations must use a street address or a generally accepted name for a specific location. A financial institution that owns or operates terminals at only one location may use its name (such as "First Nat'l") to designate the terminal location, even though more than one terminal is located there. [§ 205.9(a)(5) and (b)(1)(iv)(C), footnote 7]

9-17

Q: Would use of a transaction code comply with the terminal location requirement?

A: Yes, if the transaction code (or the portion that relates to the terminal location) is clearly set forth on the receipt. It must, of course, be reproduced on the periodic statement. [§ 205.9 (a)(5) and (b)(1)(iv)]

9-18

Q: May a single listing be used to identify the terminal location and the name of the third party to or from whom funds are transferred?

A: Yes. For example, if a consumer purchases goods from a merchant, the name of the third party to whom funds are transferred (the merchant) and the location of the terminal where the transfer is initiated will be satisfied by a disclosure such as "XYZ Store, Anytown, Ohio." [§ 205.9(a) (5) and (6), and (b)(1) (iv) and (v)]

9-19

Q: If a party that processes an electronic fund transfer (a merchant or another financial institution, for example) is not the ultimate transferee or transferor, must it be identified on terminal receipts or periodic statements?

A: No. Such parties need not be named either on the receipt or on the periodic statement. [§ 205.9 (a)(6) and (b)(1)(v)]

9-20

Q: Under what circumstances may the name of a third party (to or from whom funds are transferred) be omitted from the terminal receipt?

A: The name may be omitted when the consumer provides the name in a form that the electronic terminal cannot duplicate on the receipt. For example, if a consumer makes a utility payment at an ATM and provides the names of the payee by inserting a payment stub into the ATM, the terminal receipt need not name the utility company. The name would have to appear on the periodic statement, however.

On the other hand, if a financial institution's terminals are programmed so that the name of the third party can be keyed into the terminal by the consumer (by means of a code number, for example) the financial institution must name the third party or use a code that is explained elsewhere on the receipt. Thus, if payments to certain utilities can be made at an ATM, preprinting a series of codes and the specific utilities to which they relate on the form (and printing the correct code at the time of the transfer) would

comply with the regulation. [§ 205.9 (a)(6) and (b)(1)(v)]

9-21

Q: The regulation requires identification of the third party to or from whom a transfer is made, on the terminal receipt and periodic statement. Is the account-holding financial institution a "third party" for purposes of this requirement?

A: Yes. Section 906 of the act requires that any documentation provided to the consumer constitute *prima facie* proof of payment to another person, and applies to documentation of payments made to the financial institution. The form in which the financial institution is designated as the third-party payee is not critical, however, as long as the financial institution and interested party can treat that terminal receipt or periodic statement as *prima facie* proof of payment.

It is permissible, of course, for financial institutions to provide that any payment made at an ATM or other electronic terminal is subject to verification by the institution. [§ 205.9 (a)(6) and (b)(1)(v)]

9-22

Q: How often must periodic statements be sent under Regulation E?

A: A monthly statement is required for any account to or from which an EFT has occurred during the month, if the account is one that can be *debited* electronically—by use of an access device, telephone bill payment service, or preauthorized transfers from the consumer's account, for example—or if it can be *credited* electronically by other than preauthorized deposits. If no transfer has occurred during some months, the statement must be provided on at least a quarterly basis.

For an account whose only EFT capability is preauthorized credits, the institution may send quarterly statements. Or, if the account is a passbook account with no electronic capability other than preauthorized credits, the institution may simply update the passbook (with the amount and date of each electronic fund transfer since the last update) when it is presented for updating. [§ 205.9 (b), (c), and (d)]

9-23

Q: The regulation requires periodic statements to be sent "for any account to or from which electronic fund transfers can be made." What does this phrase mean?

A: The requirement applies only to those accounts for which (1) an agreement has been entered into

between the consumer and the financial institution to provide EFT services to or from the account (including accounts for which an access device has been issued to the consumer), or (2) an agreement has been entered into between the consumer and a third party (for preauthorized debits or credits, for example), when the institution has received notice of the agreement and the fund transfers have begun.

Passbook and statement accounts should be judged by these same criteria in determining whether the account is subject to the documentation requirements.

If there is no specific EFT agreement, the periodic statement requirements of the regulation do not apply to the account. The fact that membership in an ACH requires a participating financial institution to accept electronic fund transfers to accounts at the institution does not make every account of that institution subject to the regulation. [§ 205.9 (b), (c), and (d)]

9-24

Q: Do quarterly statements have to be sent to all accounts that have had an EFT service associated with them, even though the accounts are considered inactive by the financial institution?

A: An institution need not send statements to accounts it considers to be inactive. The determination that certain accounts are "inactive" is one that must be made by the individual institution, but it should not be used as a means of circumventing or evading the regulation's requirements. [§ 205.9 (b) and (d)]

9-25

Q: May financial institutions continue the practice of permitting consumers to "call for" their statements, rather than mailing out statements to all consumers?

A: Yes. An institution may not, however, require consumers to call for their statements. [§ 205.9 (b) and (d)]

9-26

Q: May statements be sent on a shorter than monthly cycle?

A: Yes. [§ 205.9(b)]

9-27

Q: May financial institutions send out a "periodic statement" each time an electronic fund transfer occurs, for certain types of accounts?

A: No. Statements must correspond to an actual periodic cycle. [§ 205.9(b)]

9-28

Q: Must a cycle for a periodic statement be exactly a month or a quarter?

A: No. It is permissible to deliver periodic statements, for example, on the second Tuesday of the month or to stagger the statement cycles for different consumers, for operational or other reasons. [§ 205.9 (b) and (d)]

9-29

Q: A footnote in the regulation provides that detailed information about each transfer may be given on documents accompanying the periodic statement and that codes may be used, as long as they are explained on the statement or accompanying documents. What are some examples of how a financial institution can take advantage of this provision?

A: This provision gives financial institutions that do not use descriptive statements an alternate method for complying with the documentation requirements. An institution may include copies of terminal receipts to reflect transfers originated by the consumer through electronic terminals, for example. It may also use posting memos, deposit slips, and other documents that, when taken together, disclose all the required information. Codes (for names of third parties, terminal locations, etc.) may be explained, for example, by preprinting a list of codes and the information to which they relate, either on the statement itself or on an accompanying document. [§ 205.9(b)(1), footnote 4]

9-30

Q: Must all information other than the items relating to each electronic fund transfer be placed on the statement?

A: No. Since Regulation E imposes no page requirements for periodic statements, all the required information need not appear on a single page. [§ 205.9(b)(1), footnote 4]

9-31

Q: Must the various codes used on terminal receipts and periodic statements be unique?

A: Codes, such as for transfer type and terminal location, should generally be unique for a single financial institution. However, in a shared or interchange environment identical numbers may appear on the consumer's periodic statement for terminals operated by different institutions or merchants. [§ 205.9 (a) and (b)]

9-32

Q: If there is a transfer of funds between two of the consumer's accounts at a financial institution, must the information describing the transfer be repeated on both statements?

A: If the two statements are sent to the consumer together (or if a combined statement is used), required information need not be duplicated. The institution complies if the information on one of the statements (or portion of the combined statement) meets the regulation's requirements and if the information on the other statement (or portion) is sufficient to allow the consumer to identify the transfer. [§ 205.9(b)]

9-33

Q: Must a financial institution comply with the periodic statement requirements for transfers that occurred before May 10, 1980?

A: Only transfers occurring after May 10, 1980, must be reflected on periodic statements in accordance with the requirements of the act and regulation. Only transfers occurring on or after August 10, 1980, must comply with the requirement that the terminal location and third party to or from whom funds are transferred be shown on the periodic statement. [§ 205.9 (b) and (g)]

9-34

Q: Is a consumer's request for additional information about a deposit an error under the regulation?

A: Yes, if the request is made in accordance with the requirements of the error resolution section. [§§ 205.9(b)(1)(iv), footnote 4a, and 205.11(a)(7)]

9-35

Q: Section 906(f) of the act provides that required documentation constitutes *prima facie* proof of payment to another person; does this provision apply to terminal receipts of deposits?

A: No, since no payment is being made to another person. [§ 205.9(b)(1)(iv)]

9-36

Q: What responsibility does a financial institution have under the regulation when the amount of a deposit, as verified by the institution, is different from the amount entered by the consumer into the terminal?

A: An institution need not notify the consumer immediately of the discrepancy, although it may do so if it wishes. It may instead wait until the next periodic statement is sent. The statement should reflect the proper amount of the deposit or, depending on the institution's system, a correction of the erroneous amount. The institution must of course comply with the error resolution procedures if the consumer alleges an error in the deposit. [§ 205.9(b)(1)(iv)]

9-37

Q: Should the periodic statement reflect a transfer that takes place at a merchant's POS terminal as a purchase of goods or services or as a payment to a third party?

A: Since there is no prescribed terminology, either term may be used on the statement. [§ 205.9(b)(1)(v)]

9-38

Q: Suppose that in disclosing the terminal location on a terminal receipt and on the periodic statement, a financial institution is using a generally accepted name (such as a branch name) for a specific location. May the city be omitted when the branch name includes the city?

A: Yes. [§ 205.9 (a)(5) and (b)(1)(iv)]

9-39

Q: Is it permissible to disclose as "U.S. Treasury" the name of the third party for all federal recurring payments?

A: "U.S. Treasury" is not sufficient. Generally, the specific agency on whose behalf the payment is made (e.g., "Social Security" or "Soc Sec") should be designated. The one exception is for federal salaries, which may be designated as "Fed Sal," since that is the only information transmitted by the federal government via the ACH. [§ 205.9(b)(1)(v)]

9-40

Q: Suppose a financial institution permits consumers to make multiple payments at an ATM by keying in a composite dollar amount and inserting payment stubs into the ATM to indicate who the individual payees are. If a consumer keys in an amount and directs the institution to pay three utility bills from that sum, must the three companies be named on the periodic statement?

A: Yes. The names of all three utilities must be provided on the periodic statement so that the documentation can serve as proof of payment for the consumer. [§ 205.9(b)(1)(v)]

9-41

Q: May a financial institution disclose, on the periodic statement, a third-party name other than the one that appeared on the receipt?

A: No. If the "doing business as" name of the third party appeared on a terminal receipt, that name must also appear on the periodic statement. Similarly, if a parent corporation's name appeared on the terminal receipt, it must also be used on the periodic statement. [§ 205.9(b)(1)(v)]

9-42

Q: For purposes of periodic statement disclosures, may a financial institution rely on data transmitted to it by another financial institution or third party (such as a merchant) without verifying its accuracy?

A: Financial institutions must generally maintain reasonable procedures to avoid violations of the regulation, whether as a result of faulty data transmission or errors of third parties. (See the exception to liability under § 915 of the act for *bona fide* unintentional errors.) [§ 205.9(b)(1)(v)]

9-43

Q: Suppose a consumer makes an electronic fund transfer to another consumer. May the financial institution disclose the identity of the recipient on the periodic statement by giving the person's account number?

A: No. The institution must disclose the recipient by name. [§ 205.9(b)(1)(v)]

9-44

Q: The regulation requires disclosure of the number of the account for which the statement is issued (or accounts, in the case of a combined statement). Must the number be shown more than once on the statement?

A: No. [§ 205.9(b)(2)]

9-45

Q: What charges must be disclosed on the periodic statement?

A: Financial institutions should disclose the total charges assessed against the account during the statement period either (1) for electronic fund transfers or the right to make transfers, or (2) for account maintenance. There is no requirement to disclose EFT and non-EFT transaction charges separately, to include overdraft or stop payment charges as EFT charges, or to explain charge methods on the periodic statement. [§ 205.9(b)(3)]

9-46

Q: Suppose certain consumer passbook accounts have electronic debit capability, and the financial institution continues to use the passbook as the primary means for displaying all transactions on the account. To comply with the periodic statement requirement, may the institution provide a consumer with a summary statement covering only electronic activity to or from the account?

A: Yes. [§ 205.9(b)]

9-47

Q: The financial institution is required to disclose an opening and a closing balance in the consumer's account. Is it

sufficient for these balances to be based on electronic activity during the statement period?

A: No. The balances disclosed must be derived from both electronic and non-electronic activity. [§ 205.9(b)(4)]

9-48

Q: A financial institution is required to disclose a telephone number for error resolution and for the consumer to call to ascertain whether a preauthorized credit has occurred. Is it permissible for the institution to disclose a single telephone number, preceded by the "direct inquiries to" language?

A: Yes. [§ 205.9(b)(5) and (6)]

9-49

Q: May the telephone number used for telephone notice whether a preauthorized transfer to the consumer's account has occurred be disclosed on a credit advice or other document enclosed with the periodic statement?

A: Yes. [§ 205.9(b)(6)]

9-50

Q: Is a financial institution required to update a passbook every time the consumer presents it (for example, when the consumer uses the passbook to make a deposit or withdrawal)?

A: No. The institution need only update the passbook (by entering the amount and date of preauthorized credits) when the consumer presenting it requests updating. [§ 205.9(c)]

9-51

Q: If an institution holds passbook accounts that qualify for the exception from the periodic statement requirement, may it still utilize the telephone notice alternative for preauthorized credits?

A: Yes, if it meets the conditions described in question 10-15. [§§ 205.9(c), 205.10(a)(1)(iii)]

9-52

Q: May a financial institution set a reasonable cut-off period for updating passbook information?

A: No. However, the financial institution need not update a passbook immediately upon presentation if the information is not readily available. It can retain the passbook, add the information, and return the updated passbook promptly to the consumer. Or, it can mail separate documentation to the consumer. [§ 205.9(c)]

9-53

Q: May a financial institution, in lieu of retaining the information between presentations of the passbook, send a

consumer updates of preauthorized credits on a periodic basis?

A: Such a procedure would not comply with the regulation, unless the financial institution is prepared to switch to a statement savings format for those accounts. [§ 205.9(c)]

9-54

Q: Must the periodic statements for non-passbook accounts which cannot be accessed electronically except by preauthorized credits comply with the periodic statement requirements of the regulation?

A: Yes. These statements must comply with all the requirements for periodic statements, except that they may be sent quarterly. [§ 205.9(d)]

9-55

Q: Is there a date by which a financial institution must replace cash-dispensing terminals that are subject to the special receipt requirement?

A: No. [§ 205.9(f)]

9-56

Q: If a financial institution that owns or operates one of these cash dispensers reinstalls it in a new location, does the special receipt requirement continue to apply?

A: Yes. [§ 205.9(f)]

9-57

Q: Suppose a financial institution has taken advantage of the delayed effective date for the periodic statement requirement concerning the name of the third party to whom a transfer was made. Must the financial institution, upon a consumer's request, provide evidence of proof of payment to another person for transfers initiated between May 10 and August 10, 1980?

A: Yes. The financial institution must treat a consumer's request for additional information about such incompletely identified transfers as an error and comply with the error resolution procedures. In addition, the financial institution must provide proof of payment to another person upon the consumer's request and without cost. [§§ 205.9(g), 205.11(a), 906]

Section 205.10-Preauthorized Transfers 10-1

Q: Must the financial institution give the consumer a choice of the type of notice to be provided regarding receipt of preauthorized credits?

A: No. It is up to the financial institution to decide which method of providing notice the institution wants to use. [§ 205.10(a)(1)]

10-2

Q: Must the method of notice be the same for all types of preauthorized credits?

A: No. The institution may use different methods for different series of transfers. [§ 205.10(a)(1)]

10-3

Q: Suppose a financial institution guarantees to the consumer that the amount of scheduled transfers (Social Security benefits, for example) will be credited to the consumer's account whether or not the institution actually receives the funds. Does the notice requirement apply?

A: Yes. Notice is still required. [§ 205.10(a)(1)]

10-4

Q: Is there any instance in which the financial institution does not have to provide notice?

A: Yes. If the payor provides notice to the consumer that a transfer has been initiated, the financial institution is not required to provide notice. [§ 205.10(a)(1)]

10-5

Q: If the payor-employer provides notice to a consumer that a transfer has been initiated, what type of notice should be given?

A: There is no required terminology. A pay stub that shows the net deposit is sufficient. [§ 205.10(a)(1)]

10-6

Q: Is there a model clause or suggested language available for the notice whether a preauthorized transfer has occurred?

A: No. Identification of the deposit is sufficient. [§ 205.10(a)(1)]

10-7

Q: Will an institution comply if it simply informs the consumer of the current balance in the account?

A: No. [§ 205.10(a)(1)]

10-8

Q: May a periodic statement sent within two business days of the transfer (or of the scheduled transfer date) serve as either the positive or negative notice?

A: Yes. [§ 205.10(a)(1)]

10-9

Q: Suppose that an institution uses a negative notice system and a preauthorized credit fails to arrive on the scheduled date, but does arrive within two business days. Must a notice be sent?

A: No. However, if the deposit did not arrive by the close of the second

business day following the scheduled date, a notice would have to be sent at that time. [§ 205.10(a)(1)(ii)]

10-10

Q: An institution uses a negative notice system. If preauthorized transfers to a consumer's account cease to occur, must the institution send notices of nonreceipt indefinitely?

A: In the absence of information from the consumer or the payor that the transfers have stopped, the institution should send the notices for a reasonable number of times. Or, it may notify the consumer of the institution's belief that the transfers have stopped and that no further notices will be sent.

10-11

Q: How quickly must a financial institution respond to a consumer's telephone inquiry about whether a preauthorized transfer has been received?

A: In most instances, an institution should be able to provide verification during the same telephone call. However, if the institution has to investigate (because the time lapse between the scheduled transfer date and the consumer's call is so great that information is not immediately available, for example), the institution should respond by the next business day. [§ 205.10(a)(1)(iii)]

10-12

Q: The regulation requires that the telephone line be "readily available." What does this mean?

A: The financial institution should provide enough lines so that consumers get a reasonably prompt answer. [§ 205.10(a)(1)(iii)]

10-13

Q: Must a financial institution provide a toll-free telephone number, or accept collect calls from its customers?

A: Consumers within a financial institution's service area should not have to pay long-distance charges to inquire about transfers to their accounts. However, the financial institution is not obligated to provide a toll-free telephone number or accept collect phone calls from consumers who are outside the institution's service area. [§ 205.10(a)(1)(iii)]

10-14

Q: Must the financial institution provide a 24-hour telephone line to respond to consumers' inquiries?

A: No. Telephone service during normal business hours will suffice. [§ 205.10(a)(1)(iii)]

10-15

Q: The telephone number is required to be given in the initial disclosures and on each periodic statement. Customers whose passbook accounts can only be accessed by preauthorized credits do not receive periodic statements. How can the financial institution comply with the second condition?

A: The institution may stamp the telephone number in the passbook when it is issued or when it is presented for updating, include the telephone number with the annual error resolution notice, or take other reasonable measures to provide the number. (See question 9-51.) [§ 205.10(a)(1)(iii)]

10-16

Q: When must funds deposited to an account via preauthorized transfers be available to the consumer?

A: The regulation requires that the preauthorized transfers be credited promptly. The determination of when these funds are available to the consumer for withdrawal will depend on applicable state law and other federal regulations. [§ 205.10(a)(2)]

10-17

Q: If a financial institution normally posts customers' accounts in the morning, and it receives an ACH tape in the afternoon, may the institution wait until the next morning to post the accounts?

A: Yes. An institution is not required to alter its established posting schedule. However, the funds must be credited to the consumers' accounts as of the date the funds are received. [§ 205.10(a)(2)]

10-18

Q: May a financial institution ever credit a consumer's account later than the date the funds are received from the payor?

A: Yes. If a financial institution and a payor have an agreement that the payor will transmit funds to the institution in advance of the date on which consumers' accounts are to be credited (for example, two days in advance of payday), the institution may credit the accounts as of the agreed date. [§ 205.10(a)(2)]

10-19

Q: If an agreement for preauthorized electronic fund transfers from an account was entered into before May 10, 1980, must a new authorization be obtained by the designated payee or by the financial institution?

A: No. [§ 205.10(b)]

10-20

Q: If an existing authorization merely authorized the institution or the designated payee to debit the consumer's account—without specifying whether the debiting is to occur electronically or by paper means—must a new authorization be obtained?

A: No, so long as the existing authorization is broad enough to include debiting by electronic means. Whether the existing agreement is broad enough to authorize electronic debits is a matter that must be determined under state law, not by Regulation E. [§ 205.10(b)]

10-21

Q: If a consumer authorizes a third party (for example, an insurance company) to initiate preauthorized electronic fund transfers from the consumer's account, and the third party fails to get the authorization in writing or to give a copy to the consumer, is the consumer's financial institution in violation of the regulation?

A: No. Only the third party has violated the regulation. [§ 205.10(b)]

10-22

Q: On October 10, a consumer orally orders the financial institution to stop payment on a utility bill (\$30) that is scheduled to be paid on October 15. The payment is stopped. The consumer properly confirms the order in writing on October 17. On October 30 the utility resubmits the \$30 debit. Assuming that the financial institution does not have a reasonable means to identify a stopped-payment debit that is resubmitted, how may the institution comply with the consumer's order?

A: It may offer the consumer the option of (1) suspending all payments to the designated payee until the consumer notifies the institution that payments should resume, or (2) stopping only the one specific payment about which the order was received. If the consumer has elected the second option, the institution could debit the consumer's account for the October 30 item and for subsequent debits submitted by the payee. [§ 205.10(c)]

10-23

Q: Suppose the consumer agreed to varying preauthorized transfers from the consumer's account prior to May 10, 1980. Must the financial institution (or the designated payee) give the consumer the 10-day advance notice of transfers that vary in amount?

A: Yes, unless the institution or the designated payee has informed the consumer of the right to receive notice of such varying payments and the consumer has elected to authorize

payment within a specified range of amounts. [§ 205.10(d)]

Section 205.11—Procedures for Resolving Errors

11-1

Q: Suppose a transfer is initiated by a financial institution or its employee without the consumer's authorization; does it constitute an error?

A: Yes. It is an incorrect electronic fund transfer [§ 205.11(a)]

11-2

Q: Does a report of the loss or theft of an access device constitute an allegation of error, requiring compliance with the error resolution procedures?

A: No, unless the consumer also alleges possible unauthorized use as a consequence of the loss or theft. [§ 205.11(a)]

11-3

Q: When must the alleged error have occurred for the error resolution procedures to apply?

A: After May 10, 1980. [§ 205.11(a)]

11-4

Q: Must a financial institution comply with the error resolution procedures when a consumer asserts an error after closing the account relationship with the institution?

A: Yes, assuming that the error allegation is properly made [§ 205.11]

11-5

Q: May a financial institution assume, absent a statement to the contrary by a consumer, that a request for duplicate copies of documentation or other information is for tax or other record-keeping purposes and therefore not an "error"?

A: No. Requests for duplicate copies of documentation or other information should be treated as errors unless it is clear that the request by the consumer is only for tax or other record-keeping purposes. [§ 205.11(a)(7)]

11-6

Q: Suppose a consumer has arranged for periodic statements to be held at the financial institution until called for by the consumer. For purposes of the 60-day time limits, when is a statement for a particular cycle deemed to have been "transmitted"?

A: The statement is transmitted when it is first made available to the consumer. (Also see question 9-27.) [§ 205.11(b)(1)(i)(A)]

11-7

Q: How quickly must a consumer give notice that a periodic statement was not provided by the financial institution?

A: The notice of error must be received by the institution no later than 60 days from the date on which the statement should have been sent. [§ 205.11(b)(1)(i)]

11-8

Q: Does discovery of an error by the financial institution trigger the error resolution procedures?

A: No. The procedures are triggered only when a notice of error is received from the consumer or an agent of the consumer. [§ 205.11(b)(1)]

11-9

Q: Must the notice given by the consumer to the financial institution contain both the consumer's name and account number?

A: No, so long as the notice enables the financial institution to determine the name and account number. [§ 205.11(b)(1)(ii)]

11-10

Q: Must a financial institution maintain reasonable referral procedures for forwarding written confirmation of error allegations to the specified address when the customer mails the confirmation to the wrong address?

A: No, the requirement regarding referrals applies only to the original notification of error, although the institution may wish to follow the same procedures for confirmations. [§ 205.11(b)(1)(i), footnote 10, and (b)(2)]

11-11

Q: May a financial institution delay the beginning of its investigation until it receives a written confirmation?

A: No. The investigation must begin promptly upon receipt of the oral notice. This duty is not affected by the institution's request for written confirmation. [§ 205.11(c)(1) and (3)]

11-12

Q: May a financial institution always take advantage of the 10-business-day or 45-day time limits to investigate?

A: No. The requirement is to investigate promptly; the stated time periods are maximums. [§ 205.11(c)(1) and (2)]

11-13

Q: When a consumer requests documentation, may a financial institution provide a facsimile?

A: Yes, so long as the facsimile is legible. [§ 205.11(d)(1)]

11-14

Q: Suppose a consumer requests information or documentation that is not in the institution's possession, but in the possession of a third party with whom the financial institution has no agreement. How does an institution comply with the regulation for this type of error?

A: Compliance would consist of a timely response by the financial institution that the institution does not have the requested material. [§ 205.11(d)(2)]

11-15

Q: Suppose a consumer alleges an error involving a payment to a third party via a financial institution's telephone bill payment plan. Is a review of the institution's own records a sufficient investigation?

A: Yes, assuming there is no agreement between the financial institution and the third party concerning the telephone bill payment system. [§ 205.11(d)(2)]

11-16

Q: A consumer alleges an error regarding a direct deposit of payroll by a third party via an ACH. The financial institution has an agreement with the third party to honor an access device at a point-of-sale terminal, but there is no agreement with the third party regarding the direct deposit of payroll. May the financial institution limit its investigation of the error to a review of its own records?

A: Yes. The institution would be required to investigate beyond its own records only if the error involved a POS transfer or if the financial institution and the third party did have an agreement regarding the direct deposit of payroll. [§ 205.11(d)(2)]

11-17

Q: There are agreements between a financial institution and certain merchants to honor an access device at POS terminals. What is the institution's duty to investigate when a consumer alleges an error involving a transfer to a merchant via the merchant's POS terminal?

A: The financial institution must contact the merchant; it may not rely on information previously transmitted by the merchant without verifying it. For example, the financial institution may have to request a copy of the sales slip signed by the consumer in order to verify that the amount of the consumer's purchase and the amount of the transfer are the same. A financial institution is not required, however, to take such steps as sending an employee to the

merchant's place of business to ascertain the correct cost of merchandise involved in a transaction. [§ 205.11(d)(2)]

11-18

Q: When a financial institution determines that an error occurred in a different manner or amount from that described by the consumer, must the institution comply with both the procedures (1) applicable when the institution determines that no error occurred and (2) applicable when it is determined that an error did occur?

A: Yes, to the extent they are relevant. [§ 205.11(e) and (f)]

11-19

Q: In the case described in question 11-18, may the institution give the notice of correction and the written explanation separately?

A: Yes. Or, the notice of correction and explanation could be given in a combined form. [§ 205.11(e) and (f)]

11-20

Q: Does the requirement to credit interest apply to all error corrections?

A: No, only to those involving interest-bearing accounts. [§ 205.11(e)(1)]

11-21

Q: Is the financial institution required, when it corrects an error, to refund all fees or charges imposed on the account?

A: No. The Financial institution is required to refund only those fees or charges that were imposed as a consequence of the error. Fees or charges that would be imposed even if the error had not occurred need not be refunded. [§ 205.11(e)(1)]

11-22

Q: The regulation requires that notice of a correction be given "promptly." Will this requirement be satisfied if a financial institution includes the notice on a periodic statement mailed within the 10-business-day or 45-calendar-day limits?

A: The determination as to whether such a mailing would be prompt enough to satisfy the requirement will have to be made by the financial institution, taking into account the specific facts involved. [§ 205.11(e), footnote 12]

11-23

Q: Suppose a financial institution completes its investigation on day 45, and determines that no error occurred. Must it send the written explanation that same day?

A: No. The financial institution has 3 additional business days to send it. However, if the financial institution is

proceeding under the 10-business-day provisions and determines on day 10 that no error occurred, the institution does not have 3 additional business days. It must send the explanation that day. [§ 205.11(f)(1)]

11-24

Q: The regulation requires that when a financial institution debits a consumer's account for provisionally reccredited funds, it must honor certain items for a 5-business-day period. Suppose the institution instead establishes a procedure under which it notifies the consumer that the consumer's account will be debited 5 business days from the transmittal of the notification, and specifies the calendar date on which this debiting will occur. Does this procedure satisfy the requirement?

A: Yes. [§ 205.11(f)(2)(ii)]

11-25

Q: Suppose a financial institution debits a consumer's account for provisionally reccredited funds. Must it honor all items presented during the succeeding 5-business-day period?

A: The financial institution need only honor items that would have been paid if the account had not been debited. For example, if an account is debited for provisionally reccredited funds of \$100, leaving a balance of \$55, and checks for \$150 and \$200 are presented by third parties, the financial institution need only honor the \$150 item. In addition, the institution need only honor items (including preauthorized transfers) payable to third parties. It need not permit ATM withdrawals by the consumer, for example. [§ 205.11(f)(2)(ii)]

11-26

Q: May a financial institution charge the consumer for overdrafts which occur as a consequence of the facts described in question 11-25?

A: No. The financial institution may not charge the consumer for overdraft items that are honored because of the 5-business-day requirement. It may, however, impose any normal transaction or item charges that are unrelated to the fact that an overdraft occurred.

After the 5-business-day period, if the account is still overdrawn, the institution may impose a finance charge to which it is otherwise entitled under an overdraft credit plan. [§ 205.11(f)(2)(ii)]

11-27

Q: When a consumer requests copies of documents on which the financial institution relied in determining that no

error occurred, what is required of the institution?

A: The institution should provide copies of the documentation in a readily understandable form. An institution that relies on magnetic tape in making its determination should translate the data into a readable form—by printing out the applicable data and explaining the codes, for example. [§ 205.11(f)(3)]

11-28

Q: Suppose a document contains information on several consumers. Should a copy of the entire document be given to the consumer?

A: No. To protect the confidentiality of the other consumers' transactions, the institution should provide only the information or documentation relating to the consumer alleging the error. [§ 205.11(f)(3)]

11-29

Q: What if a financial institution's investigation shows that there is no information relating to the consumer on the magnetic tape or other documentation in question?

A: The financial institution complies by describing the document or documents searched and stating that they contained no information relating to the consumer. [§ 205.11(f)(1) and (3)]

11-30

Q: Suppose a consumer withdraws an allegation of error after the institution has completed its investigation and determined that no error occurred, but before the written explanation is given. May the institution treat the error as voluntarily withdrawn?

A: Yes. [§ 205.11(g)]

11-31

Q: Suppose a consumer calls the financial institution to question the amount of a Social Security deposit and the institution suggests the difference is due to a general increase in benefits. Is the consumer's acceptance of the explanation a voluntary withdrawal of an error allegation?

A: Yes. [§ 205.11(g)]

11-32

Q: If a consumer has withdrawn an allegation of error, does the consumer have the right to reassert the allegation?

A: Yes, if the consumer gives proper notice—unless the financial institution had complied with all the error resolution requirements before the allegation was withdrawn. [§ 205.11(h)]

11-33

Q: May a financial institution charge consumers for the institution's

compliance with the error resolution procedures?

A: Although the regulation is silent on this point, the Board has expressed concern about any chilling effect on the good faith assertion of errors that might result from the imposition of charges. Further, a charge for investigating errors could also violate § 914 of the act (which prohibits the waiver of rights), if as a consequence consumers are induced to waive rights conferred by the act. [§ 205.11, § 914]

11-34

Q: Suppose a consumer withdraws funds from a checking account by use of an ATM and the withdrawal overdraws the account, triggering a transfer of funds from the credit line to the checking account. If an error occurs, which error resolution procedures apply, Regulation E or Regulation Z?

A: Regulation E applies because there is an electronic fund transfer. The financial institution must follow the requirements of the error resolution provisions of Regulation E that deal with the definition of error, requirements for notice, and procedures for correction of billing errors. Other provisions of Regulation Z continue to apply to the credit extension portion, however. These include the temporary prohibition on action to collect the disputed amount; the consumer's right to withhold that portion of the minimum payment related to the amount in dispute; the limitation on adverse credit reports; and the right to reverse an automatic debit of disputed amounts. [§ 205.11(i) and § 226.14(b)-(g) of Regulation Z, 12 CFR Part 226]

11-35

Q: Suppose a consumer uses an ATM to withdraw funds directly from a nonoverdraft credit line (using a combined credit card/access device) and later alleges an error. Do the error resolution procedures of Regulation E or Regulation Z apply?

A: Regulation Z applies. The transaction does not involve an electronic fund transfer under Regulation E, since the credit line is not a consumer asset account. [§ 205.11(i)]

Section 205.12—Relation to State Law

12-1

Q: The regulation prescribes standards for determining whether state laws that govern electronic fund transfers are preempted by the EFT Act and Regulation E. If, under these standards, state law is inconsistent with the Federal law, is the state law automatically preempted?

A: No. A specific determination of preemption will be made by the Board. Interested parties seeking a determination should follow the procedures set forth in the regulation. [§ 205.12(a) and (b)]

Section 205.13—Administrative Enforcement

13-1

Q: Will the Board or its staff review or approve disclosure forms or statements submitted by financial institutions?

A: No. However, the Board has issued model clauses that financial institutions may use, if they wish, when designing their forms or statements. If a financial institution uses these clauses accurately to reflect its services and complies with other requirements of the regulation, the financial institution is protected from liability under §§ 915 and 916 of the act. [§ 205.13(b)(2), App. A]

13-2

Q: Must a financial institution retain records that it has given disclosures and documentation to each consumer?

A: No. The financial institution need only retain evidence demonstrating that its procedures reasonably insure the consumer's receipt of the required disclosures and documentation. [§ 205.13(c)(1)]

Section 205.14—Services Offered by Financial Institutions Not Holding Consumer's Account

14-1

Q: Does this section apply to an institution which initiates preauthorized electronic payroll deposits on behalf of the consumer's employer to the consumer's account at another financial institution?

A: No. This section applies only when the service-providing institution issues an access device to a consumer (a debt card or a code, for example) with which the consumer can initiate transfers to or from the consumer's account at another institution, and the two institutions have no agreement with regard to this service. Because a code used to initiate telephone transfers is an access device, the section applies, for example, when a financial institution which holds a consumer's account periodically transfers funds to or from the consumer's account at another financial institution upon receiving instructions from the consumer on the telephone. [§ 205.14(a) and (c)]

14-2

Q: Does the fact that the consumer holds an account at both financial

institutions involved in the transaction negate the application of this section?

A: No, assuming the institutions have no agreements with each other as to the service. [§ 205.14(a)]

14-3

Q: If an ACH establishes arrangements in which its members agree to honor each other's EFT cards, is there an "agreement" for purposes of this section?

A: Yes. [§ 205.14(c)]

14-4

Q: Does the service-providing institution have to provide to the consumer a periodic statement showing transfers other than electronic fund transfers made with the service provider's access device?

A: No. [§ 205.14(a)(2)]

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Secretary of the Board.

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Monday
October 6, 1980

Part V

Department of the Interior

Office of the Secretary

Employee Responsibilities and Conduct

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Parts 7 and 20

Employee Responsibilities and Conduct

AGENCY: United States Department of the Interior.

ACTION: Proposed rulemaking.

SUMMARY: Department of the Interior regulations governing the conduct and responsibilities of regular and special employees (43 CFR Part 20) are proposed to be revised. This revision proposes to:

(1) Revoke 43 CFR Part 7 dealing with employee interests in public lands, and revise and incorporate the regulations contained in that part into Part 20;

(2) Add two new subparts and revise one subpart to allow consolidation of rules governing conflict of interest prohibitions, financial disclosure reporting requirements and resolution of conflicts of interest into separate and easily referenced subparts;

(3) Add a new subpart to incorporate enforcement provisions governing post employment restrictions as required by Section 501(a) of the Ethics in Government Act of 1978, 18 U.S.C. 207 (Supp. II 1978);

(4) Incorporate recommendations made by the General Accounting Office in its report, Federal Agency Standards of Employee Conduct Need Improvement, FPCD-80-8 (October 18, 1979);

(5) Clarify which rules apply to regular employees and which rules apply to special government employees;

(6) Delete obsolete requirements;

(7) Clarify rules and definitions which are vague, imprecise, or misleading; and

(8) Incorporate new statutory requirements and Department policy decisions not previously published as regulations. This proposed revision involves extensive reorganization and editing of the current regulations in 43 CFR Part 20. The reorganization is designed to more clearly advise departmental employees of applicable ethical conduct standards, including conflict of interest prohibitions, and of the possible consequences of noncompliance. New statutory requirements aimed at abuse of official position would be referenced. Modifications are proposed to existing provisions also to facilitate employee understanding of and compliance with ethical conduct standards.

The Department invites comments on these proposed regulations.

DATE: To be considered, comments must be received by November 20, 1980. All comments will receive full consideration.

ADDRESS: Comments, views and opinions concerning the proposed regulations may be submitted to: Deputy Department Ethics Counselor, U.S. Department of the Interior, Room 5350, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Gabriele J. Paone at (202) 343-3932.

SUPPLEMENTARY INFORMATION: A discussion of the proposed revisions to 43 CFR Part 20 is provided below:

Subpart A—General Provisions

The definitions of words and phrases used throughout Part 20 would be moved to section 1 for quick reference and clarity. U.S. Mineral Surveyors would be considered as special Government employees for purposes of the regulations in this part.

The designation of a Department Ethics Counselor is required by the Ethics in Government Act of 1978, 92 Stat. 1824, as amended by Pub. L. 96-19, 93 Stat. 37, and Pub. L. 96-28, 93 Stat. 76, (hereafter Ethics in Government Act). Since August 2, 1979, the Inspector General has been acting as the Department Ethics Counselor pursuant to secretarial direction. If finally adopted, this designation would be reflected in the proposed subparagraph 20.735-1(a)(8). Also, in accordance with rules proposed by the Office of Personnel Management the requirement for designation of an alternate agency ethics official is pending. Accordingly, it is proposed in subparagraph 20.735-1(a)(11) that the Deputy Department Ethics Counselor be designated as alternate agency ethics official.

On recommendations from the Bureau of Indian Affairs paragraph 20.735-2(e) has been added to draw attention to the fact that the Secretary is considering which standards of ethical conduct should be applicable to Indian and non-Indian employees working in Indian Affairs. It is being proposed that all provisions contained in 43 CFR 20.735 shall, except where otherwise indicated, apply to regular and special Indian and non-Indian employees working in Indian Affairs. This proposed decision is separately stated to eliminate questions of applicability which have been raised by *Oglala Sioux Tribe of Indians v. Andrus*, 603 F.2d 707 (8th Cir. 1979). In this case, the 8th Circuit held that portions of the Department's employee conduct regulations could not be extended to Indian employees in the Bureau of Indian Affairs without specific

consideration for the effect such extension may have.

Paragraph 20.735-2(e) proposes that it is appropriate for all of the provisions in 43 CFR Part 20, rather than only the special rules relating to Indian and Alaska Natives in §§ 20.735-28 and 20.735-29, to apply to Indian and non-Indian individuals employed in Indian Affairs. Comment is invited on the impact, if any, that application of Part 20 generally to Indian employees will have on Indian employment opportunities and culture.

A provision is proposed in § 20.735-2(h) which would allow bureau heads to submit proposals requesting that all or portions of the regulations in this part be made applicable to groups of individuals having a special employment status, e.g., volunteers in National Park Service programs or enrollees in youth and young adult programs. This provision would allow bureau heads to propose those conflict of interest or other conduct provisions which they feel may be needed to protect employee interests, prevent abuse and insure proper management over these unique positions.

Paragraph 20.735-3(a) would delegate new responsibilities and authorities to the Department Ethics Counselor. These new responsibilities are incorporated from suggestions made by the Director, Office of Government Ethics, in proposed rules published by the Office of Personnel Management (45 FR 50534-50537 (1980) (to be codified in 5 CFR Part 738). The responsibilities suggested by the Director are based on requirements contained in the Ethics in Government Act and are proposed for adoption by revision to our existing Department Ethics Counselor responsibilities.

The rules governing sanctions are proposed to be revised by adding a paragraph to make clear that failure to comply with an appropriate divestiture order may result in suspension or removal from office.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

It is proposed that Subpart C of Part 20 be redesignated as Subpart B and revised, reorganized and expanded. As proposed, Subpart B would be divided into sections presented in an order of priority that reflect trends identified by analyzing referrals and inquiries received by the Department Ethics Counselor.

Section 20.735-37 would be reorganized to clearly state generally prohibited activities at the beginning of the proposed Subpart B and would be redesignated as § 20.735-6.

Current rules on acceptance of gifts are proposed to be retained and redesignated as § 20.735-7. A provision is proposed to allow employees to accept gifts from officials or inhabitants of islands administered by the Assistant Secretary for International and Territorial Affairs when refusal would likely cause offense or embarrassment or otherwise adversely affect relations with the United States. It is further proposed that gifts accepted under this provision become the property of the Department.

If adopted proposed § 20.735-8 would summarize restrictions on acceptance of gifts from representatives of foreign governments under 5 U.S.C. 7342. The proposed regulations would reflect statutory changes in the definition of minimal value, from 50 to 100 dollars, and statutory distinctions between gifts and decorations. Regulations governing the disposition of foreign gifts which exceed minimal value will be proposed at a later date.

Section 20.735-9 is proposed in order to incorporate into these proposed regulations existing statutory provisions and Department policies regulating the acceptance of reimbursements for travel and related expenses from sources other than the employing agency. Statutory provisions allowing acceptance of payments from international organizations and from state and local governments when on an official detail would be summarized and citations of the pertinent statutes would be provided for reference. Other statutes which provide exclusions to the general policy would also be cited and briefly explained.

New requirements contained in amendments to the Federal Election Campaign Act, Pub. L. 96-187, 93 Stat. 1367, would be incorporated in a new proposed § 20.735-11 dealing with honorariums and outside earned income. A definition of the term "honorarium" is proposed to provide employees with a clear understanding of what the term encompasses. Also proposed to be added to this section are provisions based on section 210 of the Ethics in Government Act. This act limits (to 15% of their salary) the amount of outside income that can be earned in any calendar year by employees who are compensated at a pay rate in the General Schedule of grade 16 or above (or equivalent), and who occupy non-judicial full-time positions appointment to which must be made by the President, by and with the advice and consent of the Senate. A recent Internal Revenue Service ruling which deals with assigning an honorarium to a charitable

organization operated exclusively for educational purposes would also be summarized.

Current provisions on nepotism contained in § 20.735-37 would be revised and moved to § 20.735-12. The term "relative" is proposed to be defined and the statutory provisions on nepotism would be referenced. Exceptions for emergency and other specific situations, as well as an exception for job applicants who are "preference eligible", are proposed. An exception which would allow limited supervision of a relative is also proposed.

Rules governing negotiations for non-Federal employment would be revised and moved into § 20.735-13. The phrase "negotiating for employment" would be defined so as to clarify when restrictions under this section are applicable. A requirement that in certain circumstances an employee obtain prior written approval to negotiate for future non-federal employment with organizations having business with the Department would be added to protect the employee from entering into a situation that violates a provision of 18 U.S.C. 208, which prohibits an employee from participating in any matter in which a person with whom he or she is negotiating for employment has a financial interest. This restriction would be added to this section.

Section 20.735-14 contains proposed rules governing political activity. Some of the provisions contained in 5 CFR Part 733 would be incorporated to provide definitions and examples of permissible and prohibited political activity. A paragraph would be added to put employees on notice that they may not make a political contribution to a person or to the organization supporting a person if the person receiving the contribution is the employer or employing authority of the employee. This provision in the Federal Election Campaign Act Amendments of 1979, Pub. L. 96-187, 93 Stat. 1367, has been construed by White House officials and the Office of Management and Budget to prohibit any employee in the Executive Branch of Government from making a political contribution to the President or to any re-election committee authorized by the President under section 302(e)(1) of the Federal Election Campaign Act of 1971.

The provisions covering misuse of Government property (20.735-15) are proposed to be revised by adding notice of the statutory requirement for imposing an automatic one month suspension from employment for misuse of a Government vehicle.

It is proposed that § 20.735-17 replace the current § 20.735-37 containing references to other conduct prohibitions. The section would be revised by:

(1) Adding paragraph (a) describing Department policy and reporting procedures concerning sexual harassment;

(2) Editing paragraph (c) dealing with selling or soliciting to clarify the prohibitions and to explain the exceptions;

(3) Revising paragraph (h) on community and professional activities to state the policy which has developed from a precedent decision given in conflict of interest appeal case 1977-6;

(4) Revising and titling paragraph (i) containing rules governing budget estimates and legislation to indicate to employees that the paragraph contains information about lobbying activity; and

(5) Adding to paragraph (m) rules governing use of official stationery contained in Federal Personnel Manual Bulletin 735-6, January 3, 1980, which prohibit use of Government envelopes to mail job applications.

Subpart C—Conflict of Interest Prohibitions

The existing Subpart B (Conflict of Interest) would be reorganized into three separate subparts. The first, Subpart C, would contain all conflict of interest prohibitions that are applicable to Department employees. The second, Subpart D, would contain all financial disclosure reporting requirements that are applicable to Department employees. The third, Subpart E, would contain procedures for resolution of conflicts of interest and other conduct violations. This reorganization would facilitate reference to the conflict of interest rules and help to clarify that many of the conflict of interest prohibitions apply to employees regardless of whether they have to file a financial disclosure report.

Proposed § 20.735-21 would incorporate Executive Order 11222 prohibitions currently contained in § 20.735-15. A definition of the term "substantially" is proposed. This definition is developed from decisions rendered on appeals filed by employees ordered to divest financial interests that conflicted or appeared to conflict substantially with their duties.

Proposed § 20.735-22 would contain statutory prohibitions currently contained in § 20.735-12. This proposed section is divided to clearly show the statutory prohibitions that apply to all employees, the statutory prohibitions that apply to specific classes of employees, and the statutory prohibitions that apply to partners of

employees. The post employment restrictions of 18 U.S.C. 207 would be briefly stated for reference. (They are explained in more detail in proposed Subpart G.)

Current prohibitions under § 20.735-16 concerning outside work and interests would be revised by adding a definition for the term "outside activity", and redesignated as § 20.735-23. The general policy governing outside work and activity is not changed. However, some interpretive language would be added to explain what is meant by the words "reasonable belief of a conflict of interest." Examples would be given of the kinds of outside work or activity that are definitely prohibited by the general policy. The prohibitions listed derive from review and analysis of investigative cases and from cases referred to the Department Ethics Counselor.

A long standing Bureau of Land Management (BLM) policy which prohibits BLM employees from working as real estate agents would be incorporated into Department regulations in proposed section 20.735-23. Also, statutory prohibitions relating to outside work and activity would be listed in paragraph (d) of the section and a new statutory limitation on outside earned income imposed on employees appointed to a grade GS-16 or higher (or equivalent) would be added to comply with section 210 of the Ethics in Government Act.

A new notification requirement would be placed on employees by proposed rules in § 20.735-23(f). This proposed section would require each employee to notify his or her supervisor, in writing, about any outside work in which he or she is engaged. This provision would not require an employee to obtain approval before engaging in outside work. However, bureaus would be permitted to issue supplementary guidelines or retain existing guidelines requiring such approval. This notification provision is proposed in order to facilitate some consistency in the management of outside work entered into by Department employees. Adoption of this procedure would respond to a General Accounting Office recommendation that procedures be implemented to ensure that employees engaged in outside work are in compliance with applicable conflict of interest statutes and regulations.

The Department of the Interior is commonly recognized as the agency of the Federal government that is responsible for administering or controlling a majority of the public lands. Specific legislative provisions impose conflict of interest prohibitions

dealing with interests in public lands on employees of the Bureau of Land Management (43 U.S.C. 11) and the U.S. Geological Survey (43 U.S.C. 31(a)). These specific statutory prohibitions are extended to other Department employees by current provisions contained in 43 CFR Part 20 (Department of Interior Employee Responsibility and Conduct Regulations) and in 43 CFR Part 7 (Employees: Interest in Lands and Resources).

It is proposed that all currently applicable prohibitions and rules dealing with interests in federal lands administered or controlled by the Department of the Interior be stated in one place. If adopted, this proposal will eliminate duplication and overlap and it will make rules governing interests in federal lands more understandable and easier to find. Accordingly, section 20.735-24 is proposed to replace 43 CFR Part 7 and 43 CFR 20.735-12(b) (1) and (3), and it is proposed that 43 CFR Part 7 be revoked.

In order to properly combine existing rules governing ownership of interests in federal lands by Department employees, the following items are being proposed:

(1) The term "federal lands" is proposed to mean lands administered or controlled by the Department of the Interior and to include both public and acquired lands. This will avoid confusion between the term public lands, which is variously defined in different statutes, but which has been commonly understood to mean lands whose title is and always has been in the United States, and the term acquired lands which means lands whose title is now, but has not always been in the United States. Further, "federal lands" is defined, for purposes of the conflict of interest prohibitions, as including the resources contained in federal lands and as including the Outer Continental Shelf and its resources.

(2) Prohibited financial interests in federal lands includes, unless otherwise stated, ownership of stock or other securities in companies leasing federal lands from the Department. This revision is proposed to clarify current rules in 43 CFR Part 7 which seem to except stock ownership. Review of past Office of the Solicitor interpretations shows that the authors of the existing provisions in 43 CFR Part 7 interpreted 43 U.S.C. 11 to mean that ownership of stock or other securities is prohibited by 43 U.S.C. 11 when such ownership results in an interest in federal lands (Memorandum from Bruce Wright, Associate Solicitor, Mineral Resources to Chief, Division of Compliance, Office of Survey and Review, August 17, 1964). Clarification that 43 U.S.C. 11 does

prohibit ownership of securities that result in an interest in federal lands will result in consistent application of all similar statutory provisions—43 U.S.C. 11, 43 U.S.C. 31(a) and 30 U.S.C. 1211(f).

The provisions for granting exceptions presently contained in 43 CFR Part 7 would be revised to allow the Department Ethics Counselor to approve exceptions. All other provisions contained in 43 CFR Part 7 would be adopted with no changes and moved to Part 20.

Proposed §§ 20.735-26 and 20.735-27 consolidate all special conflict of interest prohibitions relating to interests in mining activities. Section 20.735-26 is addressed to interests in underground or surface coal mining operations and would simply summarize the prohibitions and definitions contained in 30 U.S.C. 1211(f) and 30 CFR part 706. Provisions in 30 CFR Part 706 would be incorporated into the proposed Part 20 by reference.

Proposed § 20.735-27 consolidates statutory provisions contained in 30 U.S.C. 6 and regulatory provisions contained in 43 CFR 20.735-13 (b) and (c). A definition for the term "investigation" as used in § 20.735-27 is proposed to clarify that the term includes research activities. Provisions in 30 U.S.C. 6 provide that inquiries and investigations conducted under Sections 1, 3, and 5 through 7 of Title 30 be included when applying the statutory prohibition. Sections 1, 3 and 5 through 7 of Title 30 include research activities. Therefore, it is proposed that the term "investigation" include scientific and technological research, tests and other activities conducted under the authorities contained in 30 U.S.C. 1, 3 and 5 through 7.

Waiver provisions similar to the ones adopted from current regulations in 43 CFR Part 7 for the section on interests in federal lands are proposed for the prohibitions applicable to mining activities. Requests for a waiver would have to be in writing, contain the specific information requested, and be submitted to the Department Ethics Counselor for approval.

Proposed § 20.735-28 consolidates into one section prohibitions concerning trade with Indians. This section proposes to implement recent statutory provisions that apply to employees in Indian Affairs (Sec. 1, Pub. L. 96-277, 94 Stat. 544). The term "Indian Affairs" would be defined to mean employees in the Office of the Assistant Secretary—Indian Affairs, as well as employees in the Bureau of Indian Affairs. It is proposed to extend the prohibitions of this statute to employees in the Office of the Secretary and in other Departmental

offices reporting to a Secretarial officer. Only employees who are in positions that require the filing of a financial interest statement by rules in §§ 20.735-30 or 20.735.31 would be affected. This will insure that employees who exercise control over or influence decisions made in Indian Affairs will be prohibited from trading with Indians in the same way that employees in Indian Affairs are prohibited from such activities. A waiver provision for employees covered by this proposed regulatory extension would also be implemented.

Proposed § 20.735-29 incorporates the current provisions of § 20.735-14 which relate to Indian and Alaska Native employees. On recommendation from the Bureau of Indian Affairs, a new statutory provision would be reflected so that employees in Indian Affairs may not hold a position on a tribal school board which oversees Bureau of Indian Affairs schools. The Bureau's recommendation is in furtherance of the policy of the Education Amendments of 1978, 25 U.S.C. 2001 *et seq.* that tribal governments have greater control over operations of Bureau and Indian contract schools.

Subpart D—Financial Reporting Requirements

Proposed § 20.735-30 contains the filing requirements of Executive Order 11222. These requirements, currently contained in § 20.735-22, would be revised by adding a paragraph describing access to and retention and disposal of Executive Order statements. Reference in the text of this section and § 20.735-31 to salary rates in the General Schedule (GS) would be revised to include, for grades GS-13 through GS-15, the designation of "GM". This designation would be inserted to refer to the positions in GS-13 through GS-15 that will soon become subject to the merit pay provisions of the Civil Service Reform Act of 1978, 5 U.S.C. 1101 note.

Section 20.735-31 is proposed to incorporate into Department regulations the new filing requirements contained in Title II of the Ethics in Government Act.

Section 20.735-32 is proposed to incorporate into 43 CFR Part 20 a reference to provisions contained in 30 CFR Part 706 and to insert paragraphs dealing with access to and disposal of statements filed to meet requirements contained in 30 U.S.C. 1211(f).

Proposed § 20.735-34 would consolidate into one section the filing provisions presently contained in §§ 20.735-17, 20.735-18, 20.735-19 and 20.735-20. If adopted, this change will eliminate repetition by consolidating procedures common to each of the existing sections. A provision is

proposed to be added in accordance with section 207(c) of the Ethics in Government Act of 1978 to except from the filing requirements of Section 34 those employees who must file under Title II of the Ethics in Government Act.

Section 20.735-35 is proposed to assist employees who must file financial disclosure statements and especially to provide guidance and rules for employees who must file more than one statement.

Regulations governing review and analysis of financial disclosure statements would be retained, moved from § 20.735-23 to § 20.735-37 and revised to plainly state the review and analysis responsibilities of the ethics counselors. A paragraph would be added to provide employees a full opportunity to offer information and explanation during the review and analysis process.

Subpart E—Resolution of Conflicts of Interest

The current regulations covering procedures for resolving conflicts of interest would be redesignated as § 20.735-40 and reformulated to include the proposal that written evidence of divestiture be provided when divestiture is ordered for resolution of a conflict of interest. The Ethics in Government Act makes the Director, Office of Government Ethics, responsible for approving and establishing all qualified trust arrangements and this fact would be noted.

Proposed § 20.735-42 incorporates new qualified trust requirements of Title II of the Ethics in Government Act and provides guidance and procedures to employees who may wish to establish a qualified trust. The forms of qualified trusts would be discussed and employees would be told to seek counseling from the Department Ethics Counselor before sending a request for establishment of a qualified trust to the Director, Office of Government Ethics.

Appeal procedures now contained in § 20.735-25 would be moved to § 20.735-43 and revised. The proposed procedures would retain a Review Board and change the membership to the Assistant Secretary—Policy, Budget and Administration, another Assistant Secretary on a rotating basis and the Associate Solicitor, General Law. These three individuals would hear each appeal and make a recommendation to the Under Secretary or Secretary (depending on who issues the original remedial action) whose decision shall be final. Under the proposed procedures, the appellant and the appellant's representative would be guaranteed the right to be free from reprisal, the right to

representation, and the right to time for adequate preparation of the appeal. It is proposed that the Deputy Department Ethics Counselor be designated, by regulation, as the secretary to the Review Board.

Continued use of this successful appeals system will ensure consistency in application of these regulations and the modifications made by this revision, if adopted, will remove the Department Ethics Counselor from the Review Board, thereby reducing the potential for prior involvement in a case by a Review Board member, and will allow each Assistant Secretary the opportunity to shape Department policy in these matters.

Subpart F—Special Government Employees' Responsibilities, Ethical and Other Conduct

It is proposed that the present regulations in Subpart D be moved to Subpart F, renumbered and retained with only minor grammatical changes.

Subpart G—Prohibitions Affecting Former Government Employees

This new subpart is proposed to prescribe policies and procedures for identifying, correcting and preventing post employment conflicts of interest. The proposed provisions in this subpart set forth and implement new requirements contained in Title V of the Ethics in Government Act of 1978. Title V of that Act revised 18 U.S.C. 207 by adding new post employment restrictions and by amending the restrictions that were already imposed on former employees.

Proposed § 20.735-60 presents general information and department policy regarding the post employment restrictions. Proposed section 20.735-61 contains basic definitions and sets forth each of the four post employment restrictions. Citations are given to Office of Personnel Management regulations which have been issued to implement the new and modified prohibitions.

Section 20.735-62 would be added to carry out the authority of the Secretary under 18 U.S.C. 207(j) to enforce the post employment provisions of 18 U.S.C. 207(a), (b) and (c). Adoption of the rules in this section would satisfy the requirement in section 207(j) of the Ethics in Government Act that agencies establish such procedures.

Subpart H—Bibliography of Statutes

This subpart would replace the present Subpart E which is moved and revised to delete obsolete listings, update citations, and add new statutory references.

It is proposed to reserve Appendix B which contained samples of financial interest disclosure forms. The increased number of forms and the frequent necessity to revise them would require many republications of Appendix B. Sample forms may be obtained from the Department Ethics Counselor upon request.

Appendices C, D, E, F and G were published in 45 FR 11402-11422, on February 20, 1980, and are not republished with this revision. It is proposed that appendices C, D, E, F, and G not be published in the Federal Register. Instead, the appendices would be published annually by the Department of the Interior and be available from the Department Ethics Counselor. A notice of the annual update and publication will be printed in the Federal Register. This procedure would satisfy the administrative requirements which affect only Department employees and save the Department money by eliminating the costs of publishing in the Federal Register. A request that the appendices be filed in the Federal Register, as part of the original document accompanies this proposal.

Throughout this document, whenever the context so requires, the use of any gender shall include both genders.

This proposed revision is based on:

(1) Issues identified and researched by a task force consisting of Jane Wallace and Daniel Garrigan from the U.S. Geological Survey; Nancy Cotner, Office of Information Resources Management; William Holeman, Office of the Solicitor; and Gabriele Paone and Kathleen O'Neil, Office of the Inspector General,

(2) Secretarial policy,

(3) Studies and analysis conducted by the Deputy Department and the Assistant Department Ethics Counselors,

(4) Recommendations from bureau and office officials, and

(5) Legal research and assistance from John Trezise, Sharon Allender and Barbara Bandfield, Office of the Solicitor.

The primary authors of these proposed regulations are Gabriele J. Paone, Deputy Department Ethics Counselor, and Kathleen A. O'Neil, Assistant Department Ethics Counselor.

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

Accordingly, the Department of the Interior proposes to revoke Title 43 CFR Part 7 and revise Part 20 to read as follows:

Dated: September 30, 1980.

Cecil D. Andrus,
Secretary.

PART 7—[REVOKED]

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General Provisions

Sec.

- 20.735-1 Definitions.
- 20.735-2 Purpose, policy, and general responsibilities.
- 20.735-3 Responsibilities of ethics officials and channels for counseling.
- 20.735-4 Sanctions.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

- 20.735-6 Scope of subpart.
- 20.735-7 Gifts, entertainment, and favors.
- 20.735-8 Gifts and decorations from foreign governments.
- 20.735-9 Reimbursement of travel and related expenses.
- 20.735-10 Teaching, lecturing and writing.
- 20.735-11 Honorariums and outside earned income.
- 20.735-12 Nepotism.
- 20.735-13 Negotiations for non-Federal employment.
- 20.735-14 Political activity.
- 20.735-15 Government property.
- 20.735-16 Indebtedness.
- 20.735-17 Other conduct.

Subpart C—Conflict of Interest Prohibitions

- 20.735-20 Scope of subpart.
- 20.735-21 General conflict of interest prohibitions.
- 20.735-22 Statutory prohibitions.
- 20.735-23 Outside work and interests.
- 20.735-24 Interests in federal lands.
- 20.735-26 Interests in underground or surface coal mining operations.
- 20.735-27 Interests in mining activities.
- 20.735-28 Interests in trading with Indians.
- 20.735-29 Indian and Alaska Native organizations.

Subpart D—Financial Reporting Requirements

- 20.735-30 Executive Order filing requirements.
- 20.735-31 Ethics in Government Act filing requirements.
- 20.735-32 Surface Mining Control and Reclamation Act filing requirements.
- 20.735-34 Other statutory filing requirements.
- 20.735-35 How to file.
- 20.735-36 Certificates of disclaimer.
- 20.735-37 Review and analysis of statements.

Subpart E—Resolution of Conflicts of Interest

- 20.735-40 Procedures for resolving conflicts or prohibited holdings.
- 20.735-42 Qualified trusts.
- 20.735-43 Appeal procedures.

Subpart F—Special Government Employee Responsibilities, Ethical and Other Conduct

- 20.735-50 Scope of subpart.
- 20.735-51 Conflict of interest statutes relating to special government employees.

Sec.

- 20.735-52 Conduct provisions of particular interest to special government employees.
- 20.735-53 Statements of employment and financial interests.

Subpart G—Prohibitions Affecting Former Government Employees

- 20.735-60 Scope of subpart.
- 20.735-61 Post-employment restrictions.
- 20.735-62 Administrative enforcement procedures.

Subpart H—Bibliography of Statutes

- 20.735-70 Bibliography of statutes.

Appendices

- Appendix A-1 Employee Certification—U.S. Geological Survey
- Appendix A-2 Employee Certification—Indian Affairs
- Appendix A-3 Employee Certification—Bureau of Land Management
- Appendix A-4 Employee Certification—Bureau of Mines
- Appendix A-5 Employee Certification—Office of the Secretary
- Appendix B Reserved
- Appendix C List of Employees, in Addition to GS-15's and Higher, Required to File Confidential Statements of Employment and Financial Interests
- Appendix D List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Federal Land Policy Management Act and Positions Which the Secretary Has Determined To Be Exempt From Reporting Requirements of Section 313 of the Act
- Appendix E List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Mining in the Parks Act and Positions Which the Secretary has Determined To Be Exempt From Reporting Requirements of Section 13 of the Act
- Appendix F List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Energy Policy and Conservation Act and Positions Which the Secretary Has Determined To Be Exempt From Reporting Requirements of Section 522 of the Act
- Appendix G List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Outer Continental Shelf Lands Act Amendments of 1978 and Positions Which the Secretary Has Determined To Be Exempt From The Reporting Requirements of Section 605 of the Act.

Authority: 5 U.S.C. 301; Sec. 13, Pub. L. 94-429, 90 Stat. 1344 (16 U.S.C.A. 1912 (Supp. 1980)); 18 U.S.C. 207(j) (Supp. II 1978); Sec. 12, Ch. 576, 48 Stat. 986 (25 U.S.C. 472); Sec. 201(f), Pub. L. 95-87, 91 Stat. 450-51 (30 U.S.C. 1211 (Supp. II 1978)); Sec. 522, Pub. L. 94-163, 89 Stat. 961, as amended by Sec. 691(b)(2), Pub. L. 95-619, 92 Stat. 3288 (42 U.S.C. 6392 (Supp. II 1978)); Sec. 313, Pub. L. 94-579, 90 Stat. 2768 (43 U.S.C. 1743); Sec. 605, Pub. L. 95-372, 92 Stat. 695 (43 U.S.C. 1864 (Supp. II 1978)); E.O. 11222, 30 FR 6469, 3 CFR 1964-65 (Comp.), as amended (18 U.S.C. 201 note); 5 CFR 735.104; 5 CFR 734.103; 5 CFR 737.1(c)(7).

Subpart A—General Provisions**§ 20.735-1 Definitions.**

(a) *General.* The following terms are used throughout this Part and have the following meanings: (1) "Department" means the United States Department of the Interior and any of its components.

(2) "Secretary" means the Secretary of the Interior.

(3) "Bureau" means each major program operating organization of the Department, the Office of the Secretary, and each other Departmental Office.

(4) "Employee" means a regular employee and a special government employee, unless the text of a particular subpart, section, or paragraph indicates that either regular employees or special government employees are not intended to be covered by that subpart, section or paragraph.

(5) "Regular employee" means any officer or employee of the Department who is appointed or employed to serve more than 130 days in any period of 365 consecutive days.

(6) "Special government employee" means any employee or officer of the Department who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, for not to exceed 130 days during any period of 365 consecutive calendar days, either on a full-time, part-time or intermittent basis (18 U.S.C. 202). U.S. Mineral Surveyors are considered to be special government employees.

(7) "U.S. Mineral Surveyor" means a person appointed under the authority of 30 U.S.C. 39, and as such is included within the term "officers, clerks, and employees" of the Bureau of Land Management as that term is used in 43 U.S.C. 11 and construed in *Waskey, v. Hammer*, 223 U.S. 85 (1912).

(8) "Executive Order" means Executive Order 11222 of May 8, 1965 (18 U.S.C. 201 note).

(9) "Department Ethics Counselor" means the Inspector General of the Department of the Interior. Pursuant to the Ethics in Government Act of 1978 the Department Ethics Counselor is designated as the Designated Agency Ethics Official.

(10) "Ethics Counselor" means the head of each bureau, as that term is defined in paragraph (3) above, except that the Assistant Secretary—Policy, Budget and Administration is the Ethics Counselor for employees in the Office of the Secretary and other offices for which personnel services are provided by the Division of Personnel Services, Office of Secretarial Operations, excluding the Office of Inspector General, the Office

of Hearings and Appeals and the Office of Water Research and Technology.

(11) "Deputy Ethics Counselor" means the bureau personnel officer or other qualified headquarters employee who has been delegated responsibility for the operational duties of the Ethics Counselor for that bureau. The Chief, Division of Personnel Services, Office of Secretarial Operations is the Deputy Ethics Counselor for employees in the Office of the Secretary and other offices for which personnel services are provided by that division, excluding the Office of Inspector General, the Office of Hearings and Appeals, and the Office of Water Research and Technology. In accordance with proposed rules in 45 FR 50535 (1980) (to be codified in 5 CFR 738.202(b)), the Deputy Department Ethics Counselor shall serve as alternate agency ethics official.

(12) "Assistant Ethics Counselor" means a bureau, regional or area personnel officer or other qualified employee who has been delegated responsibility to perform the operational duties of the Ethics Counselor at the field level. Assistant Ethics Counselors may also be designated within the bureau headquarters.

(13) "Indian Affairs" means the Office of the Assistant Secretary—Indian Affairs and the Bureau of Indian Affairs.

(b) Specific definitions.

Additional definitions of terms specifically associated with a particular subpart or section are found in that subpart or section.

§ 20.735-2 Purpose, policy, and general responsibilities.

(a) *Purpose.* These regulations set forth Departmental policies and identify principal statutes and regulations which relate to employee conduct and responsibilities. These regulations ordinarily apply to all regular and special employees of the Department. Exceptions to this general rule are stated in the specific subpart, section or paragraph to which they apply.

(b) *General policy.* Employees of the Department are expected to maintain especially high standards of honesty, integrity, impartiality, and conduct to ensure the proper performance of Government business and the continual trust and confidence of citizens in their Government. Employees are expected to comply with all Federal statutes, Executive Orders, Office of Personnel Management regulations and Departmental regulations. The conduct of employees should reflect the qualities of courtesy, consideration, loyalty to the United States, a deep sense of responsibility for the public trust, promptness in dealing with and serving

the public, and a standard of personal behavior which will be a credit to the individual. These principles apply to official conduct and to private conduct which affects in any way the ability of the employee or the Department to effectively accomplish the work of the Department.

(c) *Equal employment opportunity policy.* It is the policy of the Federal Government that there shall be no discrimination in employment based on such factors as race, creed or religion, color, national origin, political affiliation, physical handicap, sex, age, union membership or non-membership, and similar matters not related to merit and fitness.

(d) *Conformance with policy.* Employees are required to carry out the announced policies and programs of the Department and to obey proper requests and directions of supervisors. The right of employees to express personal opinions and points of view will be respected. Personal opinions or points of view will not, however, reduce the employee's responsibility to effectively perform the duties or tasks to which he or she is assigned. An employee is subject to appropriate disciplinary action if he or she fails to: (1) Comply with any lawful regulations, orders, or policies, or

(2) Obey the proper requests of supervisors having responsibility for his or her performance.

(e) *Applicability to Indian Affairs employees.* The provisions of this part apply to non-Indian employees in Indian Affairs in the same manner as they apply to all other employees employed elsewhere in the Department. Except where otherwise indicated, the provisions of this part shall also apply to Indian and Alaska Native employees in Indian Affairs.

(f) *Bureau responsibilities.* Ethics Counselors shall establish and maintain internal procedures and guidelines to adequately and systematically inform employees of the content, meaning, and importance of the regulations in this part. Such supplementary guidelines may include specific or additional restrictions applicable to employees of the bureau. Supplementary guidelines must be approved by the Department Ethics Counselor before they are issued.

(2) Copies of the regulations in this part shall be given to each employee upon entrance to duty. At least once annually, each Ethics Counselor shall: (i) Remind each employee of the regulations in this part; and

(ii) Inform each employee of the name, location and telephone number of bureau officials who can properly

counsel them on ethics and conduct matters.

This annual reminder shall be accomplished through a publication or memorandum issued to all employees. In addition, vacancy announcements for those positions which require any statement of employment and financial interest shall alert applicants to the filling requirement.

(g) *Employee responsibilities.* It is the responsibility of employees to be familiar and to comply with the regulations in this part. Employees are expected to consult with their supervisors and personnel officers on general questions they may have regarding the applicability of the regulations. On specific matters and for guidance on questions of conflict of interest, employees may obtain advice and guidance for the Ethics Counselors, Deputy Ethics Counselors, Assistant Ethics Counselors, the Department Ethics Counselor, or the Office of the Solicitor. In addition, employees should be careful in dealing with the public and with representatives of private industry so as not to give an opinion or decision contrary to expressed Departmental or bureau policy. Care should be taken by all employees to avoid expressing personal opinions or making unauthorized decisions about work situations where those opinions or decisions may be mistakenly taken to be the opinion or decision of the bureau or Department. A memorandum of discussion should be prepared by employees providing ethics advice to document discussions with representatives of private industry for future reference.

(h) *Conduct codes for specific groups.* (1) Special codes of conduct not in derogation of this part may be developed or adopted (if established by the profession in which the employee is engaged, such as attorneys and accountants) by a bureau or the Department for specific groups of employees engaged in the same occupation or profession.

(2) Certain individuals, for example, volunteers in National Park Service programs and enrollees and corps members in youth and young adult programs administered by the Office of Youth Programs, are Federal employees only as specifically provided in the statute which authorizes their particular program. In the absence of a statutory provision which makes the individual in one of these programs a regular or special Government employee, the individual is not subject to the regulations in this part. However, the head of a bureau responsible for

individuals in such a program may submit a proposal requesting that all or part of the regulations in this part be made applicable to the particular category.

(3) Proposals for special codes of conduct, including procedures for their implementation, and proposals for applying a portion of these regulations to specific categories of individuals shall be submitted to the Department Ethics Counselor for approval. The Office of Personnel and the Office of the Solicitor shall also approve such proposals before they are adopted.

§ 20.735-3 Responsibilities of ethics officials and channels for counseling.

(a) *Responsibilities of ethics officials.*

(1) The Department Ethics Counselor (or the Deputy Ethics Counselor in his or her absence) shall: (i) Administer the regulations governing the conduct and responsibilities of employees in the Department;

(ii) Develop and administer an effective system and procedures for the collection, filing, review, and public inspection of financial disclosure statements in accordance with applicable statutes and regulations;

(iii) Provide advice, assistance, training, and guidance to all levels of Ethics Counselors and to any employee within the Department;

(iv) Monitor the conflict of interest program, using reports requested of bureaus and periodic internal audits performed by the Office of Inspector General. These audits will be conducted on a cyclical basis to ensure that each bureau is reviewed at least once every three years;

(v) Review statements of employment and financial interests for those Department employees cited in section 20.735-30(d) (2) and (6);

(vi) Ensure that all financial disclosure statements filed by employees with bureaus are completely and effectively maintained and consistently reviewed for conformance to all applicable laws and statutes;

(vii) Assume the authorities and responsibilities of any Ethics Counselor within the Department, either for the duration of an individual case or for a period or periods not to exceed six months each;

(viii) Develop and supervise an education and counseling program for employees on all ethics and standards of conduct matters; the program shall include counseling on post employment matters and shall provide that adequate and specific records are kept on any advice rendered;

(ix) Evaluate periodically, in conjunction with the Office of

Government Ethics, the Department's standards of conduct regulations, financial disclosure systems and post-employment enforcement systems to determine their adequacy and effectiveness in relation to current Departmental responsibilities;

(x) Act as liaison with and, as necessary or required, provide information to the Office of Government Ethics concerning the Department's ethics function.

(xi) Develop, maintain and publish a list of those circumstances or situations which have resulted or may result in noncompliance with ethics laws and regulations;

(xii) Keep appropriate records on advice rendered;

(xiii) Take prompt and effective action to insure that appropriate remedial actions are taken.

(2) Ethics Counselors are responsible for administering the regulations governing the conduct and responsibilities of employees in their respective bureaus. Ethics Counselors shall: (i) Order remedial action in accordance with the provisions of § 20.735-40. This authority may not be redelegated;

(ii) Designate the Bureau Personnel Officer (or other qualified headquarters employee) as Deputy Ethics Counselor. Deputy Ethics Counselors may carry out operational duties of the Ethics Counselor within their bureaus under the general direction of the Ethics Counselor, including reviewing statements of employment and financial interests, informally resolving conflict of interest situations, and answering employee conduct questions;

(iii) Consolidate the final review, certification and filing of financial interest statements at the headquarters level; and,

(iv) Designate regional or area personnel officers (or other qualified employees) as Assistant Ethics Counselors to perform ethics counseling and the initial financial statement review at the field office level. Assistant Ethics Counselors may also be designated within the bureau headquarters.

(b) *Channels for counseling.* Employees may seek advice from any bureau ethics counselor, the Department Ethics Counselor or the Office of the Solicitor. It is the Department's policy to encourage responsible disposition of counseling requests and to strive for consistency in the application of employee responsibility and conduct regulations. To achieve this: (1) Ethics Counselors shall, if possible, consolidate the operation of the ethics counseling function at the headquarters level.

Employee inquiries should be directed to that office. In bureaus where consolidation is not feasible, Assistant Ethics Counsleors shall seek concurrence in their final decisions from the bureau Deputy Ethics Counselor or Ethics Counselor. Ethics Counselors may seek advice from the Department Ethics Counselor, Regional Solicitors or the Assistant Solicitor, Audit and Inspection, in Washington, D.C.

(2) The Department Ethics Counselor shall provide advice on any ethics matter to employees and to Ethics Counselors and shall seek advice from the Assistant Solicitor, Audit and Inspection.

(3) Employees wishing to request advice from the Solicitor's Office shall submit requests to Regional Solicitors or to the Assistant Solicitor, Audit and Inspection, in Washington, D.C., as appropriate. Regional Solicitors called upon to render advice which will affect interpretations of the employee responsibility and conduct regulations shall seek concurrence in their final decisions from the Assistant Solicitor, Audit and Inspection.

§ 20.735-4 Sanctions.

(a) Violations of the regulations in this part by an employee may be cause for appropriate corrective, remedial or disciplinary action, which may be in addition to any criminal or civil penalty provided by law. Such disciplinary action may include, but is not limited to, reprimand, suspension, reassignment, reduction in grade or pay, or removal from office and shall be taken in accordance with Departmental policies, applicable statutes, Executive Orders, and regulations (see Federal Personnel Manual and additions thereto).

(b) Employees having financial or other interests prohibited by statute or regulation may be ordered to divest themselves of such interests. Failure to comply with appropriate divestiture orders may result in suspension or removal from office, or other disciplinary action. Employees may appeal divestiture orders in accordance with procedures contained in § 20.735-43.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 20.735-6 Scope of subpart.

(a) *Standards of conduct.* This subpart contains policies, procedures and restrictions concerning the ethical and other conduct and responsibilities of both regular and special government employees in the discharge of their official responsibilities. Employees are expected to maintain high standards of

honesty, integrity, impartiality, and other ethical and moral conduct and to avoid any actions, whether on or off duty, which could reflect adversely on the Department or Government service or which would jeopardize the employee's fitness for duty or effectiveness in dealing with other employees or with the public.

(b) *Prohibited Activities.* (1) An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of: (i) Using public office for private gain;

(ii) Giving preferential treatment to any person, except as authorized or required by law;

(iii) Impeding Government efficiency or economy;

(iv) Losing independence or impartiality;

(v) Making a Government decision outside official channels; or

(vi) Affecting adversely the confidence of the public in the integrity of the Government.

(2) An employee shall not have any interest (financial or non-financial) in any contract, grant or other particular matter administered or controlled by this Department in which the employee was personally or substantially involved through the performance of his or her duties.

(3) Contracts shall not knowingly be entered into between the Government and employees of the Government or business concerns or organizations which are substantially owned or controlled by Government employees, except for the most compelling reasons, such as cases where the needs of the Government cannot reasonably be otherwise supplied. (41 CFR 1-1.302-3)

(4) When a contracting officer has reason to believe that an exception as described in paragraph (3) of this section, should be made, approval of the decision to make such an exception shall be handled in accordance with agency procedures and shall be obtained prior to entering into any such contract. (41 CFR 1-1.302-3)

§ 20.735-7 Gifts, entertainment, and favors.

(a) *Soliciting or accepting gifts.* Except as provided in paragraph (b) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who: (1) Has, or is seeking to obtain, contractual or other business or financial relations with the Department;

(2) Conducts operations or activities that are regulated by the Department; or,

(3) Has interests that may be substantially affected by the performance or non-performance of the employee's official duties.

The prohibitions in this paragraph apply to special government employees while they are employed by the Department or in connection with their work with the Department.

(b) *Exclusions.* (1) The prohibitions of paragraph (a) of this section do not apply in the context of obvious family or personal relationships, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors.

(2) An employee may accept: (i) Food and refreshments of nominal value on infrequent occasions in the ordinary course of an official luncheon or dinner meeting or other official meeting or on an inspection tour where an employee may properly be in attendance,

(ii) Loans from banks or other financial institutions on customary terms to finance proper and usual activities, such as home mortgage loans,

(iii) Unsolicited advertising or promotional material, of nominal value such as pens, pencils, note pads, calendars, and other similar items,

(iv) Gifts, on behalf of the Department, which are offered for the advancement of the American Indian, and

(v) Suitable mementos or awards of nonmonetary value for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(3) Employees may accept gifts offered to them by island inhabitants or officials of the islands administered by the Assistant Secretary—International and Territorial Affairs when refusal to accept such gifts would be likely to cause offense or embarrassment or otherwise adversely affect relations with the United States. Gifts accepted under this provision shall be deemed to have been accepted on behalf of the United States, shall become the property of the United States upon acceptance, and shall be deposited by the employee with the Department within 60 days of acceptance.

(c) *Soliciting contributions.* An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself or herself (5 U.S.C. 7351). However, this paragraph does not

prohibit a voluntary gift or donation made on a special occasion such as a marriage, illness, or retirement.

§ 20.735-8 Gifts and decorations from foreign governments.

(a) This section implements the Foreign Gifts and Decorations Act (5 U.S.C. 7342).

(b) *Definitions.* Terms used in this section have the following meanings: (1) "Employee" means all regular and special government employees of the Department, experts and consultants of the Department appointed under 5 U.S.C. 3109, spouses of all such individuals (unless such individual and his or her spouse are separated) and dependents (within the meaning of section 152 of the Internal Revenue Code, 26 U.S.C. 152) of such an individual.

(2) "Foreign government" means any unit of foreign governmental authority, including any foreign national, State, local and municipal government; any international or multinational organization whose membership is composed of any unit of foreign government; and any agent or representative of any such unit or organization while acting in that capacity.

(3) "Gift" means a tangible or intangible present, other than a decoration, tendered by, or received from, a foreign government. Examples of intangible gifts are travel and subsistence expenses.

(4) "Decoration" means an order, device, medal, badge, insignia, emblem or award tendered by, or received from, a foreign government.

(5) "Minimal value" means a retail value in the United States at the time of acceptance of \$100.00 or less.

(c) *Prohibited activities.* An employee is prohibited from: (1) Requesting or otherwise encouraging the tender of a gift or decoration from a foreign government; or

(2) Accepting a gift or decoration from a foreign government, except in accordance with the rules and procedures of the Department.

(d) *Exceptions.* An employee may: (1) Accept and retain a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

(2) Accept a gift of more than minimal value when such a gift is in the nature of an educational scholarship or medical treatment, or when it appears to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, provided that: (i) When a tangible gift of more than minimal value is accepted, it will be deemed to have

been accepted on behalf of the United States, shall become the property of the United States upon acceptance, and shall be deposited by the employee with the Department within 60 days of acceptance; and

(ii) An employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and determined by the Assistant Secretary—Policy, Budget and Administration to be in the best interests of the Department;

(3) Accept, retain, and wear a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the Department, *Provided*, That: (i) Without such approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States upon acceptance, and shall be deposited by the employee with the Department within 60 days of acceptance; and

(ii) Requests for approval should be sent to the Assistant Secretary—Policy, Budget and Administration.

§ 20.735-9 Reimbursement of travel and related expenses.

(a) *Policy.* (1) Except as specifically authorized by law, when an employee is on official duty (no leave status) all travel and accommodations shall be at Government expense and his or her acceptance of outside reimbursement for travel expenses or services in kind from private sources, either in his or her behalf or in behalf of the government, is not allowed (18 U.S.C. 209). This includes instances where an employee is officially directed to participate in a convention, seminar, or similar meeting sponsored by a private source for the mutual interest of the Government and the private source. In such instances, expenses shall be charged to the appropriate bureau or Department appropriation.

(2) When a bureau is authorized by statute to accept gifts, the travel expenses incurred by an employee directed to participate in a convention, seminar, or similar meeting sponsored by a private source for the mutual interest of the Government and the private source may be reimbursed to the bureau and credited to its appropriation. The employee shall be paid by the bureau in accordance with the law relating to reimbursement for official travel and any accommodations and

goods or services in kind furnished an employee shall be treated as a donation to the bureau and an appropriate reduction shall be made to the employee's reimbursement (46 CG 689 (1967)).

(3) When participation at a function is not in an official capacity, an employee may accept reimbursement of travel and accommodation expenses from a private source, provided that such acceptance creates no conflict or appearance of a conflict of interest with one's official duties. Participation as a private citizen must occur on one's own time, such as while on leave. If participation should occur during the course of official travel (i.e., evening or weekend hours during official travel status), the travel voucher submitted for Government reimbursement of official duty expenses must be adjusted to claim only that per diem and travel attributable to official duty. Employees who are appointed by the President and paid at a rate higher than the highest rate for GS-18 are on 24 hour duty and determinations of what constitutes official duty and what is private participation should be carefully made.

(b) *Exclusions.* (1) When on official duty, contributions and awards incident to training in non-Government facilities, and payment of travel, subsistence, and other expenses incident to attendance at training meetings may be accepted by an employee when the payment is made by a nonprofit, tax exempt organization as described in 26 U.S.C. 501(c)(3). Prior advice should be obtained from the employee's ethics counselor in this circumstance (5 U.S.C. 4111).

(2) Employees may accept reimbursement by the Department of travel and related expenses when assigned (official personnel action detail) to state and local governments and to universities in accordance with 5 U.S.C. 3375.

(3) Should the Director of the International Communication Agency, with the approval of the employing agency, assign a Departmental employee to a foreign government, reimbursement for the employee's pay and allowances shall be made to the United States in an amount equal to the compensation, travel expenses, and allowances payable to such person during the period of such assignment, in accordance with 22 U.S.C. 1451.

(4) Should an employee be detailed by the Secretary to an international organization which requests services, the employee is deemed to be (for the purpose of preserving his or her allowances, privileges, rights, seniority, and other benefits) an employee of the Department and the employee is entitled

to pay, allowances, and benefits from funds available to the Department. The international organization may reimburse the Department for all or part of the pay, travel expenses, and allowances payable during the detail; or, the detailed employee may be paid or reimbursed directly by the international organization for allowances or expenses incurred in the performance of duties required by the detail without regard to 18 U.S.C. 209 (5 U.S.C. 3343).

§ 20.735-10 Teaching, lecturing and writing.

(a) *General policy.* Employees are encouraged to engage in teaching, lecturing, or writing that is not prohibited by statute, the executive Order, Office of Personnel Management regulations, or this part.

(b) *Using information obtained because of employment.* An employee shall not teach, lecture, or write using information obtained because of his or her Government employment, except when that information has been or on request will be made available to the general public.

(c) *Preparing persons for examinations.* An employee shall not teach, lecture, or write to prepare a person or class of persons for an examination given by the Office of Personnel Management or the Board of Examiners for the Foreign Service.

§ 20.735-11 Honorariums and outside earned income.

(a) *Definition.* The term "honorarium" means a payment of money or anything of value received by an employee as consideration for an appearance, speech, article, or consultation when such money is accepted as a payment for a single event or transaction and under circumstances which do not imply a continuing compensatory relationship between the parties for similar services. Excluded for purposes of this paragraph are any payments of actual and necessary travel and subsistence expenses for an employee and spouse or aide of the employee and any amounts paid or incurred for any agent's fees or commissions.

(b) *Policy on acceptance of honorariums.* (1) No employee shall accept an honorarium for any activity the subject of which is devoted substantially to the responsibilities, programs, or operations of the Department, draws substantially on official data or ideas not part of the body of public information, or involves any other contribution of Government facilities, materials, funds, or services.

(2) The acceptance of honorariums by employees from groups doing business

with or whose interests can be affected by the Department presents the potential for a conflict of interest. An employee is prohibited from receiving an honorarium from an organization at a time when the employee has before him or her issues the resolution of which will affect the interests of that organization.

(3) Acceptance of honorariums by employees in circumstances other than those enumerated in this subsection is permissible if the article, speech, or appearance for which payment is accepted, was not written, delivered or made while the official was on duty and if acceptance would not create and appearance of a conflict of interest.

(4) Under 2 U.S.C. 441i, and employee is prohibited from (i) accepting an honorarium of more than \$2,000 (excluding amounts accepted for actual travel and subsistence expenses for such employee and his or her spouse or an aide to such employee, and excluding amounts paid or incurred for any agent's fees or commissions) for any appearance, speech, or article or (ii) accepting honorariums aggregating more than \$25,000 in any calendar year. Amounts returned to the payor of an honorarium shall not be aggregated.

(c) Prior review by the Director of Public Affairs is required of any material designed for official expression by officials within the Department or its various bureaus and offices for presentations before non-government organizations, firms or groups. This requirement is applicable whether or not an honorarium is to be paid.

(d) *Restriction on Outside Earned Income.* All employees who are compensated at a pay grade in the General Schedule of grade 16 or above and who occupy full-time positions appointment to which must be made by the President, by and with the advice and consent of the Senate, may not have in any calendar year outside earned income attributable to such calendar year which is in excess of 15 percent of their salary. Outside earned income is all income earned from services rendered and excludes income from interest, dividends, royalties, or rents derived from financial investments.

(e) *Honorariums transferred to charitable organizations.* If an honorarium payable to an employee, is paid instead, at the employee's request, to a charitable organization operated exclusively for educational purposes and selected by the payor from a list of 5 or more charitable organizations provided by the employee, then, that employee shall not be treated as accepting that honorarium for purposes of 2 U.S.C. 441i. However, the employee

must include the amount in gross income, as defined in 26 U.S.C. 61, for individual tax purposes. In such situations, the amount can be claimed as a charitable contribution deduction, subject to limitations set forth in 26 U.S.C. 170. For purposes of this provision "charitable organization" means an organization as described in § 26 U.S.C. 170(c).

(f) *Violation.* In addition to the potential sanctions in § 20.735-4, any individual who knowingly and willfully violates the honorarium provisions of this section shall be reported to the Federal Election Commission and may be subject to civil and criminal penalties as provided for by section 108 of Pub. L. 96-187, 93 Stat. 1368-1369.

§ 20.735-12 Nepotism.

(a) *Definition.* "Relative" means an individual who is related to the employee as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) *Policy.* An employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the Department or over which he or she exercises jurisdiction or control, any individual who is a relative of the employee. An individual may not be appointed, employed, promoted, or advanced in or to a position in the Department if such appointment, employment, promotion, or advancement has been advocated by an employee, who is a relative of the individual and who is serving in or exercising jurisdiction, or control over the position. (5 U.S.C. 3110)

(c) *Exceptions.* (1) An employee may appoint, or employ or advocate for appointment or employment, in or to a position in the Department or over which he or she exercise jurisdiction or control any individual who is a relative of the employee only in emergency situations such as forest fires, floods, earthquakes, or other natural disasters. Exceptions may also be made in situations involving special scientific needs, or at isolated field stations, or where there is a shortage of quarters. (In regard to summer employees, refer to current Department directives.)

(2) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under 5 U.S.C.

3317(a) will result in the selection for appointment of an individual who is not a preference eligible.

(3) An employee may supervise a relative when: (i) A bureau director finds that all merit-related provisions of Federal law have been observed, and

(ii) Supervision would result in a net benefit to the Government.

Supervision under this exception is limited to activities other than appointing, employing, promoting, advancing or advocating the appointment, employment, promotion or advancement of a relative. Effectively then, this exception allows an employee to work with his or her relative on the same project and to direct the work of a relative. Appointment, employment, promotion or advancement of a relative, and the advocacy of these actions for a relative, are prohibited by statute (5 U.S.C. 3110) and this exception does not allow these activities.

(d) *Violation.* An individual supervised, appointed, employed, promoted, or advanced in violation of this section shall not receive salary. And, an employee who supervises, appoints, employs, promotes, advances or advocates these actions in violation of this section shall be subject to the sanctions in § 20.735-4.

§ 20.735-13 Negotiations for non-Federal employment.

(a) *Definition.* Negotiation for employment commences when: (1) The employee or anyone at the direction of and on behalf of the employee, initiates a communication in writing or orally, directly or indirectly, to the prospective employer for the purpose of discussing rendering service to the prospective employer upon termination of the employee's service as an employee of the Department, or

(2) An individual, partnership, association, corporation or organization initiates a communication to the employee or representative of the employee and the employee or the employee's representative responds directly or indirectly with the communicator and indicates that the employee is interested in serving the communicator upon termination of employment with the Department.

(b) *Policy.* (1) An employee shall not without permission negotiate for future non-Federal employment with persons or organizations having business with the Department if the employee is called upon to render advice or make judgments which may affect those persons or organizations.

(2) In the event that an employee desires to negotiate for future employment with organizations he or

she is called upon to render advice or make judgments about, he or she shall request permission from his or her supervisor. The supervisor will consult with the appropriate ethics counselor. If the supervisor and the ethics counselor determine that the proposed negotiations will not adversely affect the Government's interests, the supervisor may authorize, in writing, the employee to proceed to negotiate.

(3) Where authorization is granted the employee shall be restricted from participating in his or her governmental capacity in any matter in which the employee, or the employee's spouse, minor child, outside business associate, or person with whom he or she is negotiating for employment has a financial interest (18 U.S.C. 208).

§ 20.735-14 Political activity.

(a) *Hatch Act.* 5 U.S.C. 7324 states generally that an employee may not use his or her official authority or influence for the purpose of interfering with or affecting the results of an election; or take an active part in political management or in political campaigns. An employee is subject to dismissal for violation of this prohibition. In accordance with regulations contained in 5 CFR Part 733, the following definitions, permissible activities and prohibited activities help to interpret the restrictions in 5 U.S.C. 7324.

(1) Definitions include: (i) "Political party" means a National political party, a State political party, and an affiliated organization;

(ii) "Election" includes a primary, special, and general election;

(iii) "Nonpartisan election" means: (A) An election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected, and

(B) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character.

(iv) "Partisan" when used as an adjective refers to a political party.

(2) Permissible activities consistent with the restrictions imposed by 5 U.S.C. 7324 include the right to: (i) Register and vote in any election;

(ii) Express opinions as an individual privately and publicly on political subjects and candidates;

(iii) Display a political picture, sticker, badge, or button;

(iv) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;

(v) Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;

(vi) Attend a political convention, rally, fund-raising function, or political gathering;

(vii) Sign a political petition as an individual;

(viii) Make a financial contribution to a political party or organization except as restricted by provisions explained in § 20.735-14(c);

(ix) Take an active part as an independent candidate, or in support of an independent candidate, in a partisan election covered by rules in 5 CFR 733.124;

(x) Take an active part as a candidate or in support of a candidate, in a nonpartisan election;

(xi) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

(xii) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by State or local law; and

(xiii) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise one's efficiency or integrity as an employee or the neutrality, efficiency, or integrity of the Department.

(3) Prohibited activities include, but are not limited to: (i) Any activity listed in § 20.735-14(a)(2) if participation in the activity would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interest;

(ii) Serving as an officer of a political party, a member of a National, State, or local committee of a political party, an officer or member of a committee of a partisan political club, or being a candidate for any of these positions;

(iii) Organizing or reorganizing a political party organization or political club;

(iv) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a partisan political purpose;

(v) Organizing, selling tickets to, promoting, or actively participating in a fund-raising activity of a candidate in a partisan election or a political party, or political club;

(vi) Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office;

(vii) Becoming a candidate for, or campaigning for, an elective public office in a partisan election;

(viii) Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office;

(ix) Acting as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or a candidate in a partisan election;

(x) Driving voters to the polls on behalf of a political party or a candidate in a partisan election;

(xi) Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign literature, or similar material;

(xii) Serving as a delegate, alternate, or proxy to a political party convention;

(xiii) Addressing a convention, caucus, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office; and

(xiv) Initiating or circulating a partisan nominating petition.

(4) Additional information regarding employees' participation in political activities, including certain exceptions for employees appointed by the President, by and with the advice and consent of the Senate, is contained in 5 CFR Part 733.

(b) *Political Affiliation.* No person in the Executive Branch with authority to take or recommend a personnel action relative to a person in, or an eligible candidate or applicant for, a position in the competitive service, may make inquiry concerning his or her political affiliation. All disclosures concerning political affiliation shall be ignored. Except as may be authorized or required by law, discrimination may not be exercised, threatened, or promised by any person in the Executive Branch against or in favor of an employee in, or an eligible candidate or applicant for, a position in the competitive service because of his or her political affiliation (5 CFR 4.2).

(c) *Federal Election Campaign Act Amendments of 1979.* The Federal Election Campaign Act Amendments of 1979, 93 Stat. 1339, prohibit, under threat of criminal penalty, Federal employees from contributing to a person if the person receiving said contribution is the employer or employing authority of the contributor. The President heads the Executive Branch of government and as such he is the employing authority for

any employee in the Executive Branch. Therefore, any employee of the Executive Branch receiving any compensation for services from the U.S. Treasury is prohibited from making a contribution to a President or to any authorized committee whose purpose directly or indirectly benefits the President (93 Stat. 1367). The effective date of this provision is January 8, 1980.

§ 20.735-15 Government property.

(a) *General responsibility.* Employees shall be held accountable for Government property and moneys entrusted to them in connection with their official duties. It is each employee's responsibility to protect and conserve Government property and to use it economically and for official purposes only.

(b) *Misuse of Government motor vehicles or aircraft.* Employees shall not use or authorize the use of a Government-owned or leased passenger motor vehicle or aircraft for other than official purposes. Violation of this provision shall automatically result in suspension from duty without compensation, for not less than one month. See 31 U.S.C. 638a and 41 CFR Subpart 114-38.50 for additional guidance on official use of motor vehicles or aircraft.

(c) *Embezzlement of Government property.* Employees shall not convert, even temporarily on loan, for personal use any Government property, or equipment; nor use Government purchase authority, even though reimbursements is made, for personal acquisitions (18 U.S.C. 641, 643 and 654).

§ 20.735-16 Indebtedness.

(a) *Employee responsibility.* An employee: (1) Shall pay each just financial obligation (one either acknowledged by the employee or reduced to the judgment by a court);

(2) Shall refund salary overpayments, excess travel expense advances, and pay income taxes when due;

(3) Shall pay a final determination of indebtedness for Federal, state or local taxes.

(b) *Department responsibility.* The Department will not act as a collection agency for private debts owed by its employees, except as required by law, nor does the Department or any bureau determine the validity or amounts of its employees' disputed debts.

(c) *Access to employees.* Whether by telephone or otherwise, creditors or collectors shall not have access to employees on premises occupied by the Department during working hours. If, nevertheless, the employee is approached during working hours, he or

she shall inform the creditor or collector that he or she is not allowed to transact private business during official hours and that any discussions must be held during non-duty hours and away from Departmental premises.

(d) *Disciplinary action.* An employee may be subject to removal or other disciplinary action for his or her failure to meet just financial obligations. A proposal to remove or otherwise discipline an employee for these reasons must be taken only after full consideration for the effect on the Department and any mitigating circumstances over which the employee has no control, such as sickness, accident, or death in the family.

§ 20.735-17 Other conduct.

(a) *Sexual harassment.*—(1)

Definition. Sexual harassment means deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which are unwelcome.

(2) No employee shall sexually harass another employee of the Executive Branch or a member of the public having business with the Department. All employees and members of the public are entitled to work or conduct official business in an environment free from sexual harassment. Sexual harassment debilitates morale and productivity, and undermines confidence in the fairness and integrity of government. Sexual harassment is, therefore, a form of employee misconduct which shall subject the employee engaging in such conduct to discipline. Sexual harassment also constitutes sex discrimination, which is a prohibited personnel practice, when it affects an employee's employment status or conditions on the basis of conduct related to gender rather than job performance, such as the taking or refusal to take a personnel action, including, but not limited to, promotion of employees who submit to sexual advances or refusal to promote employees who resist or protest sexual overtures. For example, a supervisor who, on or off duty, uses implicit or explicit sexual behavior to control, influence, or affect the career, salary, or job performance of an employee is engaging in sexual harassment, sex discrimination and a prohibited personnel practice.

(3) *Reporting a violation.*

(i) If an employee believes he or she is being or has been sexually harassed, and such harassment relates to his or her employment status or conditions, such as promotion, training, step increase, work assignments, etc., the standard Equal Employment

Opportunity complainant process or the appropriate grievance process can be followed. The affected employee may contact either his or her Equal Opportunity Officer or Personnel Specialist for further information concerning these procedures.

(ii) Individuals may also report any incident of sexual harassment in the work place to the Inspector General either by using the hotline 343-2424 (local) or 800-424-5081 (long distance) or by writing to Post Office Box 57016, Washington, D.C. 20037.

(iii) Individuals who in good faith report violations of this sexual harassment policy are assured of freedom from restraint, interference, coercion, discrimination or reprisal for reporting violations, and any employee found to have violated this assurance shall be disciplined pursuant to § 20.735-4.

(b) Employees shall not engage in any conduct or activity which is in excess of his or her authority, or is otherwise contrary to any law or departmental policy.

(c) *Selling or soliciting.* Employees and other persons are prohibited from selling or soliciting for personal gain within any building or on any lands occupied or used by the Department. Exception is granted for Department authorized operations, including, but not limited to, the Interior Department Recreation Association, the Indian Arts and Crafts store, and for cafeteria, newsstand, snack bar and vending machine operations which are authorized by the Department for the benefit of employees or the public.

(d) *Gambling activity.* An employee shall not participate in or promote while on duty for the government any gambling activity, including the operation of a gambling device, a lottery or pool, a numbers game for money or property, or the selling or purchasing of gambling slips or tickets. However, this paragraph does not preclude activities: (1) Necessitated by the employee's law enforcement duties; or

(2) Carried out by employees to solicit their own members for support of employee organizations or welfare funds under policies and procedures approved by the Department.

(e) *Money lending activities.* The practice of money lending between or among employees is to be discouraged. Organized financial lending activities by employees except when officially sponsored by the Department are prohibited. Properly constituted employee credit unions that provide various financial services to employee members are sanctioned.

(f) *Endorsements.* Employees are prohibited from endorsing in an official capacity the proprietary products or processes of manufacturers or the services of commercial firms for advertising, publicity, or sales purposes. Use of materials, products, or services by the Department does not constitute official endorsement.

(g) *Habitual use of intoxicants.* An employee who habitually uses intoxicants to excess is subject to removal (5 U.S.C. 7352). Disciplinary action will be considered if an employee rejects or ignores treatment or other appropriate assistance.

(h) *Community and professional activities.* (1) Employees are encouraged to participate in the activities of professional societies and civic organizations whose purpose and objectives are not inconsistent with those of the bureau in which they are employed.

(2) Participation in professional societies or organizations must not be incompatible with an employee's performance at his or her regularly assigned duties or detrimentally affect the Department's capacity to accomplish its missions.

(3) No Bureau of Indian Affairs employee may hold a position on a tribal school board which oversees Bureau of Indian Affairs schools.

(i) *Budget estimates, legislation, and lobbying.* Since the enactment of the Budget and Accounting Act of 1921, it has been Executive policy to consider budget estimates transmitted to the Congress with the approval of the President to be binding upon the executive departments and agencies. Employees are expected to conform to this policy by refraining from efforts to promote an increase in the Departmental budget as approved by the President. Employees are also required to refrain from promoting or opposing legislation relating to programs of the Department without the official sanction of the proper Departmental authority. It should be clearly understood, however, that nothing in this policy is to be considered as restraining or interfering with the obligation of employees to respond freely and candidly to any congressional inquiries made of them in regard to appropriations or related matters.

(j) *Employee organizations.* An employee may not advocate the violent overthrow of our constitutional form of government nor may an employee be a member of an organization that he or she knows advocates the violent overthrow of our constitutional form of government. Employees are further prohibited from striking against the

Government of the United States (5 U.S.C. 7311). Additional information regarding employee affiliation with employee organizations is found in the Departmental Manual, Part 370, Chapter 711, Labor Management Relations.

(k) *Patents.* Patent regulations issued by the Secretary, 43 CFR Part 6, define the rights and obligations of employees with respect to any inventions made or developed while they are employed in the Department. Under the regulations each employee shall submit a report on any invention made or developed to the Solicitor through supervisory channels. This includes inventions developed on Government time and those developed on the employee's time and with his or her materials.

(l) *Notary.* An employee is prohibited from charging fees for performance of any notarial act for any employee of the Federal Government acting in his or official capacity or for any person during the hours of such notary's service to the Government (E.O. 977, Nov. 24, 1908).

(m) *Penalty and franked mail and official stationery.* An employee is prohibited from using official Government envelopes, with or without applied postage, or official letterhead stationery for personal business (18 U.S.C. 1719 and 39 U.S.C. 3201 *et seq.*). Use of Government envelopes to mail job applications is prohibited (FPM Bulletin 735-6, January 3, 1980; 39 U.S.C. 415; 18 U.S.C. 1719).

(n) *Fraud or false statements in a Government matter.* Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly or willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both (18 U.S.C. 1001). Special attention is required in the certification of time and attendance reports, applications for employment, requests for travel reimbursement, and purchase orders and receiving forms.

(o) *Use of official title.* Employees are prohibited from using their official titles in conducting private business or participation in private or public group activities. Use is strictly limited to those occasions and circumstances where representation is official.

(p) *Carrying of firearms.* Employees, except those specifically designated to perform enforcement, police or other official duties requiring the use of

firearms, are prohibited from carrying or having in their possession firearms on property under the control of the Secretary of the Interior.

Notwithstanding this paragraph, employees may carry firearms on Departmental lands under the same conditions and in accordance with procedures and authorization established for members of the general public.

Subpart C—Conflict of Interest Prohibitions

§ 20.735-20 Scope of subpart.

(a) This subpart deals with restrictions on the outside financial and other interests of employees and on outside work by employees.

(b) General conflict of interest prohibitions based on Executive Order 11222 are contained in § 20.735-21. Statutory prohibitions against conflict of interests found in Federal criminal statutes and in enabling legislation for various Departmental bureaus and programs are summarized in § 20.735-22. Restrictions on outside work are contained in § 20.735-23. The remainder of the subpart consolidates the Department's regulatory prohibitions against ownership of certain interests in areas of special Departmental responsibility: (i) Federal lands, (ii) mining activity, and (iii) Indians and Alaska natives.

(c) Except where otherwise indicated, the restrictions contained in this subpart apply without regard to grade level or the requirements of Subpart D for filing of financial interest statements. The individual sections of the subpart explain their applicability to special government employees.

§ 20.735-21 General conflict of interest prohibitions.

(a) This section sets out general conflict of interest restrictions which are applicable to all financial and other interests without regard to the subject matter of the particular interest involved. The restrictions are based on Executive Order 11222 and apply to both regular and special government employees. Violation of these restrictions may subject an employee to the administrative sanctions outlined in § 20.735-4. In addition, in certain instances, a conflict between an employee's outside interests and his or her duties and responsibilities may subject the employee to prosecution under Federal criminal statutes. These statutes are summarized in § 20.735-22 (a) and (b).

(b) *Definitions.* (1) "Conflict" means a situation where:

(i) An employee's public duty is or will be affected by his or her financial interest, or

(ii) An employee's financial interest is or will be affected by decisions he or she makes or operations in which he or she is involved.

(2) "Apparent conflict" means a situation where a reasonable member of the public could suppose an employee to be in conflict, even though he or she might not be. It is not necessary for an employee to have actually taken a Government action related to private financial interests for there to be an apparent conflict.

(3) "Direct interest" means ownership or part ownership by an employee in his or her own name of lands, stocks, bonds, or other holdings. Direct interest also includes: (i) Membership or outside employment in a firm,

(ii) Ownership of stock or other securities in a corporation which has such an interest,

(iii) The holdings of a spouse or minor child, and

(iv) The holdings of other relatives who live in the employee's home.

(4) "Indirect interest" means ownership of a financial interest by an employee in the name of another person where the employee still reaps the benefits. Indirect interest extends to: (i) Corporate subsidiaries,

(ii) Partnership agreements, and

(iii) Sole proprietary or personal relationships where the employee still reaps the benefits.

(5) "Substantially" means having a significant relationship between either:

(i) The dollar value of the financial interest and the employee's specific official duties, or

(ii) The dollar value of the financial interest and the employee's general position within the Department.

"Substantially" is not measured by percentage of ownership.

Example: An employee who works as a Contracting Officer owns \$5,000 worth of stock in a computer company. This employee has a significant relationship between that financial interest and the computer company, if either of the following situations exist: (1) He or she is required to deal directly with or make decisions concerning the company, or (2) He or she may potentially be required to deal with or make decisions concerning the company and it is reasonable for members of the public to perceive of such potential activity as being a conflict of interest.

In the first instance there is a substantial conflict. In the second instance there is a substantial apparent conflict. It is important to understand that for a Personnel Officer a \$5,000 interest in the same computer company may not create a substantial conflict or

apparent conflict but for the Contracting Officer even a \$1,000 interest in that computer company may still be considered substantial.

(c) *Prohibitions.* No employee shall: (1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her Government duties and responsibilities.

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his or her Government employment.

These prohibitions apply whether or not the employee has to file a financial interest statement.

§ 20.735-22 Statutory prohibitions.

(a) The criminal statutes generally spoken of as the conflict of interest laws, insofar as they relate to regular employees, are 18 U.S.C. 203, 205, 207, 208, and 209. In summary, a regular employee may not in accordance with these statutes: (1) Directly or indirectly receive or solicit compensation for any services rendered by the employee or another on behalf of another person before a Government agency in connection with a particular matter in which the United States is a party or has an interest, except as authorized by law (18 U.S.C. 203).

(2) Except in the discharge of his or her official duties, represent anyone else before a court or Government agency in a particular matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 205).

(3) Participate in his or her governmental capacity in any matter in which he or she, his or her spouse, minor child, outside business associate, or person with whom he or she is negotiating for employment has a financial interest (18 U.S.C. 208).

(4) After his or her Government employment has ended, represent any other person (except the United States) before a Government agency or court in connection with a particular matter in which the United States is a party or has an interest and in which he or she participated personally and substantially for the Government (18 U.S.C. 207(a)). See § 20.735-61 for more information about this prohibition.

(5) For two years after his or her Government employment has ended, represent any other person (except the United States) before a Government agency or court in connection with a particular matter in which the United States is a party or has an interest and which was actually pending under his or

her official responsibility during the last year of his or her Government service (18 U.S.C. 207(b)(1)). This temporary restraint of course gives way to the permanent restraint described in paragraph (4) above if the matter is one in which he or she participated personally and substantially for the Government. See § 20.735-61 for more information about this prohibition.

(6) Receive any salary, or supplementation of his or her Government salary, from a private source as compensation for his or her services to the Government (18 U.S.C. 209).

(b) The criminal conflict of interest statutes summarized in paragraph (a) of this section also apply, in part, to special government employees. In general a special government employee may not: (1) Except as authorized by law, directly or indirectly receive or solicit compensation for any services rendered by the employee or another on behalf of another person before a Government agency in connection with a particular matter in which the United States is a party or has an interest, and in which the employee has at any time participated personally and substantially or which is pending in the Department if he or she has served in the Department for at least 61 days during the preceding 365 days (18 U.S.C. 203).

(2) Except in the discharge of his or her official duties, represent anyone else before a court or Government agency in a particular matter in which the United States is a party or has an interest, and in which the employee has at any time participated personally and substantially or which is pending in the Department if he or she has served in the Department for at least 61 days during the preceding 365 days. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 205).

(3) Engage in any of the activities proscribed by paragraphs (a)(3) through (a)(5) of this section.

(c) In addition to the prohibitions that are generally applicable, the following statutory prohibitions are imposed on specific classes of employees or former employees. These prohibitions apply to both regular and special government employees within the identified class.

(1) The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his or her office (43 U.S.C. 11). Notwithstanding this prohibition, the

Secretary is authorized to sell or lease to a BLM employee, or the spouse of a BLM employee, stationed in Alaska one tract of land, not exceeding five acres, for residence or recreation purposes in the State of Alaska (43 U.S.C. 682a). See § 20.735-24 for prohibitions on interests in Federal lands by employees of the Department generally.

(2) Neither the Director nor any member of the Bureau of Mines, in conducting inquiries and investigations authorized under 30 U.S.C. 1, 3, and 5 to 7 shall have any personal or private interest in any mine or the products of any mine under investigation, nor shall accept employment from any private party for services in the examination of any mine or private mineral property or issue any report as to the valuation or the management of any mine or other private mineral property (30 U.S.C. 6). See § 20.735-27 for prohibitions on ownership of mining interests by employees generally.

(3) "The Director and members of the Geologic Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations." Members of the Geological Survey are prohibited from holding any personal or private interests, direct or indirect, in lands whose title is in the United States. They are also prohibited from holding personal or private interests, direct or indirect, in the mineral wealth of such lands (43 U.S.C. 31(a)). See § 20.735-24 for prohibitions on interests in Federal lands and resources by employees of the Department generally.

(4) No person employed in Indian Affairs shall have any interest or concern in any trade with the Indians. See § 20.375-28 for prohibitions and exceptions concerning trade with Indians. Any person violating this prohibition shall be liable to a penalty of \$5,000, imprisoned not more than six months, or both and shall be removed from his or her office. (Sec. 1, Pub. L. 96-277, 94 Stat. 544.)

(5) No employee of the Office of Surface Mining Reclamation and Enforcement and no other federal employee who performs functions or duties under the Surface Mining Control and Reclamation Act shall have any direct or indirect financial interest in surface or underground coal mining operations (30 U.S.C. 1211(f)). Regulations implementing this prohibition are found in 30 CFR Part 706 and in § 20.735-26 of this part.

(6) For two years after his or her Government employment has ended, no former Senior Employee may assist, by

personal appearance, in the representation of any other person (except the United States) in connection with an appearance before the Government on any particular matter in which the United States is a party or has an interest and in which he or she participated personally and substantially (18 U.S.C. 207(b)(2)). For purpose of this prohibition and the prohibition in paragraph (7) below, the term "Senior Employee" is defined in § 20.735-61(a)(5) and 5 CFR 737.25. See § 20.735-61 and 5 CFR Part 737 for more information on this prohibition.

(7) For one year after his or her Government employment has ended, no former Senior Employee may represent himself or herself or anyone other than the United States in appearing before or attempting to influence the Department on a matter pending before, or of substantial interest to, the Department (18 U.S.C. 207(c)). See § 20.735-61 and 5 CFR Part 737 for more information about this prohibition.

(8) An employee appointed to a grade GS-16 or higher non-judicial fulltime position by the President, by and with the advice and consent of the Senate, may not have in any calendar year outside earned income, including honorariums, attributable to such calendar year which is in excess of 15 percent of his or her salary (Pub. L. 95-521, § 210, 92 Stat. 1850).

(d) No partner of a regular or special government employee of the Department may represent anyone other than the United States before a Government agency or court in connection with a particular matter in which the United States is a party or has an interest and in which such employee participates or has participated personally and substantially, or which is the subject of his or her official responsibility (18 U.S.C. 207(g)).

§ 20.735-23 Outside work and interests.

(a) *Definitions.* (1) "Outside Work" means all gainful employment other than the performance of official duties, including, but not limited to, self-employment, working for another employer, the management or operation of a private business for profit (including personally-owned businesses, partnerships, corporations, and other business entities). Outside work includes work performed for no monetary compensation.

(2) "Outside activity" means outside work, lectures, consultations, discussions, writings, appearances and other similar activities.

(3) "Active proprietary management" means an outside work business affiliation in which ownership is

coupled with responsibility for day-to-day management efforts in making decisions, supervising operations, dealing with the public, and otherwise discharging essential tasks in the direction of the business.

(b) *General policies and prohibitions.*

(1) Outside work is permitted to the extent that it does not prevent a regular employee from devoting his or her primary interests, talents, and energies to the accomplishments of his or her work for the department or create a conflict or apparent conflict between the private interests of a regular or special government employee and the employee's official responsibilities. A regular or special government employee's outside work shall not reflect discredit on the United States or the Department.

(2) Active proprietary management by a regular employee of any except the smallest business is questionable because of the probability that such management responsibilities may interfere with the employee's obligations to his or her primary employer, the Federal Government. Employees are especially urged to seek the advice of their ethics counselors before committing themselves to such activities.

(3) Outside work or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of a regular or special government employee's Government employment is prohibited. Incompatible activities include but are not limited to outside work which tends to impair the employee's mental or physical capacity to perform his or her Government duties and responsibilities in an acceptable manner. Any work assignment or employment affiliation which might encourage on the part of members of the general public a reasonable belief of a conflict of interest falls into this category. In this connection, it is not necessary that there be an actual conflict of interest before applying this policy. The fact that the general public could reasonably perceive of a conflict of interest is enough for a determination that the work or activity be prohibited.

(c) *Specific regulatory prohibitions applicable to regular employees.*

(1) A regular employee shall not perform outside work or outside activity which:

(i) Is of such a nature that it may be reasonably construed by the public to be the official act of the Department,

(ii) Involves the use of Government facilities, equipment, and supplies which are not routinely available to the public for similar use,

(iii) Involves the use of official information not available to the public,

(iv) Involves a person or enterprise that has or is seeking to obtain contractual or other business or financial relations with the employee's bureau,

(v) Involves a person or enterprise that conducts operations or activities that are regulated by the Department, or

(vi) Involves a person or enterprise that has interests that may be substantially affected by the performance or non-performance of the employee's official duties.

(2) While a regular employee is not prohibited from performing outside work or other outside activity solely because the work is of the same general nature as the work he or she performs for the Department such an employee may not perform outside work if: (i) The work is such that the employee would be expected to do it as a part of his or her regular duties; or

(ii) The work involves active proprietary management of a business closely related to the official work of the employee; or

(iii) The work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of his or her official duties.

(3) Regular Bureau of Land Management employees are prohibited from working as real estate agents. Such employees, however are not required to cancel a real estate license, but, rather, may maintain the license on an inactive basis.

(4) A regular employee shall not use his or her Government employment to influence or coerce, or give the appearance of influencing or coercing, a person to provide financial benefit to the employee or another person with whom he or she has family, business or financial ties.

(5) A regular employee shall not be granted leave without pay to engage in outside work or other outside activity unless granting such leave is done in accordance with and in consideration of civil service rules and regulations governing leave without pay.

(d) *Specific regulatory prohibitions applicable to special government employees.* (1) A special government employee shall not perform outside work or outside activity which:

(i) Is of such a nature that it may be reasonably construed by the public to be the official act of the Department,

(ii) Involves the use of Government facilities, equipment, and supplies which are not routinely available to the public for similar use,

(iii) Involves the use of official information not available to the public, or

(iv) Involves a person or enterprise that has interests that may be substantially affected by the performance or non-performance of the employee's official duties.

(2) While a special government employee is not prohibited from performing outside work or other outside activity solely because the work is the same general nature as the work he or she performs for the Department, such an employee may not perform outside work if: (i) The work is such that the employee would be expected to do it as a part of his or her regular duties; or

(ii) The work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of his or her official duties.

(3) A special government employee shall not use his or her Government employment to influence or coerce, or give the appearance of influencing or coercing, a person to provide financial benefit to the employee or another person with whom he or she has family, business or financial ties.

(e) *Statutory restrictions related specifically to outside work and activity.* (1) A regular employee shall not receive any salary or anything of monetary value from a private source as compensation for services to the Government (18 U.S.C. 209). This statute does not apply to a regular employee serving without compensation, nor does it prevent an employee from: (i) Continuing to participate in a bona fide pension, retirement, group life, health or accident insurance, profit sharing, stock bonus or other employee welfare or benefit plan maintained by a former employer; or

(ii) Accepting contributions, awards, or other expenses under 5 U.S.C. 4111 as amended by Pub. L. 96-54, 93 Stat. 381; or

(iii) Accepting payment by his or her former private employer of actual relocation expenses incident to participation in an executive exchange or fellowship program in the Department, provided that such program has been established by statute or Executive Order, offers appointments not to exceed 365 days, and permits no extensions in excess of 90 additional days.

(2) A regular or special government Bureau of Mines employee may not work on any private report as to the valuation or the management of any mine or other private mineral property with or without remuneration (30 U.S.C. 6).

(3) A regular or special government Geological Survey employee may not work on any surveys or examinations for private parties or corporations with

or without remuneration (43 U.S.C. 31(a)).

(4) An employee appointed to a grade GS-16 or higher non-judicial full-time position by the President, by and with the advice and consent of the Senate, may not have in any calendar year outside earned income, including honorariums, attributable to such calendar year which is in excess of 15 percent of his or her salary (Pub. L. 95-521, § 210, 92 Stat. 1850). See § 20.735-11 for more information on honorariums.

(f) *Exceptions.* This section does not preclude an employee from: (1) Participation in the activities of national or state political parties which are not otherwise prohibited by law. (See § 20.735-15)

(2) Participation in the affairs of, or acceptance of an award for, meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(g) *Notification requirements.* (1) A regular or special government employee engaged in outside work shall report that work to the Deputy Ethics Counselor, or other designated bureau ethics official, through his or her immediate supervisor.

(2) Each report shall contain: (i) A description of the outside work,

(ii) An estimate of the number of hours per week spent engaged in the outside work, and

(iii) A statement of the employee's opinion of any apparent or potential conflict of interest between the work and his or her official duties.

(3) Each report shall be reviewed by the Ethics or Deputy Ethics Counselor and a determination shall be made by the counselor whether there is compliance with the regulations in this section. Each Ethics or Deputy Ethics Counselor shall:

(i) Maintain a file of each report for the duration of an individual's employment with the Department or until the employee notifies the counselor in writing that the outside work has ended.

(ii) Take remedial action to correct any situations, which violate the policies, prohibitions or restrictions in this section.

(h) *Requests for approval or guidance.*

(1) Bureaus may require employees to obtain approval to engage in outside work by issuing supplementary requirements.

(2) Employees who are uncertain about the propriety of a potential outside work or outside activity situation should seek guidance from their appropriate Ethics or Deputy Ethics

Counselor prior to engaging in outside work or activity.

§ 20.735-24 Interests in Federal lands

(a) *Definitions.* (1) "Federal lands" means lands or resources or an interest in lands or resources administered or controlled by the Department of the Interior, including, but not limited to, the Outer Continental Shelf.

(2) "Outer Continental Shelf" means all submerged lands lying seaward outside of the area of "lands beneath navigable waters" as defined in 43 U.S.C. 1301(a), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(3) "Direct interest in federal lands" means any ownership or part ownership in federal lands or any participation in the earnings therefrom, or the right to occupy or use the property or to take any benefits therefrom, based upon a lease, permit, easement, rental agreement, or application, or upon any formal or informal contract with a person who has such an interest. Direct interest in federal lands also includes: (i) Membership or outside employment in a firm which has such an interest, and

(ii) Ownership of stock or other securities in a corporation which has interests in federal lands, and

(iii) The holdings of a spouse or minor child.

(4) "Indirect interest in federal lands" means ownership or part ownership of an interest by an employee in the name of another where the employee still reaps the benefits. Indirect interest in federal lands also includes: (i) Holdings in a corporation that has a subsidiary with lease, contract or other use or financial interests in federal lands, and

(ii) Holdings in land, mineral rights, grazing rights or livestock which in any manner is connected with or involves the use of the resources or facilities of the federal lands.

(b) *Prohibitions.* (1) The Director and members of the U.S. Geological Survey and of the Bureau of Land Management are prohibited from: (i) Voluntarily acquiring a direct or indirect interest in federal lands; or

(ii) Retaining an interest in federal lands acquired voluntarily or by any other method, before or during employment by the Department.

(2) The Secretary and employees of the Office of the Secretary and other Departmental offices reporting directly to a Secretarial officer, who are in positions requiring the filing of a financial interest statement as described in § 20.735-30 or § 20.735-31, are prohibited from: (i) Voluntarily acquiring

a direct or indirect interest in federal lands,

(ii) Retaining an interest in federal lands acquired voluntarily or by any other method before or during employment by the Department Employees in the Office of Water Research and Technology and in International and Territorial Affairs are exempt from this requirement.

(3) All employees not identified in § 20.735-24(b) (1) and (2) are prohibited from acquiring or retaining any claim, permit, lease, small tract entries, or other rights in federal lands either in their own name or in the name of their spouse, minor child, or solely-owned or family-owned business; but, such employees may purchase or retain stocks or securities traded on the open market in companies having interests in federal lands, provided that such acquisition will not interfere or appear to interfere with the proper and impartial performance of their official duties.

(4) No employee whose duties are connected in any way with federal lands, may hold a direct or indirect financial interest in federal lands that conflicts substantially or appears to conflict substantially with his or her Government duties or responsibilities.

(c) The prohibitions of this section apply to both regular and special government employees.

(d) *Exceptions.* (1) A Bureau of Land Management employee (or the spouse of a Bureau of Land Management employee) stationed in Alaska, may purchase or lease one tract of land, not exceeding five acres, for residence or recreation purposes in that state.

(2) An individual employed on an intermittent or seasonal basis for a period not exceeding 180 working days in each calendar year, and a special government employee engaged in field work relating to land, range, forest, and mineral conservation and management activities, and the spouse of such an individual shall not be precluded from retaining any interest, including renewal or continuation of existing rights, in federal lands, provided that such an individual or his or her spouse shall not acquire any additional interest in federal lands during employment.

(3) An employee or any member of an employee's family may acquire wild free-roaming horses or burros from federal lands for maintenance and protection through a cooperative agreement entered into in accordance with 43 CFR 4740.e and 4740.4-2.

(4) Nothing in this section shall prohibit the recreational or other personal and noncommercial use of the

federal lands by an employee, the employee's spouse or minor child, on the same terms as use of the federal lands is available to the general public.

(e) **Waivers.** (1) The Department Ethics Counselor may approve the retention of an interest in federal lands for employees identified in § 20.735-24(b) when there is little or no relationship between the employee's functions or duties and the particular interest in federal lands and: (i) The employee, or the spouse, minor child or relative of the employee, acquired such an interest by gift, devise, bequest, or operation of law, or

(ii) The employee, or the spouse, minor child or relative of the employee, acquired such an interest prior to the time the employee entered on duty in the Department, or

(iii) In the case of stock or securities traded on the open market, divestiture would constitute a financial hardship.

(2) No waiver is needed for holding an interest consistent with paragraph (d) of this section.

(3) Each request for waiver must consist of: (i) A written request submitted to the Department Ethics Counselor within 90 days from the effective date of these regulations or within 60 days of employment by the Department or acquisition of the holding,

(ii) A full and complete disclosure of the interest in federal lands.

(iii) A disclosure of the date and manner of acquisition (evidence to support this information may be required),

(iv) An explanation of why denial of the right to retain such interests will work a hardship upon the employee, and

(v) An opinion explaining why retention of the interest will not be contrary to the interests of the Department.

(4) Waivers for U.S. Geological Survey and Bureau of Land Management employees shall not be permitted where retention of the interest violates 43 U.S.C. 31(a) or 43 U.S.C. 11, respectively.

(f) **Multiple Use advisory boards.** Nothing contained in this section shall disqualify local stockmen appointed pursuant to the Federal Advisory Committee Act of 1970, 5 U.S.C. app. I, as members of advisory boards from acquiring or retaining grazing licenses or permits issued pursuant to Section 3 of the Taylor Grazing Act (43 U.S.C. 315b), or any other interest in land or resources administered by the Bureau of Land Management: Provided, that in no case shall the member of any such board participate in any advice or recommendation concerning such

license or permit in which such member is directly or indirectly interested.

(g) **Requests for advice.** When an employee is in doubt as to whether the acquisition or retention of any interest in lands or resources administered by the Department would violate the provisions of this section, a statement of the facts should be submitted promptly by the individual involved to his or her Ethics Counselor for transmittal to the Department Ethics Counselor for guidance.

§ 20.735-26 Interests in underground or surface coal mining operations.

(a) **Definitions.** (1) "Direct financial interest in underground or surface coal mining operations" means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests also include employment, pensions, creditor, real property and other financial relationships.

(2) "Indirect financial interest in underground or surface coal mining operations" means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests including interests held by his or her spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's functions or duties and the coal mining operation in which the spouse, minor children or other resident relatives hold a financial interest.

(3) "Coal mining operation" means the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite or lignite or of reclaiming the areas upon which such activities occur.

(4) "Performing any function or duty under the Surface Mining Control and Reclamation Act of 1977" means those decisions or actions, which if performed or not performed by an employee, affect the programs under that Act.

(b) **Prohibitions.** (1) Neither the Director nor any member of the Office of Surface Mining Reclamation and Enforcement shall have a direct or indirect financial interest in underground or surface coal mining operations. The Assistant Secretary—Energy and Minerals, her or his staff, and no other employee performing any function or duty under the Surface Mining Control and Reclamation Act of

1977 (30 U.S.C. 1200 *et seq.*) shall have a direct or indirect financial interest in underground or surface coal mining operations. Section 201(f) of the Act provides that anyone who knowingly violates these prohibitions shall, upon conviction, be punished by a fine of not more than \$2,500, or by imprisonment for not more than one year, or both.

(2) No other employee whose duties are connected in any way with coal mining activities may hold a direct or indirect financial interest in underground or surface coal mining operations or in mining enterprises conducting coal mining activities, when that financial interest conflicts substantially or appears to conflict substantially with his or her government duties or responsibilities (Executive Order 11222).

(c) The prohibitions of this section apply to both regular and special government employees.

(d) Employees are encouraged to review regulations contained in 30 CFR Part 706 which pertain to the prohibitions of this section.

§ 20.735-27 Interests in mining activities.

(a) **Definitions.** (1) "Direct interest in mining activities" means ownership or part ownership in mining activities or any participation in the earnings therefrom or the right to take any benefits therefrom based upon lease, permit, rental agreement, application, or upon any formal or informal contract with a person who has such an interest. Direct interest also includes: (i) Membership or outside employment in a firm which has such an interest,

(ii) Ownership of stock or other securities in a corporation which has interests in mining activities, and (iii) The holdings of a spouse or minor child.

(2) "Indirect interest in mining activities" means ownership or part ownership of an interest in mining activities by an employee in the name of another person where the employee still reaps the benefits. Indirect interest in mining activities also includes: (i) Holdings in a corporation that has a subsidiary with financial interests in mining activities, and

(ii) Holdings in lands or rights which in any manner are connected with mining activities.

(3) "Mining activities" means any mining operations which: (i) Involve exploration, development, or extraction of oil, gas, coal or other minerals, or reclamation of lands after extraction, and

(ii) Are or will be affected by programs, policies, research or other actions initiated by this Department.

(4) "Investigation" means inquiries, scientific and technological research, tests and other activities conducted under provisions in 30 U.S.C. 1, 3, and 5 to 7.

(5) "Mine or products of any mine" means the specific mine or products of the specific mine under investigation and does not include other mines or the products of other mines owned by a company or other entity that are not under investigation.

(6) "Inside information" means Government information that is not available to members of the public upon request or through libraries.

(7) "Private mining enterprise" means any business organization involved in mining activities.

(b) *Prohibitions.* (1) Neither the Director nor any member of the Bureau of Mines shall: (i) Have any personal or private interest in any mine or the products of any mine under investigation;

(ii) Accept employment from any private party for services in the examination of any mine or private mineral property;

(iii) Issue any report as to the valuation or the management of any mine or other private mineral property; or

(iv) Use inside information obtained in the collection of mineral or energy resources statistics for private gain.

(2) Neither the Director nor any member of the Geological Survey shall hold substantial personal or private interests, direct or indirect, in any private mining activities in the United States. The Director of Geological Survey may authorize exceptions to this restriction for cause on an individual basis.

(3) The Secretary and employees of the Office of the Secretary and other Departmental offices reporting directly to a Secretarial officer who are in positions that have to file a financial interest statement described in § 20.735-30 or § 20.735-31, are prohibited from: (i) Having any personal or private interest in any mine or the products of any mine under investigation by Bureau of Mines employees;

(ii) Accepting employment from any private party for services in the examination of any mine or private mineral property;

(iii) Issuing any report as to the valuation or the management of any mine or other private mineral property; and

(iv) Using inside information obtained in the collection of mineral or energy resources statistics for private gain.

(4) No employee whose duties are connected in any way with mining

activities may hold a direct or indirect interest in a mining activity or in a mining enterprise conducting mining activities when that interest conflicts substantially or appears to conflict substantially with his or her government duties or responsibilities. This prohibition derives from Executive Order 11222 and therefore applies to the interests of a spouse, minor child or other relative who lives in the employee's home.

(c) The prohibitions of this section apply to both regular and special government employees.

(d) The Bureau of Mines may temporarily employ in a consulting capacity or in the investigation of special subjects, any engineer or other expert whose principal professional practice is outside of employment by the Bureau of Mines as permitted in 30 U.S.C. 6.

(e) *Waivers.* (1) The Department Ethics Counselor may approve the retention of an interest in mining activities for employees identified in § 20.735-27(b) when there is little or no relationship between the employees functions or duties and the particular interest in mining activities, and: (i) The employee or the spouse, minor child or relative of the employee acquired such an interest by gift, devise, bequest, or by operation of law, or

(ii) The employee or the spouse, minor child or relative of the employee acquired such an interest prior to the time the employee entered on duty in the Department, or

(iii) In the case of stock or securities traded on the open market, divestiture would constitute a financial hardship, and when

(2) Each request for waiver must consist of: (i) A written request submitted to the Department Ethics Counselor within 90 days from the effective date of these regulations or within 60 days of employment by the Department or acquisition of the holding,

(ii) A full and complete disclosure of the interest in mining activities,

(iii) A disclosure of the date and manner of acquisition (evidence to support this information may be required),

(iv) An explanation of why denial of the right to retain such interests will work a hardship upon the employee, and

(v) An opinion explaining why retention of the interest will not be contrary to the interest of the Department.

(3) Waivers shall not be applicable to cases where retention of the interest violates a statutory prohibition.

§ 20.735-28 Interests in trading with Indians.

(a) *Definitions.* For the purposes of this section,

(1) "Trade" means buying, selling, or bartering services, commodities or property with or without the use of money; and

(2) "Indian" means any member of an Indian tribe recognized as eligible for the services provided by the Bureau of Indian Affairs who is residing on a Federal Indian Reservation, on land held in trust by the United States for Indians, or on land subject to a restriction against alienation imposed by the United States. The term shall also include any such tribe and any Indian owned or controlled organization located on such a reservation or land.

(b) *Prohibitions.* No employee in Indian Affairs shall: (1) Have (other than as a lawful representative of the United States) any interest, in his or her own name, or in the name of another person where such employee benefits or appears to benefit from such interest—

(i) In any contract made or under negotiation with any Indian, for the purchase, transportation, or delivery of goods or supplies for any Indian, or

(ii) In any purchase or sale of any service of real or personal property (or any interest therein) from or to any Indian, or colludes with any person attempting to obtain any such contract, purchase, or sale.

(2) Make any purchase from or sale to an Indian of any real or personal property (or any interest therein) for the purpose of commercially selling, reselling, trading, or bartering such property; or

(3) Have any interest in any purchase or sale involving property or funds which are either held in trust by the United States for Indians or which are purchased, sold, utilized, or received in connection with a contract or grant to an Indian from the Bureau of Indian Affairs or the Indian Health Service, if such officer, employee, or agent is employed in the office or installation of such Bureau or Service which recommends, approves, executes, or administers such transaction, grant, or contract on behalf of the United States except as authorized by 18 U.S.C. 437(b)(2)(B), as amended by Sec. 1, Pub. L. 96-277, 94 Stat. 544.

(4) Acquire any interest in property held in trust, or subject to restriction against alienation imposed, by the United States unless the conveyance or granting of such interest in such property is otherwise authorized by law.

(c) *Extension of the prohibitions.* (1) The prohibitions in § 20.735-28(b) shall apply to the Secretary and employees of

the Office of the Secretary and Other Departmental Offices reporting directly to a Secretarial officer who are in positions that have to file a financial interest statement as described in § 20.735-30 or § 20.735-31.

(2) The Department Ethics Counselor may grant a waiver to such employees when denial of the right to trade with Indians will work a hardship upon the employee, and for other good cause.

(d) The prohibitions of this section apply to both regular and special government employees covered by § 20.735-28(b) and (c).

(e) *Exceptions.* (1) Nothing contained in this section shall be construed as preventing any employee in Indian Affairs who is an Indian, of whatever degree of Indian blood, from obtaining or receiving any benefit or benefits made available to Indians generally or to any member of his or her particular tribe, under any Act of Congress, nor to prevent any such employee who is an Indian from being a member of or receiving benefits by reason of his or her membership in any Indian tribe, corporation, or cooperative association organized by Indians, when authorized under such rules and regulations as the Secretary or his designee shall prescribe.

(2) Employees in Indian Affairs, the Office of the Secretary and Other Departmental Offices may be permitted to trade with Indians or Indian organizations under rules or regulations prescribed by the President or his designee.

(f) *Penalties.* In addition to divestiture or disciplinary action, any person employed in Indian Affairs who violates the prohibitions contained in § 20.735-28(b) shall be liable to a penalty of \$5,000 or imprisoned not more than six months or both, and shall be removed from his or her office notwithstanding any other provision of law concerning termination from Federal employment.

§ 20.735-29 Indian and Alaska Native organizations.

(a) *Definition.* The term "representative" means the occupant of an elective or other position in official governing body of the tribe, band, pueblo or corporation, or any position of the governing body which carries with it the right to vote in the proceedings of the body or to make substantial decisions on behalf of the governing body.

(b) *General restrictions.* Under the authority granted by 25 U.S.C. 472, the Secretary has determined that Indian and Alaska Native employees, whether regular or special government

employees, are subject to the provisions of this part.

(c) *Interest in tribal affairs.* Many Indian or Alaska Native employees of the Department, especially within the Bureau of Indian Affairs, are members of federally-recognized tribes, bands, pueblos or corporations created under the Alaska Native Claims Settlement Act. These employees cannot absolve themselves of tribal membership or ownership in Indian or Alaska Native corporations. By law and policy, the Bureau of Indian Affairs must give preference to Indians in all personnel actions, and the Bureau is continually pursuing the policy of Indian Self-determination. In recognition of these factors, membership in an Indian tribe, band or pueblo which receives services from Interior, or ownership of interests in an Indian corporation established under the Indian Reorganization Act or Alaska Native corporation established under the Alaska Native Claims Settlement Act, shall not be considered a conflicting interest except as restricted by the provisions of this section. Ownership of interests in an Indian or Alaska Native corporation shall be reported by the employee on the statement of employment and financial interests whenever such a statement is required.

(1) No person employed in Indian Affairs may hold a position on a tribal school board which oversees Bureau of Indian Affairs schools. Except for membership on a tribal election board or tribal school board which oversees Bureau schools, an Indian or Alaska Native employee of the Bureau of Indian Affairs may, with the approval of the Commissioner, become a candidate for office in his or her local tribe or may be appointed as a representative of his or her local tribe, with the approval of the Commissioner, if in the Commissioner's judgment no real or apparent conflict of interest is created. Requests will be handled on a case-by-case basis and, if approved, will require that such duties be carried out while on: (i) Off duty hours,

- (ii) Leave without pay,
- (iii) Administrative leave, or
- (iv) An Intergovernmental Personnel Act assignment.

If service is provided to a tribe or Alaska Native Corporation in accordance with these special conditions, the employee may not thereafter, if the tribal organization with which he or she served is within the jurisdiction or area of responsibility of the office to which the employee is assigned, participate in his or her governmental capacity in a decision or

recommendation involving a particular matter in which he or she participated while serving the tribal organization. It is the duty of the employee to identify to his or her supervisor the extent of participation in tribal matters and to request, when appropriate, to be relieved from acting on such matters in his governmental capacity.

(2) An Indian or Alaska Native may hold in the Bureau of Indian Affairs a policy or decisionmaking position, as defined in the Bureau of Indian Affairs Manual Part 735, on his or her home reservation, Area Office, or in the Central Office, with approval of the Commissioner as Bureau Ethics Counselor, when the following conditions are met: (i) During tenure the employee does not lease land more than \$500 in value per year from the tribe or Alaska Native corporation for his or her personal benefit. The Commissioner may authorize exceptions from the \$500 limitation on an individual basis for cause;

(ii) There is divestiture of any tribal financial interest (as well as any personal outside financial interest) that creates an apparent or actual conflict situation, unless such divestiture is precluded by law or the Commissioner determines that factors, such as, but not limited to, tribal custom or severe financial hardship, provide a basis for authorizing an individual exception;

(iii) Acquisition of Indian lands is limited to five (5) acres or less during tenure in office and may be further restricted to no acquisition of Indian lands if the employee presently holds any Indian lands;

(iv) Acquisition of any loans or grants through the tribal governing body is prohibited during tenure in office by the employee, spouse, minor children or other relatives residing in the employee's home. As an exception, loans or grants are not prohibited for Higher Education and Adult Vocational Training programs;

(v) Any personal indebtedness to the tribal governing body is settled in full prior to appointment. The Appointing Office may grant extensions not to exceed 90 days after appointment; and

(vi) Any other specific conflict is satisfactorily resolved.

(3) An Indian or Alaska Native employee shall not make nor participate in a substantial manner in any decision of the Department if he or she has a private direct interest, as defined in § 20.735-21, in the results of the decision. If the decision is one which the employee would be expected to make if he or she had no direct interest, the matter shall be referred to the next higher authority of the Department

which does not have such private direct interest in an appropriate form but without recommendation by the employee having a direct private interest.

(4) The restrictions stated in this section shall apply to temporary and intermittent employees and consultants employed by the Department, except employees or consultants who are members of boards or other organizations which have as a principal purpose consultation with the Department related to Indians and Alaska Natives.

(d) *Special conditions for Bureau of Indian Affairs employees.* Approval may not be granted to Bureau of Indian Affairs employees to serve in a key decisionmaking role at their home agency or area office if a close relative or family member holds an elected position with any tribe under the jurisdiction of the home agency or area office. For the purpose of this condition, family members are defined as: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

Subpart D—Financial Reporting Requirements

§ 20.735-30 Executive order filing requirements.

(a) *General information.* By provisions contained in Executive Order 11222 and implementing civil service regulations in 5 CFR 735.401, the Department has a responsibility to obtain financial interest statements from certain employees, to review those statements and to determine if, on the basis of the information provided, there is a conflict or an apparent conflict of interest with an individual's official duties. Any employee required to file any statement of employment and financial interests under this subpart shall be given an opportunity for review through the Department's appeal procedures (§ 20.735-43) as to whether his or her position has been properly designated as one to which the filing requirement attaches.

(b) *Who shall file.* (1) All regular employees who occupy a position designated as GS (or GM)-15.

(2) Presidential Interchange Executives and other employees on loan to the Department from industry or other non-government agencies.

(3) Special Government employees as provided in Subpart F of this part.

(4) Regular employees on temporary assignment or detail to the Department or within the Department.

(i) In some instances, temporary assignments or details will involve employees in policy or decisionmaking situations different from those in the employee's regular position. An employment and financial interest statement may be necessary, either because the position to which the employee is temporarily assigned is listed in Appendix C to these regulations, or because the bureau head, task force leader, or project manager, may decide the temporary or detail position requires it.

(ii) In these instances, the temporarily assigned or detailed employee shall file an employment and financial interest statement before the effective date of the assignment or detail, or, if the employee has a statement on file, it shall be updated and reviewed by the applicable Ethics Counselor for interests which conflict or might conflict with the employee's new duties. Each bureau is responsible for implementing this paragraph.

(iii) Employees assigned or detailed for 30 days or less are exempt from the filing requirement.

(5) Each regular employee whose position is listed in Appendix C to this part. The head of each bureau will annually review and update the related portion of Appendix C to this part. Proposed revisions or a certification that revision is not required shall be submitted to the Department Ethics Counselor by no later than October 31 of each year. The Secretary may revise Appendix C by the addition or deletion of positions at any time he or she determines such revisions are required to carry out the purpose of statute, the Executive Order, Office of Personnel Management regulations, or the regulations of this part. Additions to, deletions from, and other amendments of the list of positions in Appendix C are effective upon actual notification to the incumbents. Appendix C shall be submitted annually for publication within the Department. Copies of Appendix C shall be available from the Department Ethics Counselor. Positions shall be included in Appendix C pursuant to the following criteria: (i) Positions designated as GS (or GM)-13 or GS (or GM)-14 (or comparable pay level) with duties and responsibilities which require making a Government decision or taking a Government action which could result in a direct conflict of interest. Examples (not all-inclusive) of such duties are: (A) Contracting and procurement.

(B) Administering or monitoring grants, loans or subsidies.

(C) Selecting concessioners, approving or administering concessions contracts, or approving concessions management policies.

(D) Regulating, auditing, or inspecting a private or other non-Federal enterprise.

(E) Recommending policy for private or other non-Federal enterprise.

(F) Sitting on special committees that may influence policies on a private or other non-Federal enterprise.

(G) Appraising or acquiring real estate for the Government.

(H) Enforcing Federal laws.

(I) Conducting other activities where the decision or action has an economic impact on the interests of any private or other non-Federal enterprise.

(ii) Positions designated as GS (or GM)-13 or GS (or GM)-14 (or comparable pay level) with the duties and responsibilities which may result in actions that create an apparent conflict of interest. Examples (not all-inclusive) of such duties are: (A) Participation in the decisionmaking process on matters that may affect a private or other non-Federal enterprise.

(B) Planning or developing activities that may affect a private or other non-Federal enterprise.

(C) Reviewing results of program operations or administration.

(D) Meeting with public media personnel or preparing and disseminating public information.

(E) Supervising others who must file employment and financial interest statements.

(F) Analyzing or reviewing economic data relating to or of potential value to a non-Federal enterprise.

(G) Conducting any other activities that could have an economic impact on the interests of any private or other non-Federal enterprise.

(iii) Positions classified at GS-12 or below which have the approval of the Office of Personnel Management and: (A) Have duties similar to those of a GS (or GM)-13 in the same occupation and in those areas of responsibility where a significant potential for conflict of interest exists.

(B) Require a minimum of supervision either because of the nature of the job or because of remote location.

(C) Involve the making of Government decision that directly affect the economic interests of any private or other non-Federal enterprise.

(D) Provide the opportunity to influence Government decisions that directly affect the economic interests of any private or other non-Federal enterprise.

(c) *When to file.* The Ethics Counselors shall notify each employee covered by this section and furnish the necessary form or forms to the employee by December 15 of each year. The employee shall file a completed statement of employment and financial interest with the appropriate Ethics Counselor: (1) By no later than February 1 of each year showing holdings and interests for the prior calendar year; or

(2) Within thirty days after notification that some recent action on his or her position now requires the submission of a statement; or

(3) At the time of entrance on duty if a new employee. Persons transferring between bureaus will be treated as new employees.

(4) Nothing in these regulations shall prevent a potential employee from voluntarily filing a financial interest statement in order to determine if their financial interests will create a conflict of interest with the job they are seeking. Statements voluntarily filed before entrance on duty shall be reviewed immediately, shall not be copied and shall be returned to the potential employee within 1 week.

(d) *Where to file.* (1) The Department Ethics Counselor and the Deputy Department Ethics Counselor shall file statements with the Under Secretary.

(2) The following employees shall file statements with the Department Ethics Counselor: The Secretary, the Under Secretary; Deputy Under Secretaries; Assistants to the Secretary; Solicitor and Deputy Solicitors; Assistant and Deputy Assistant Secretaries; Heads of bureaus and office; the High Commissioner and Deputy High Commissioner of the Trust Territory; and such others as the Secretary may designate.

(3) Covered employees in the Office of the Solicitor (except for the Solicitor and Deputy Solicitors) shall file statements with the Solicitor or the Deputy Ethics Counselor for the Office of the Solicitor, as the Solicitor may direct.

(4) Covered employees in the Office of Hearings and Appeals (except for the Director) shall file statement with the Director, Office of Hearings and Appeals, or the Deputy Ethics Counselor for the Office of Hearings and Appeals, as the Director may direct.

(5) Covered employees in the Office of Water Research and Technology (except for the Director) shall file statements with the Director, Office of Water Research and Technology or the Deputy Ethics Counselor for the Office, as the Director may direct.

(6) Covered employees in the Office of Inspector General (except the Department Ethics and the Deputy

Department Ethics Counselor) shall file statements with the Inspector General.

(7) Covered employees in the Office of the Secretary and in other Departmental offices, except those employees mentioned in paragraphs (d)(1) through (6) of this section shall file statements with the Chief, Division of Personnel Services, Office of Secretarial Operations.

(8) Covered employees in other bureaus (except for the head of the bureau) shall file statements with the bureau head, Deputy Ethics Counselor, or the Assistant Ethics Counselor, as the head of the bureau may direct.

(e) *What to report.* An employee required to report under the Executive Order shall file a statement listing: (1) The names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational institutions in which the employee, spouse, minor child or other relatives who are full-time residents of the employee's immediate household have: (1) A continuing financial interest through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or

(ii) Any financial interest through the ownership of stock, stock options, bonds, securities or other arrangements including trusts;

(2) Interests in real property or rights in lands in which the employee, spouse, minor child or other relatives who are full-time residents of the employee's immediate household have an interest, other than property which the employee occupies as a personal residence;

(3) The names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions with which the employee is connected as an employee, officer, owner, director, trustee, partner, adviser, or consultant;

(4) The names of the employee's creditors, other than those to whom the employee is indebted by reason of a mortgage on property which is occupied as his or her personal residence or to whom he or she is indebted for current and ordinary household and living expenses; and

(5) Retirement benefits, vested rights to retirement benefits, or investments in self-employment or individual retirement plans.

(f) *What not to report.* An employee is not required to report any connection with, or interest in: (1) A professional society;

(2) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests;

(3) Holdings in widely held mutual funds, investment clubs or regulated investment companies not specializing in a particular industry; or

(4) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

(g) *Access to Executive Order Statements.* Each statement of employment and financial interests filed pursuant to Executive Order 11222 is a "Nonsecurity Controlled" document and shall be held in confidence. The statement shall be transmitted in a special attention envelope so marked by the employee to the ethics counselor designated in paragraph (d) of this section.

(2) Ethics counselors shall maintain statements in strict confidence. Statements shall be kept in locked filing cabinets in locked offices. A privacy act warning notice shall be displayed in the office where statements are filed.

(3) Employees having access to statements shall not allow information to be disclosed from statements except to those individuals who must have access in order to carry out responsibilities under law.

(4) Confidential statements of employment and financial interests will be retained by the ethics counselors who actually perform the review. The personnel office holding the employee's official personnel folder must be notified when the review has been completed.

(h) *Penalty.* An employee who fails to comply with these filing requirements shall be subject to disciplinary action, as provided in § 20.735-4.

(i) *Retention and disposal of statements.* All statements shall be destroyed two years after an employee leaves a position in which a statement is required.

§ 20.735-31 Ethics in Government Act filing requirements.

(a) *General information and definitions.* Title II of the Ethics in Government Act of 1978, Pub. L. 95-521, 92 Stat. 1824, as amended, sets forth new public financial disclosure filing requirements for certain Executive Branch personnel, and new

requirements for making reports available to the public. This section supplements and summarizes portions of the regulations issued by the Office of Government Ethics to implement the financial reporting requirements in Title II of the Ethics in Government Act. See 5 CFR Part 734.

(1) "Designated agency official" means the Department Ethics Counselor.

(2) "Income" means gross income from whatever source derived and includes items whether or not taxable for Federal income tax purposes, such as interest on municipal bonds.

(3) "Reporting individual" means those individuals obliged to file the public financial disclosure information required by Title II of the Ethics in Government Act of 1978. Such individuals are identified in § 20.735-32(b).

(4) "Relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, halfbrother, halfsister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiancé or fiancée of the reporting individual.

(5) "Gift" means a payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor, but does not include: (i) Bequest and other forms of inheritance;

(ii) Suitable mementos of a function honoring the reporting individual;

(iii) Food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government;

(iv) Food and beverages consumed at banquets, receptions, or similar events; or

(v) Communications to the offices of a reporting individual including subscriptions to newspapers and periodicals.

(6) "Honorarium" means a payment of money or anything of value received by an employee as consideration for an appearance, speech, article or consultation when such money is accepted as a payment for a single event or transaction and under circumstances which do not imply a continuing compensatory relationship between the parties for similar services. Excluded for

purposes of this paragraph are any payments of actual and necessary travel and subsistence expenses for an employee and spouse or aide of the employee and any amounts paid or incurred for any agent's fees or commissions.

(7) "Dependent Child" means any individual who is a son, daughter, stepson, or stepdaughter and who: (i) Is unmarried, under age 21, and living in the household of the reporting individual; or

(ii) Is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1954 (26 U.S.C. 152).

(8) "Personal hospitality of any individual" means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his or her family, or on property or facilities owned or rented by that individual or his family.

(9) "Personal residence" means any real property used exclusively as a private dwelling by the reporting individual or his or her spouse, which is not rented out for any period during a calendar year. There may be more than one personal residence, and the term includes a vacation home. The term is not limited to domicile.

(10) "Value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual. In the case of any interest in property, such estimation shall be made in accordance with the principles of 5 CFR 734.303(a).

(11) "Reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are: (i) Provided by the United States Government;

(ii) Required to be reported by the reporting individual under 5 U.S.C. 7342; or

(iii) Required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434).

(b) *Who shall file.* (1) Each employee of the Department whose position is classified at GS (or GM)-16 or above of the General Schedule or whose rate of basic pay is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS (or GM)-16 (Step 1).

(2) Each employee appointed to an Administrative Law Judge position pursuant to 5 U.S.C. 3105.

(3) Each employee, regardless of grade or pay level, who is in a position in the Department which is excepted from the

competitive service by reason of being of a confidential or policymaking character.

(i) An exclusion is available for a person in any such position classified below GS-16 (or at a rate of basic pay which is less than the minimum rate of basic pay fixed for GS-16) who has no role in advising or making policy determinations with respect to agency programs or policies. Such persons may include chauffeurs, private secretaries, stenographers and those who hold positions of similar nature where consistent with the basic criteria.

(ii) The exclusion of any person pursuant to this subparagraph will be effective as of the time the Department Ethics Counselor files with the Office of Government Ethics a list and description of each position for which exclusion is sought, as well as the identity of its current occupant. The exclusion applies for one year.

(iii) Such a list shall be updated annually and sent by Bureau and Office Ethics Counselors to the Department Ethics Counselor by October 31 of each year. In the event that the Office of Government Ethics finds that one or more positions has been improperly excluded, it will so advise the Department Ethics Counselor and set a date for the filing of the report.

(4) The Department and Deputy Department Ethics Counselors.

(5) Each employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification to GS (or GM)-16.

(6) The filing provisions shall not apply to an individual who, as determined by the Director, Office of Government Ethics, is not reasonably expected to perform the duties of his or her office of position for more than 60 days in a calendar year, except that if such individual performs the duties of his or her office or position for more than 60 days in a calendar year: (i) The SF-278 report shall be filed within fifteen calendar days after the sixty-first day of such performance, and

(ii) The SF-278 report shall be filed as provided in § 20.735-31(c)(3).

(7) The Director of the Office of Government Ethics may grant a publicly available request for a waiver of any reporting requirement for an individual who is expected to perform or has performed the duties of his or her office or position less than 130 days in a calendar year, but only if the Director determines that: (i) Such individual is not a full time employee,

(ii) Such individual is able to provide services specially needed by the Government,

(iii) It is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

(iv) Public financial disclosure by such individual is not necessary in the circumstances.

The procedures for requesting such a waiver appear in 5 CFR 734.205(b).

(c) *When to file.* (1) Within thirty days of assuming a position as described in § 20.735-31(b), an individual shall file at Standard Form 278 unless the individual has left another position described in § 20.735-31(b) within thirty days prior to assuming such new position or unless the individual has already filed a Standard Form 278 in connection with a nomination for a new position.

(2) Within five days of the transmittal by the President to the Senate of the nomination of an individual to a position, appointment to which requires the advice and consent of the Senate, such individual shall file the required report in accordance with instructions received from the Executive Office of the President. Each report so filed, shall be reviewed by the Department Ethics Counselor who shall sign approval or comment on the contents of the form before it is forwarded to the Office of Government Ethics. Nothing in these regulations shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(3) On February 1 of each year each employee described in § 20.735-31(b) shall file on Standard Form 278 an annual report disclosing information for the previous calendar year.

(i) The Department Ethics Counselor may grant an extension of time not to exceed May 15 for filing the annual SF-278 form. Extensions will be granted to allow affected individuals to obtain necessary tax, trust or investment information that is needed to complete the annual report or to make allowances for pending termination from employment.

(ii) Requests for extension shall be in writing to the Department Ethics Counselor and shall be submitted by January 25.

(4) On or before the thirtieth day after termination of his or her employment from a position described in § 20.735-31(b), the employee who occupied the position shall file a Standard Form 278 termination report if: (i) The SF-278 report required by § 20.735-14(c)(3) has not been filed covering the portion of the calendar year in which such termination

occurs up to the date he or she leaves such office or position, or

(ii) He or she does not enter employment in another covered position within 30 days after termination.

Example 1: A covered individual files the annual report on February 1 and resigns on February 28 that same year. An SF-278 termination report is required. The annual SF-278 report will contain information for the prior calendar year and the termination report will contain information for the first two months of the year of resignation. In this example, a separate termination SF-278 report may be avoided by requesting an extension in time for the annual filing and preparing the annual report to disclose the termination and the necessary report information for the prior 14 months (the preceding year and January and February of the current year).

Example 2. An individual files the annual report on February 1 and resigns March 15 that same year to accept a GS (or GM)-16 position in another agency. No termination SF-278 report is necessary if the individual enters the covered position within 30 days after terminating.

(d) *Where to file.* (1) Employees assuming or terminating from a covered position shall file the required report with their bureau Ethics Counselor.

(2) Bureau heads assuming a position that does not require Congressional confirmation shall file with the Department Ethics Counselor.

(3) Bureau and office heads and other individuals nominated to a position, appointment to which requires the advice and consent to the Senate, shall file the required report in accordance with instructions received from the Executive Office of the President.

(4) Annual reports shall be filed in the same manner as provided for in § 20.735-30(d) for form DI-212 (Confidential Statement of Employment and Financial Interests).

(5) Bureau Ethics Counselors shall review each report and transmit it to the Department Ethics Counselor in accordance with the procedures in § 20.735-31(g).

(e) *What to report.* This paragraph identifies general categories of information that must be reported by covered employees. Specific details of reporting, including exceptions, are set forth in 5 CFR Part 734 and in instructions contained in the Standard Form 278 issued by the Office of Personnel Management for use by individuals who are required to file by the Ethics in Government Act of 1978. In summary, each report filed to meet the Ethics in Government Act of 1978 requirements shall include a full and complete statement with respect to the following general categories: (1) *Income.* Employees shall list income, including

honorariums which exceed \$100 in value, from whatever source other than from employment by the United States.

(2) *Gifts and reimbursements.*

Employees shall provide the source, a brief description and the value of: (i) Lodging, transportation, food and entertainment which from each source totals \$250 or more in value,

(ii) All other gifts which from each source totals \$100 or more in value, and

(ii) Reimbursements which from each source totals \$250 or more in amount or value.

(3) *Real and personal property.*

Employees shall list any interests and assets held in a trade or business or for investment or the production of income which has a fair market value in excess of \$1,000 as of the close of such preceding calendar year.

(4) *Liabilities.* Employees shall list any liabilities owed to any creditor, other than a relative, which exceeded \$10,000, unless such liabilities are certified by the reporting employee as being solely the responsibility of his or her spouse or dependent child and from which he or she derives no benefits and about which he or she has no knowledge, and which is not related to his or her income, asset, or activities, and concerning which he or she derives nor expects to derive any financial or economic benefit.

(5) *Purchaser, sale and exchange of property.* Employees shall report any purchase, sale or exchange of real property, stocks, bonds, commodities futures and other forms of securities where the property value exceeds \$1,000 unless such purchases, sales or exchanges are certified by the reporting employee as being solely the responsibility of his or her spouse or dependant child and from which he or she derives no benefits and about which he or she has no knowledge, and which is not related to his or her income, assets, or activities, and concerning which he or she derives nor expects to derive any financial or economic benefit.

(6) *Positions held.* New employees and candidates to appointed positions shall report all positions held during the preceding two calendar years and the current calendar year at any time until the date of filing. Incumbent employees shall report all positions held at any time during the current calendar year until the date of filing. In all cases the reporting individual shall list any position currently held as an officer, director, trustee, partner, proprietor, representative, employee or consultant of (i) any corporation, company, firm, partnership, or other business enterprise, (ii) any non-profit

organization, (iii) any labor organization, (iv) any educational institution, or (v) any institution other than the United States Government.

(7) *Compensation in excess of \$5,000 paid by one source.* On the first report filed to meet provisions of the Ethics in Government Act of 1978, each covered employee shall identify the source and briefly describe the nature of the duties performed or services rendered for any person, other than the United States Government, from whom they received compensation in excess of \$5,000 in any of the two preceding calendar years.

(8) *Relationships with other employers.* Employees shall list the date, parties to, and terms of any agreement or arrangement which they have with respect to: future employment, a leave of absence during the period of Government service, continuation of payments by a former employer other than the United States Government, or continuing participation in an employee welfare or benefit plan maintained by a former employer.

(9) *Additional information.* Employees are required to answer two additional questions: (i) Whether there are any interests in property or liabilities of a spouse or dependent child which the employee has not reported but which would be reportable, if held by him or her; and

(ii) Whether the employee, his or her spouse, or dependent child receives income from or has a beneficial interest in a trust.

(f) *What not to report.* This paragraph identifies general categories of information that are exempt from the reporting requirements. Specific details of exemptions are set forth in instructions contained in the Standard Form 278. General exemptions are shown for each of the following reporting categories.

(1) *Income.* Employees are not required to report: (i) The amount of earned income received by a spouse, or

(ii) Income from current employment by the United States Government.

(2) *Gifts and reimbursements.* Employees are not required to report gifts: (i) Of \$35 or less in value per individual item (gifts of more than \$35 in value must be aggregated in the total of gifts from one source);

(ii) From a relative, or

(iii) Of food, lodging or entertainment received as personal hospitality.

(3) *Real and personal property.* Employees are not required to report: (i) Assets derived from a personal liability owed to them by a relative;

(ii) Deposits in personal savings accounts in a single financial institution

if the total of all accounts in that institution is \$5,000 or less; or

(iii) Personal property not held for business, investment or the production of income. (Examples include household goods, non-interest bearing checking accounts, automobiles, paintings, jewelry, and life insurance policies. However, if an individual is in the business of buying and selling any such items for profit, their category of value must be disclosed.)

(4) *Liabilities.* Employees are not required to report: (i) Liabilities owed a relative;

(ii) A mortgage on the personal residence of oneself or spouse; or

(iii) A loan which is secured by and does not exceed the purchase price of a personal motor vehicle, household furniture or appliance.

(5) *Purchase, sale and exchange of property.* Employees are not required to report: (i) Transactions involving the personal residence of oneself or one's spouse.

(ii) Transactions solely between oneself, one's spouse or one's dependent children.

(6) *Positions held.* Employees are not required to report positions: (i) In religious, social, fraternal, or political entities;

(ii) Of solely an honorary nature, or

(iii) Being held by a spouse or dependent child.

(7) *Compensation in excess of \$5,000 paid by one source.* Employees may exclude information: (i) That is considered confidential as a result of a privileged relationship established by law;

(ii) About persons for whom services were provided by a firm or an association of which an employee was a member, partner or employee unless he or she was directly involved in the provision of the services; and

(iii) Relating to a spouse or dependent child.

(8) *Relationships with other employers.* Employees are not required to report information relating to a spouse or dependent child.

(g) *Administrative procedures.* (1) *Review and analysis of statements.* Each financial disclosure report filed to meet the provisions of the Ethics in Government Act of 1978 shall be reviewed by the appropriate ethics counselor or deputy ethics counselor. Review and analysis of the statements shall be pursuant to the general provisions in § 20.735-37. In addition, each ethics counselor shall: (i) Inform affected employees of the filing requirement and obtain the required report;

(ii) Attach a position description or other description of the position duties and responsibilities to the report;

(iii) Determine which, if any, conflict of interest prohibitions in addition to Executive Order 11222 prohibitions apply to each position (e.g. organic act prohibitions);

(iv) Review the report for completeness and determine if any information disclosed reveals any conflict or appearance of conflict of interest in connection with applicable prohibitions;

(v) Prepare for each report a statement to the Department Ethics Counselor indicating review findings and recommending, with reasons, disapproval of each report;

(vi) Send the report, position description and statement of findings and recommendation to the Department Ethics Counselor for review, signature and filing within 15 days after the report is received;

(vii) Take action to resolve informally any potential conflicts, actual conflicts or apparent conflicts that exist; and

(viii) Have the Ethics Counselor take remedial action if informal resolution fails.

(2) Each report required by the Ethics in Government Act must be reviewed and signed by the Department Ethics Counselor or designee.

(3) Annual or other reports pertinent to the Ethics in Government Act of 1978 and required by the Director, Office of Government Ethics, or Congress shall be prepared by the Department Ethics Counselor or designee.

(4) The Comptroller General, the Office of Inspector General, and the Director, Office of Government Ethics, shall have access to financial disclosure reports filed under the Ethics in Government Act for the purpose of carrying out their statutory responsibilities.

(h) *Public access to and fees for copying statements.* (1) Standard Forms 278 shall be available to the public for review or copying at the Department Ethics Counselor Office, 18th and C Streets, NW., Washington, D.C. 20240, within 15 days after any report is received.

(2) No report shall be available to any person, except upon his or her written application stating his or her name, occupation and address, the name and address of any other person or organization on whose behalf the report is requested, and showing that he or she is aware of the prohibitions on improper use. It is unlawful for any person to obtain or use a report—

(i) For any unlawful purpose;

(ii) For any commercial purpose, other than by news and communications media for dissemination to the general public;

(iii) For determining or establishing the credit rating of any individual; or

(iv) For use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(3) Each application for a report shall itself be made available to the public throughout the period during which the report requested by that application is made available to the public.

(4) The fee schedule for services performed in obtaining or copying a statement is set forth in 43 CFR Part 2, Appendix A, which is made applicable to these regulations.

(i) *Penalties.* (1) *Filing reports.* (i) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 202 of the Ethics in Government Act of 1978. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$5,000. Knowing or willful falsification of information required to be filed by section 202 of the Act may also subject such individual to criminal prosecution under 18 U.S.C. § 1001, leading to a fine of not more than \$10,000 or imprisonment for not more than five years or both. The Department Ethics Counselor shall refer to the Attorney General the name of any individual he or she has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported.

(ii) In addition, the Secretary may take any appropriate personnel or other action against any individual failing to file a report or for falsifying or failing to report information required to be reported. (See § 20.735-4.)

(2) *Inspecting or copying reports.* The Attorney General may bring a civil action against any person who obtains or uses a report for any prohibited purpose as set forth in § 20.735-31(h)(2). The court may assess against such a person a penalty in any amount not to exceed \$5,000. Such remedy shall be in addition to any other remedy available under law.

(j) *Retention and disposal of financial reports.* (1) Financial Disclosure Reports filed in accordance with the provisions of this section shall be retained by the Department Ethics Counselor. Such reports shall be made available to the public for a period of six years after receipt of the report. After the six-year

period, reports shall be destroyed unless needed in an ongoing investigation.

(2) Financial Disclosure Reports filed by individuals nominated to positions requiring Senate confirmation and who were not subsequently confirmed shall be destroyed one year after the individual is no longer under consideration by the Senate.

§ 20.735-32 Surface Mining Control and Reclamation Act filing requirements.

(a) *General information.* Section 201(f) of the Surface Mining Control and Reclamation Act, 30 U.S.C. 1211(f), requires the Director of the Office of Surface Mining Reclamation and Enforcement to establish provisions for the filing of financial interest statements. Regulations implementing the filing requirements of Section 201(f) are contained in 30 CFR Part 706 and are incorporated here by reference. All employees of the Office of Surface Mining Reclamation and Enforcement and all other Federal employees who perform any function or duty under the Surface Mining Control and Reclamation Act are required to comply with the filing requirements in Part 706.

(b) *What not to report.* An employee is not required to report any connection with, or interest in: (1) A professional society;

(2) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests;

(3) Holdings in widely held mutual funds, investment clubs or regulated investment companies not specializing in a particular industry; or

(4) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

(c) *Access to Surface Mining Control and Reclamation Act financial interest statements.* Confidential statements of employment and financial interest filed to meet requirements of the Surface Mining Control and Reclamation Act shall be handled in accordance with the regulations in § 20.735-30(g).

(d) *Penalty.* An employee who fails to comply with these filing requirements shall be subject to disciplinary action, as provided in § 20.735-4.

(e) *Retention and disposal of statements.* All statements shall be

destroyed two years after an employee leaves a position.

§ 20.735-34 Other statutory filing requirements.

(a) *General information.* Four other statutes relating to Department programs have requirements for filing public disclosure financial interest statements. Each of these statutes requires public disclosure only of specific types of financial interests. Paragraph (b) of this section identifies the four statutes and contains specific definitions of the terms used in each. Paragraphs (c) through (k) of this section contain information and procedures common to all four statutes.

(b) *Statutes and definitions relating to each.* (1) Federal Land Policy and Management Act (43 U.S.C. 1701 *et seq.*): (i) "Covered employee" means an employee performing a function or duty under this Act, (43 U.S.C. 1701 *et seq.*) whose position has not been exempted by the Secretary from its reporting requirements.

(ii) "Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or entity organized for a common business purpose, wherever situated, domiciled, or doing business.

(iii) "Public Land" means any land and interest in land owned by the United States within the several States and administered by the Secretary through the Bureau of Land Management, without regard to how the United States acquired ownership except (A) lands located on the Outer Continental Shelf, and (B) lands held for the benefit of Indians, Aleuts, and Eskimos.

(iv) "Engaged in business subject to the Federal Land Policy and Management Act" means conduct of any business involving the use, occupancy or development of public land or of mineral, timber, range, wildlife, recreation, watershed or other resources thereon. A parent company or holding company is "engaged in business subject to the Federal Land Policy and Management Act" if one or more of its subsidiaries is "engaged in business subject to the Federal Land Policy and Management Act." A mutual fund or investment club is within the definition if it specializes in a business involved in the use, occupancy, or development of public lands or mineral, timber, range, wildlife, recreation, watershed or other resources thereon.

(v) "Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a

trustee) including but not limited to (A) the ownership of common stock, preferred stock, bonds, debentures, warrants, or a partnership share, (B) a leasehold, rental permit, license, right of way, or contract, or (C) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

(vi) "Known financial interest" means (A) any right of a covered employee to use, occupy or develop public land or mineral, timber, range wildlife, recreation, watershed or other resources thereon, or (B) any pecuniary interest of a covered employee in any person whom the employee knows, or could reasonably be expected to know, is engaged in a business subject to the Federal Land Policy and Management Act.

(2) Mining in the Parks Act (16 U.S.C. 1901 *et seq.*): (i) "Covered employee" means an employee performing a function or duty under this Act (16 U.S.C. 1901 *et seq.*), whose position has not been exempted by the Secretary from its reporting requirements.

(ii) "Mining claim" means any patented or unpatented mining claim within any area of the National Park System.

(iii) "Mining activity" means any exploration and assessment work, preparation of mining claims of extraction of minerals, mining, transportation of the extracted minerals, processing of the extracted minerals or reclamation of a mining claim following mining, provided these activities take place, in whole or in part, within the boundaries of any area of the National Park System.

(iv) "Engaged in business subject to the Mining in the Parks Act" means the conduct of a business involving the ownership of, or the right to use or occupy, a mining claim or the conduct of a mining activity. A parent company is "engaged in business subject to the Mining in the Parks Act" if one or more of its subsidiaries is "engaged in business subject to the Mining in the Parks Act." A mutual fund or investment club is within the definition if it specializes in a business or businesses which own or have the right to occupy or use mining claims or conduct mining activity.

(v) "Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or entity organized for a common business purpose, wherever situated, domiciled, or doing business.

(vi) "Pecuniary interest" means any monetary or financial interest (whether

owned directly by a covered employee or held for the employee's benefit by a trustee) including but not limited to (A) the ownership of common stock, preferred stock, bonds, debentures, warrants, or a partnership share, (B) a leasehold, rental permit, license, right of way, or contract, or (C) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

(vii) "Known financial interest" means (A) any mining claim which a covered employee owns or has the right to occupy or use, (B) any mining activity in which a covered employee is engaged, or (C) any pecuniary interest of a covered person whom the employee knows, or could reasonably be expected to know, is engaged in business subject to the Mining in the Parks Act.

(3) Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*): (i) "Covered employee" means an employee performing a function or duty under this Act (43 U.S.C. 6201 *et seq.*), whose position has not been exempted by the Secretary from its reporting requirements.

(ii) "Energy property" means real property from which coal, natural gas, or crude oil is commercially produced.

(iii) "Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, who directly or through other persons subject to their control does business in any part of the United States. For purposes of this definition, the United States includes the Outer Continental Shelf.

(iv) "Engaged in energy business" means the active conduct of one or more of the businesses of exploring, developing, producing, or refining, transporting by pipeline, or distributing (other than at the retail level) coal, natural gas, or petroleum products. A parent company or holding company is "engaged in the energy business" if one or more of its subsidiaries in the United States is "engaged in the energy business." A mutual fund or investment club is within the definition, if it specializes in a business or businesses which explore, develop, refine, transport by pipeline or distribute (other than at the retail level) coal, natural gas, or petroleum products in the United States.

(v) "Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a trustee) including but not limited to (A) the ownership of common stock,

preferred stock, bonds, debentures, warrants, or a partnership share, (B) a leasehold, rental permit, license, right of way, or contract, or (C) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

(vi) "Known financial interest" means (A) any energy property which a covered employee owns or has a right to occupy or use and (B) any pecuniary interest of a covered employee in a person whom the employee knows, or could reasonably be expected to know, owns or has the right to occupy energy property or is engaged in energy business.

(4) Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1801 *et seq.*): (i) "Act, as amended" means the Outer Continental Shelf Lands Act, 43 U.S.C. 1331 *et seq.*, 67 Stat. 462, as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1801 *et seq.*).

(ii) "Covered employee" means an employee performing a function or duty under the Act, as amended, or under the Outer Continental Shelf Lands Act Amendments of 1978, whose position has not been exempted by the Secretary from the reporting requirements (43 U.S.C. 1864).

(iii) "Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, who directly or through other persons subject to their control does business in any part of the United States. For purposes of this definition, the United States includes the Outer Continental Shelf.

(iv) "Outer Continental Shelf" means all submerged lands lying seaward, outside the area of the lands beneath navigable waters as defined in 43 U.S.C. 1301, and of which the subsoil and the seabed appertain to the United States and are subject to its jurisdiction and control.

(v) "Minerals" means oil, gas, sulphur, geopressured-geothermal and associated resources, and all other substances which are authorized by an Act of Congress to be produced from public lands.

(vi) "Engaged in business subject to the Act, as amended" means the conduct of any business involving the exploration for the development or production of, minerals of the Outer Continental Shelf. A parent company or holding company is "engaged in business subject to the Act, as amended" if one or more of its

subsidiaries is "engaged in business subject to the Act, as amended". A mutual fund or investment club is within the definition if it specializes in a business or businesses involved in the exploration for or the development or production of, minerals of the Outer Continental Shelf.

(vii) "Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a trustee) including but not limited to (A) the ownership of common stock, preferred stock, bonds, debentures, warrants, or a partnership share, (B) a leasehold, rental permit, license, right of way, or contract, or (C) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

(viii) "Known financial interest" means any pecuniary interest in any person who the covered employee knows or could reasonably be expected to know (A) is applying for or has received any permits or leases authorizing exploration for or the development or production of, minerals of the Outer Continental Shelf or (B) is otherwise engaged in any business subject to the Act, as amended.

(c) *Who shall file.* (1) The statutes identified in this section apply to all employees who perform functions or duties under them. All such employees must file the relevant public disclosure form(s) unless the position that they occupy has been specifically exempted by the Secretary from these statutory requirements or unless they are no longer employed by the Department at the time a filing is due. Employees required to file a financial disclosure form (SF-278) by the Ethics in Government Act of 1978 (§ 20.735-31(b)) shall not be required to file the public disclosure forms required by this section. (§ 207(c) of the Ethics in Government Act of 1978, Pub. L. 95-521, 92 Stat. 1849).

(2) Appendices D (Federal Land Policy and Management Act), E (Mining in the Parks Act), F (Energy Policy and Conservation Act), and G (Outer Continental Shelf Lands Act Amendments of 1978) of this part list the bureaus and offices of the Department, or subunits thereof, performing functions or duties under these statutes and also list positions which the Secretary has exempted from the reporting requirement because they are nonregulatory and nonpolicymaking in nature.

(3) The head of each affected bureau will annually review and update the related portion of Appendices D, E, F,

and G. Proposed revisions or certification that revision is not required shall be submitted to the Department Ethics Counselor by no later than October 31 of each year. The Secretary may revise Appendices D, E, F, and G by the addition or deletion of positions any time he or she determines such revisions are required to carry out the purpose of the laws or regulations of this part. Additions to or deletions from and other amendments to the list of positions in Appendices D, E, F, and G are effective upon the Secretary's approval and notification to the incumbents or publication within the Department. Copies of Appendices D, E, F and G are maintained and available from the Department Ethics Counselor.

(d) *When to file.* The Ethics Counselor shall notify each such employee, and furnish the proper form(s) to the employee by December 15 of each year. The employee shall file a completed statement with the appropriate Ethics Counselor by no later than February 1 of each year showing applicable holdings and interests for the preceding calendar year.

(e) *Where to file.* (1) All covered employees shall file their statements(s) as provided in § 20.735-30(d).

(2) The statement marked Department Public Copy shall be filed by the appropriate ethics counselor with the Department Ethics Counselor by February 15.

(f) *What to report.* Covered employees are obligated to exercise diligence in determining whether companies or other business entities in which they own interests fall in the category covered. Interests held at any time during the previous calendar year should be reported as follows: (1) Employees required to report by section 313 of the Federal Land Policy and Management Act (43 U.S.C. 1743) must report any known financial interests as defined in § 20.735-34(b)(1)(vi).

(2) Employees required to report by section 13 of the Mining in the Parks Act (16 U.S.C. 1912) must report any known financial interests, as defined in § 20.735-34(b)(2)(vii).

(3) Employees required to report by section 522 of the Energy Policy and Conservation Act (42 U.S.C. 6392) must report any known financial interests as defined in § 20.735-34(b)(3)(vi).

(4) Employees required to report by section 605 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1864) must report any known financial interests as defined in § 20.735-34(b)(4)(viii).

(g) *What not to report.* An employee is not required to report: (1) Holdings owned by spouse or children; or

(2) Holdings acquired by a trustee for a qualified trust. Covered employees who are beneficiaries of qualified trusts are required to disclose only interests that are initially committed to the trust, not of interests thereafter acquired by the trustee of which the employee or officer has no actual knowledge.

(h) *Administrative procedures.*—(1) *Review and analysis of statements.* Each financial disclosure report filed to meet the provisions of the statutes identified in this section shall be reviewed by the ethics counselor with whom it is filed by no later than March 3. Review and analysis of the statements shall be pursuant to the general provisions in § 20.735-37. In addition, each affected ethics counselor shall: (i) Inform covered employees of the filing requirement and obtain the necessary report;

(ii) Review the report for completeness and ensure that each section has a response;

(iii) Send the public copy of each statement to the Department Ethics Counselor by February 15. The public copy may be transmitted to the Department Ethics Counselor before review and analysis is completed;

(iv) Take action to resolve informally any potential conflicts, or apparent conflicts that exist. For statements filed under the provisions of this section the fact that an employee has a financial interest that must be listed means that there is a high probability that Executive Order 11222 provisions prohibit the retention of the listed holding;

(v) Recommend remedial action if informal resolution fails; and

(vi) Report to the Department Ethics Counselor by March 18 the name of any covered individual who failed to file a required report. The Department Ethics Counselor shall where appropriate transmit such names to the Department of Justice.

(2) *Report to Congress.* The annual reports required by the statutes identified in this section shall be prepared by the Department Ethics Counselor for submission to the Congress by June 1.

(i) *Public access to and fees for copying of statements.* (1) Form DI-211(revised) and Form DI-211B shall be available for review or copying to the public at the Department Ethics Counselor's office, 18th and C Streets, N.W., Washington, D.C. 20240 by February 15.

(2) The fee schedule for services performed in obtaining or copying a statement is set forth in 43 CFR Part 2, Appendix A, which is made applicable to these regulations.

(j) *Penalty.* (1) Each statute described in this section provides that any employee who is subject to and knowingly violates the filing requirements shall be fined not more than \$2,500 or imprisoned not more than one year, or both.

(2) The Department Ethics Counselor shall submit to the Department of Justice the name and address and other pertinent information about any employee who fails to comply with the filing requirements of this section.

(k) *Retention and disposal of statements.* Statements filed in accordance with the provisions of this section shall be held in accordance with the following schedule: (1) Statements filed in an individual's personal financial reports folder will be retained for a period of two years after an employee terminates employment or two years after an employee is relieved from the filing requirements, whichever occurs first.

(2) Statements filed with the Department Ethics Counselor for public inspection will be retained for two years after the filing date.

§ 20.735-35 How to file.

(a) Employees who are in positions subject to a single filing requirement.

(1) Employees who are subject only to Executive Order filing requirements shall report all information required on form DI-212, Confidential Statement of Employment and Financial Interest.

(2) Employees who are in positions subject only to Surface Mining Control and Reclamation Act filing requirements shall report all information required on form DI-212A, Confidential Statement of Employment and Financial Interests For Use by Federal Employees Who Perform Functions or Duties Under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1211(f)).

(3) Employees who are in positions subject only to the Ethics in Government Act of 1978 filing requirements shall report all information required on Standard Form 278 for annual and termination of employment reports. Newly appointed or elected officials and Presidential nominees to positions requiring the advice and consent of the Senate shall also file Standard Form 278.

(4) Employees who are in positions subject only to the filing provisions of the statutes identified in § 20.735-34 shall report all information required: (i) On form DI-211 Public Disclosure Statement of Known Financial Interests for—

(A) The Federal Land Policy and Management Act (43 U.S.C. 1701 *et seq.*),

(B) The Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1801 *et seq.*),

(C) The Mining in the Parks Act (16 U.S.C. 1901 *et seq.*),

(ii) On form DI-211B Public Disclosure Statement of Known Financial Interests for the Energy Policy and Conservation Act (43 U.S.C. 6201 *et seq.*).

(b) Employees who are in positions subject to multiple filing requirements.

(1) Employees who are in positions subject to—

(i) Executive Order filing requirements, and

(ii) The Surface Mining Control and Reclamation Act filing requirements shall report all information on form DI-212A.

(2) Employees who are in positions subject to: (i) Statutory prohibitions contained in § 20.735-22(c) or Surface Mining Control and Reclamation Act filing requirements, and

(ii) Ethics in Government Act of 1978 filing requirements shall file a Standard Form 278 in connection with the Ethics in Government Act of 1978 and shall meet Executive Order or Surface Mining filing requirements by also filing a DI-278. The DI-278 is an approved supplement to the Standard Form 278 and requests only that additional information required by the Executive Order or the Surface Mining Act that is not requested on the Standard Form 278.

(3) Employees who are in positions subject to: (i) Executive Order filing requirements or Surface Mining Control and Reclamation Act filing requirements, and

(ii) Filing requirements of one or more of the statutes identified in § 20.735-34 shall file the DI-212 or DI-212A and the appropriate DI-211 forms as identified in § 20.735-35(a)(4).

(c) *Information for all employees.* (1) If any information required to be included on a statement of employment and financial interests or supplementary statement is not known to the employee but is known to another person, the employee shall request that other person to submit information on his or her behalf to the appropriate ethics counselor.

(2) Employees required to file who have no known financial interest to report shall file the required form(s) indicating thereon where appropriate, "None."

(3) Covered employees shall complete a new form each year. A statement of "No Change From The Last Report" is not acceptable.

§ 20.735-36 Certificates of disclaimer.

(a) The following statutory restrictions apply specifically to the heads and

members of the bureaus and offices identified and are extended to employees in the Office of the Secretary and in other Departmental offices who are covered by the filing requirements of Executive Order 11222 or the Ethics in Government Act of 1978: (1) 43 U.S.C. 31(a)—Geological Survey; (2) 25 U.S.C. 68—Indian Affairs; (3) 43 U.S.C. 11—Bureau of Land Management; (4) 30 U.S.C. 6—Bureau of Mines.

(b) Each employee covered by these restrictions shall sign a certificate upon entrance to or upon transfer between these bureaus or offices. The employee's signature will indicate that he or she: (1) Is aware of the specific restrictions pertinent to his or her employment, and

(2) Is in compliance with such restrictions.

(c) If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate ethics counselor for review and action under the provisions of §§ 20.735-37, 20.735-40 and 20.735-44. (See Appendix A for applicable certificate.)

§ 20.735-37 Review and analysis of statements.

(a) Review of statements of employment and financial interests is made to verify that information reported discloses no: (1) Potential, actual or apparent conflicts of interest with the employee's official duties,

(2) Interests prohibited by statute or regulation, and

(3) Discloses no other serious problems related to the employee's official duties and responsibilities.

(b) Ethics Counselors have important review and analytical responsibilities and shall conduct the following minimum procedures: (1) Ensure that all necessary statements are filed by February 1;

(2) Review statements received for completeness: (i) Each section must have a response (*i.e.*, a statement of "no change from my last report" is *not* acceptable), and

(ii) Each statement must be signed and dated;

(3) Determine which prohibitions apply to each employee and conduct the remaining procedures accordingly;

(4) Research financial interests disclosed in order to obtain enough information to make a determination;

(5) Match the confidential statement with any public disclosure statements filed by the employee to ensure that items on the confidential statement that are reportable on the public disclosure statements have been included;

(6) Match the employee's position description or other description of duties to his or her financial interests and

determine if any reported interests: (i) Are prohibited by law or regulation, or (ii) Create potential, actual or apparent conflicts of interest with the employee's duties;

(7) Initiate appropriate counseling to effect informal, voluntary resolution of any problems disclosed;

(8) Initiate remedial action by the bureau Ethics Counselor, if necessary; and

(9) Sign each statement as the reviewing official upon completion of each case.

(c) Each employee's annual statement shall be reviewed by the ethics counselor with whom it is filed by no later than March 3 of each year to ensure that the employee is in compliance with these regulations. The ethics counselor may consult with the appropriate Regional Solicitor, or the Assistant Solicitor, Audit and Inspection, in the conduct of the review.

(d) At all stages in the review process employees shall be provided full opportunity to offer information and explanation prior to a final determination.

(e) Each bureau shall certify to the Department Ethics Counselor that all required reviews of statements have been completed or that statements are still under review. Such certificates are required annually by no later than March 18.

Subpart E—Resolution of Conflicts of Interest

§ 20.735-40 Procedures for resolving conflicts or prohibited holdings.

(a) *Remedial action to effect resolution.* (1) Violations of the regulations or the statutes referred to in this part by an employee may be cause for mandatory remedial action.

Remedial action should normally be considered only after attempts to obtain voluntary resolution have failed.

Voluntary resolution may include: (i) Voluntary divestiture, or

(ii) Voluntary conversion to securities which are not prohibited or which do not create actual or apparent conflicts of interest with the employee's duties.

(2) If the bureau Ethics Counselor decides that remedial action is required, immediate action shall be initiated to remedy the holding of prohibited financial interests or to eliminate the conflict or appearance of conflict of interest created by holding of a prohibited financial interest within a reasonable time, usually ninety days.

(b) Remedial action may include: (1) *Reassignment or restriction of the employee.* If an employee is in a job where there is a conflict of interest, it

may be possible to reassign the employee to another job where no such conflict would exist. It may also be possible to restrict the employee from performing the particular duties that are creating the conflict or the appearance of a conflict of interest. Although the number of cases where this remedy can be used should be rare, the possibility should be explored before divestiture of the interest is ordered.

(2) *Divestiture of the interest.* If the conflict involves the ownership of stocks, lands, etc., or outside employment or business interest, the bureau Ethics Counselor may order the employee to divest himself or herself of the stocks, land, or business interest or to discontinue outside employment, whichever is appropriate. Divestiture of the interest shall be ordered in all situations where reassignment or restrictions of an employee will not resolve the conflict or where the conditions for a trust described below are not met. Evidence of divestiture must be provided in the form of broker's sale receipts or other appropriate documents.

(3) *Establishment of a qualified trust.* The Director, Office of Government Ethics, Office of Personnel Management, may allow an employee the option to place holdings in a qualified trust. A qualified trust is established when by written agreement, the employee gives control and legal title to a trustee. Complete provisions for establishing a trust are contained in § 20.735-42. Employees are permitted to use a qualified blind trust unless such an action is specifically precluded by a statutory restriction. In order to be acceptable as a remedy for a conflict of interest situation, the qualified trust must meet the conditions set forth in § 20.735-42 which include the requirement that each new and existing trust be approved by the Department Ethics Counselor, the Solicitor or his or her representative, and the Director, Office of Government Ethics.

(c) *Other forms of trust.* Employees who have pre-existing trusts or inherited trusts (not established by themselves) may, in rare instances and on a case-by-case basis, receive authorization from the Department Ethics Counselor to continue the trust, provided the employee has no control over its management or assets.

(d) *Authority to order remedial action.*

(1) Each bureau Ethics Counselor is authorized and shall order resolution of conflict of interest situations within his or her bureau. The advice of the appropriate Regional Solicitor, the Assistant Solicitor, Audit and Inspection, the Deputy Department

Ethics Counselor, or Department Ethics Counselor may be sought before such an order is issued. This authority to order remedial action may not be redelegated.

(2) The Assistant Secretary—Policy, Budget and Administration is responsible for ordering resolution of conflict of interest situations for employees who file with the Chief, Division of Personnel Services, Office of Secretarial Operations.

(3) The Under Secretary is responsible for ordering resolution of conflict of interest situations for employees who file with the Under Secretary or the Department Ethics Counselor. The Secretary shall order resolution of conflict of interest situations involving the Under Secretary.

(e) *Disciplinary action.* An employee who fails to comply with an order for remedial action is considered to be in violation of these regulations and shall be subject to disciplinary action, as provided by § 20.735-4.

§ 20.735-42 Qualified trusts.

(a) *Definitions.* (1) "Qualified blind trust" means a trust certified as approved by the Director, Office of Government Ethics, pursuant to 5 CFR 734.405, which includes the provisions described in 5 CFR 734.403(b) and has an independent trustee as defined in § 20.735-42(d)(1).

(2) "Qualified diversified trust" means a trust certified as approved by the Director, Office of Government Ethics, pursuant to 5 CFR 734.405, which has a portfolio as described in § 20.735-42(e)(2)(i), includes the provisions described in 5 CFR 734.404(c), and has an independent trustee as defined in § 20.735-42(d)(1).

(3) "Excepted trust" means a trust (i) which was not created directly by an employee, his or her spouse, or any dependent child and (ii) the holdings or sources of income of which the employee, his or her spouse, and any dependent child have no knowledge.

(4) "Reporting individual" means any employee who submits a trust instrument for approval.

(5) "Interested party" means an employee, his or her spouse, and any dependent child if the reporting individual, his or her spouse, or dependent child has a beneficial interest in the principal or income of a qualified or excepted trust.

(6) "Broker" means any person engaged in the business of effecting transactions in securities for the account of others, but does not include a bank (15 U.S.C. 78c(a)(4)).

(7) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either

directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities, but does not include a bank or any broker, lawyer, accountant, engineer or teacher whose performance of such services is solely incidental to the practice of his or her profession (15 U.S.C. 80b-2(a)(11)). The United States Code contains an additional listing of others who do not meet this definition (15 U.S.C. 80b-2(a)(11) (D), (E) and (F)).

(8) "Relative" means relative as defined in § 20.735-31(a)(5).

(b) *General information.* Section 202(f)(3) of the Ethics in Government Act of 1978, 92 Stat. 1841, 1845, contains new provisions for the establishment of qualified trusts. Under this law no employee may establish a qualified blind or diversified trust without obtaining the approval of the Director, Office of Government Ethics, in the Office of Personnel Management. In addition, any existing blind trust established before October 26, 1978 which is still being used by an employee must be submitted to the Director, Office of Government Ethics, for approval. The Office of Government Ethics rules governing the specifics for establishment of a qualified blind or diversified trust are contained in 5 CFR 734.401-408 and are incorporated here by reference.

(c) *Acceptable forms of trust.* Three types of trusts qualify as appropriate forms of trust for purposes of ameliorating potential conflicts of interest. They are: (1) Excepted trusts—which may be retained by any employee without the need to submit the trust document to the Office of Government Ethics for approval. Income derived from an excepted trust must, however, be reported on the SF-278.

(2) Qualified blind trust—which may be established in accordance with provisions described in this section by any employee; and

(3) Qualified diversified trust—which may be established, in accordance with provisions described in this section, only by employees appointed to a position by the President, by and with the advice and consent of the Senate.

(d) *General provisions applicable to qualified blind trusts.* (1) The trustee must be a financial institution, an attorney, a certified public accountant, a broker, or an investment adviser who: (i) Is independent of an unassociated with any interested party so that the trustee cannot be controlled or influenced in the

administration of the trust by any interested party;

(ii) Is not or has not been employed by any interested party, or any organization affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(iii) Is not a relative of any interested party.

(2) Any asset transferred to the trust by an interested party must be free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the Director, Office of Government Ethics.

(3) The trust instrument that establishes the trust shall provide that:

(i) The trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) The trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) The trustee shall promptly notify the employee and the Director, Office of Government Ethics, when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than \$1,000;

(iv) The trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) An interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by filing requirements of the Ethics in Government Act, but such report shall not identify any asset or holding;

(vi) Except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (A) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing

income or long-term capital gain), (B) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (C) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) The interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in Section 202(f)(3) of the Ethics in Government Act of 1978.

(4) The proposed trust instrument and the proposed trustee shall be approved by the Director, Office of Government Ethics.

(5) Within thirty days of the dissolution of a qualified trust an employee shall file with the Director, Office of Government Ethics through the Department Ethics Counselor: (i) A report of such dissolution, and

(ii) A list of the assets of the trust at the time of dissolution, categorized as to value in accordance with 5 CFR 734.304.

Any document filed pursuant to the requirements of this subparagraph shall be subject to the public disclosure requirements of 5 CFR 734.602.

(e) How the qualified blind trust and the qualified diversified trust differ.

(1) Qualified blind trusts are authorized by Section 202(f)(3) of the Ethics in Government Act which states:

An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purpose of section 208 of Title 18, United States Code, and any other conflict of interest statutes or regulations of the Federal Government, until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than \$1,000.

(2) Qualified diversified trusts are authorized by Section 202(f)(4)(B) of the Ethics in Government Act which provides that the provisions just stated in § 20.735-42(e)(1) do not apply to a trust created for the benefit of an employee appointed to office by the President, by and with the consent of the Senate, or to the spouse, dependent child, or minor child of such a person, if—

(i) The Director of the Office of Government Ethics, in concurrence with the Attorney General, finds that—

(A) The assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

(B) None of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

(C) The trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (d)(3)(iii) and (iv) of this section, from making public or informing any interested party of the sale of any securities;

(D) The trustee is given power of attorney, notwithstanding the provisions of paragraph (d)(3)(v) of this section, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

(E) Except as otherwise provided in this paragraph, the trust instrument provides that the trust shall be administered in accordance with requirements of the Ethics in Government Act and the trustee of such trust meets the requirements of the Ethics in Government Act; and

(ii) The employee (other than an individual who is in such an office at the time of enactment of the Ethics in Government Act and has an existing trust which is a good faith attempt to create a blind trust) has informed the Congressional committee considering his or her nomination at the time his financial disclosure statement is filed with the committee of his intention to comply with section 202(f)(4)(B) of the Ethics in Government Act.

(f) Employees wishing to establish a qualified trust shall seek counseling from the Department Ethics Counselor before initiating a request to the Director, Office of Government Ethics for approval of a qualified trust. A copy of each qualified trust agreement approved for an employee by the Director, Office of Government Ethics shall be filed with the Department Ethics Counselor. No trusts other than those allowed by these regulations will be recognized as a remedy for correction of a conflict or apparent conflict of interest.

§ 20.735-43 Appeal procedures.

(a) *When and how to appeal.* An employee has the right to appeal an order for remedial action under § 20.735-40 and shall have 30 days from the date of the remedial action order to exercise this right before any disciplinary action may be initiated.

Each appeal shall be made in writing and shall contain:

- (1) The basis for appeal,
- (2) Facts supporting the basis, and
- (3) The telephone number where appellant can be reached to discuss facts pertinent to the appeal.

(b) *Where to appeal.* (1) Orders for remedial action issued by the Assistant Secretary—Policy, Budget and Administration or by a bureau Ethics Counselor may be appealed to the Under Secretary whose decision shall be final.

(2) Orders for remedial action issued by the Under Secretary may be appealed to the Secretary whose decision shall be final.

(c) *Review Board analysis and recommendations.* (1) Each appeal shall be considered by a Review Board consisting of the Assistant Secretary—Policy, Budget and Administration (except when an appeal is taken from an order of the Assistant Secretary—Policy, Budget and Administration, in which case another Assistant Secretary shall be specifically designated by the Department Ethics Counselor to act in his or her place), another Assistant Secretary on a rotating basis and the Associate Solicitor—General Law. Assistant Secretaries may delegate authority to serve on the Review Board to a Deputy Assistant Secretary who has not been involved, and who has not advised or made a decision on the issue or on the order for remedial action.

(2) The Deputy Department ethics counselor shall serve as secretary to the Board, except for cases in which he or she has previously participated. In such cases, the Board shall designate an employee who has not previously been involved with the case to serve as secretary.

(3) The Review Board members shall: (i) Obtain from the appropriate ethics counselor a full statement of actions and considerations which led to the order for remedial action including any supporting documentation or files used by the Ethics Counselor.

(ii) Obtain from the employee all facts, information, exhibits for documents which he or she feels should be considered before a final decision is made.

(iii) The secretary to the Board shall prepare a summary of the facts pertinent to the appeal. When appropriate, the Board may provide for personal appearance by the appellant before the Board if necessary to ascertain the circumstances concerning the appeal or may designate the Board secretary or another employee to conduct further fact finding, or may do both. Fact finding

procedures shall be carried out by a person(s) who

(A) Has not been involved in the matter being appealed and

(B) Who does not occupy a position subordinate to any official who recommended, advised, made a decision on, or who otherwise is or was involved in, the matter being appealed.

(iv) Establish a file containing all documents related to the appeal, which shall be available to the appellant and his or her representative.

(v) Provide to the official who will decide the appeal an advisory recommendation on the appeal. The views of dissenting members of the review board shall also be provided.

(d) *Assurances to the appellant.* Each appellant is assured of:

(1) Freedom from restraint, interference, coercion, discrimination or reprisal in presenting an appeal,

(2) A reasonable amount of official time to present the appeal if the employee is otherwise in a duty status,

(3) The right to obtain counseling from an ethics counselor of the Department,

(4) The right to be accompanied, represented, and advised by a representative of his or her own choosing. The Board may disallow the choice of an individual as a representative if such representation would result in a conflict of interest or position which would conflict with the priority needs of the Department or which would give rise to unreasonable costs to the Government.

(e) *Assurances to the appellant's representative.* Each person chosen to represent an appellant is assured of:

(1) Freedom from restraint, interference, coercion, discrimination or reprisal, and

(2) A reasonable amount of official time to present the appeal if the representative is an employee of the Department and is otherwise in a duty status.

Subpart F—Special Government Employee Responsibilities, Ethical and Other Conduct

§ 20.735-50 Scope of subpart.

For the most part, special government employees are subject to the same conflict of interest and employee conduct provisions as regular employees. This subpart will highlight the provisions which are of concern to the special government employee and will provide information concerning the filing of financial interest forms by special government employees. Each special government employee should become familiar with the standards of conduct in Subpart B, the prohibitions in

Subpart C, and the provisions of this subpart.

§ 20.735-51 Conflict of interest statutes relating to special government employees.

(a) A special government employee—that is, one who is retained, designated, appointed, or employed to perform temporary duties with or without compensation for not to exceed 130 days during any period of 365 consecutive calendar days, either on a full-time or intermittent basis—is in general subject to the following major prohibitions. A special government employee may not:

(1) Except as authorized by law, directly or indirectly receive or solicit compensation for any services rendered by the employee or another on behalf of another person before a government agency in connection with a particular matter in which the United States is a party or has an interest, and in which (i) the employee has at any time participated personally and substantially or (ii) which is pending in the Department, except (ii) is not applicable where the employee has served less than 61 days during the immediately preceding period of 365 consecutive days. (18 U.S.C. 203).

(2)(i) Represent, except in the discharge of official duties, anyone else before a court or Government agency in a particular matter in which the United States is a party or has an interest and in which (i) he or she has at any time participated personally and substantially for the Government or (ii) which is pending in the Department, except, (ii) is not applicable where the employee has served less than 61 days during the immediately preceding period of 365 days. (18 U.S.C. 205).

(ii) Represent, except in the discharge of official duties, anyone else in a particular matter in which the United States is a party or has an interest and which is pending before the Department unless he or she has served there no more than 60 days during the past 365 days (18 U.S.C. 205). The employee is bound by this restraint despite the fact that the matter is not one in which he or she has ever participated personally and substantially.

The restrictions described in paragraphs (a)(2) (i) and (ii) of this section apply to both paid and unpaid representation of another.

(3) Participate in his or her governmental capacity in any matter in which he or she, his or her spouse, minor child, outside business associate or person with whom he or she is negotiating for employment, has a financial interest (18 U.S.C. 208).

(4) Represent, after his or her Government employment has ended,

any other person (except the United States) before a Government agency or court in connection with a particular matter involving a specific party or parties in which the United States is a party or has an interest and in which he or she participated personally and substantially for the Government (18 U.S.C. 207(a));

(5) Represent, for two years after his or her Government employment has ended, any other person (except the United States) before a Government agency or court in connection with a particular matter involving a specific party or parties in which the United States is a party or has an interest and which was actually pending his or her official responsibility during the last year of his or her Government service (18 U.S.C. 207(b)(1)). This temporary restraint of course gives way to the permanent restriction described in paragraph (a)(4) of this section if the matter is one in which he or she participated personally and substantially.

(b) Additional conflict of interest prohibitions applicable to special government employees may be found in §§ 20.735-21 through 20.735-29.

(c) Additional post-employment restrictions applicable to special government employees may be found in §§ 20.735-61(b) (3) and (4) and 20.735-61(c).

§ 20.735-52 Conduct provisions of particular interest to special Government employees.

(a) Special government employees are subject to the same Federal statutes and regulations relating to general standards of conduct as regular employees (Subpart B of these regulations).

(b) However, the attention of each special government employee is directed to the following regulations which are of particular application, and relate directly, to the ethical conduct of a special government employee:

(1) *Use of Government employment.* A special government employee shall not use his or her Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he or she has family, business or financial ties.

(2) *Use of inside information.* A special government employee shall not use inside information obtained as a result of his or her Government employment for private gain for himself or herself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with

whom he or she has family, business, or financial ties. For the purpose of this paragraph, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(3) *Teaching, lecturing or writing.* Special government employees may teach, lecture, or write in a manner consistent with § 20.735-10.

(4) *Coercion.* A special government employee shall not use his or her Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or herself or another person with whom he or she has family, business, or financial ties.

(5) *Gifts, entertainment, and favors.* Except as provided in § 20.735-7, a special government employee, while so employed or in connection with employment, shall not receive or solicit from a person having business with the Department anything of value as a gift, gratuity, loan, entertainment, or favor for himself or herself another person with whom he or she has family, business, or financial ties.

§ 20.735-53 Statements of employment and financial interests.

(a) *Who shall file.* Each special government employee who occupies one of the following positions shall file a statement of employment and financial interests as provided in paragraph (b) of this section:

(1) A position of consultant or expert;

(2) Any other special government employee position which the appointing officer considers to be of such a nature or at such a level of responsibility that the submission of a statement is necessary to protect the integrity of the Government;

(3) A position of advisory council member unless such filing is expressly prohibited by law; or

(4) A position involving a temporary assignment or detail, as provided in § 20.735-30(b)(5).

(b) *What and where to file.* Special government employees who are required to submit statements of employment and financial interests pursuant to paragraph (a) of this section shall fill out and submit to the appropriate Ethics Counselor designated in § 20.735-30(d), Form DI-213, "Statement of Employment and Financial Interests". This form provides for the reporting of:

(1) All employment, including employment without compensation; and

(2) All financial interests, including any interest held by the spouse or minor child or relative living in the same household of a special government employee. The special government

employee is not required to report any connection with, or interest in:

- (i) A professional society;
- (ii) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from the contracts with the Government are deemed "business enterprises" and are required to be included in a special government employee's statement of employment and financial interests.

(iii) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry.

(iv) Savings or deposits in banks, credit unions, U.S. savings bonds, building and loan associations, or insurance companies.

(c) *Special filing conditions.* (1) In an instance involving the proposed employment of a special government employee for highly specialized and limited duties, the head of the bureau or office may propose to the Department Ethics Counselor a reporting of financial interests restricted to such interests as may be determined to be relevant to the duties the special government employee is to perform. If a restricted reporting of financial interests is approved by the Department Ethics Counselor in advance of employment, Form DI-213 may be revised to reflect the narrower requirement.

(2) In an instance involving the proposed employment of an expert, consultant or advisory board member it may be desirable to retain an individual who has personal financial interests in an industry or a company that may be affected by the performance of the person's official duties. In such instances retention of otherwise prohibited holdings will be allowed if the appointing officer certifies in writing that:

(i) No other equally qualified expert, consultant or member is available, or

(ii) The reason for proposing the special government employment of the individual is precisely because that individual will represent the industry involved as an employee of the industry.

(d) *When to file.* The statement of employment and financial interests shall be submitted before the special government employee enters on duty. Prior to the reappointment of a special government employee to perform the same or different functions, with or without a break in service, a new statement shall be obtained. Statements

filed by special government employees shall be reviewed, processed and retained in the manner provided in § 20.735-30.

(e) *Special definitions.* For the purpose of this section, the terms "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

Subpart G—Prohibitions Affecting Former Government Employees

Note.—This subpart contains a summary of the post-employment provisions. Refer to 18 U.S.C. 207 and 5 CFR Part 737 for detailed guidance.

§ 20.735-60 Scope of subpart.

(a) *Content.* (1) This subpart prescribes policies and procedures for identifying, correcting, and preventing post-employment conflicts of interest in connection with an employee's or former employee's government position. This subpart identifies the statutory provisions governing post-employment responsibilities and conduct, sets forth administrative procedures for enforcement of the post-employment conflict of interest statutes, and describes administrative sanctions which may be imposed for their violation.

(2) Statutory restrictions on post-employment conduct are contained in 18 U.S.C. 207. Pursuant to Title IV of the Ethics in Government Act of 1978, the Office of Personnel Management (OPM), has published regulations in 5 CFR Part 737 governing post-employment conflict of interest problems. This subpart supplements the OPM post-employment regulations.

(b) *Department policy.* (1) It is the policy of the Department to provide assistance promptly to employees and former employees of the Department who seek advice on post-employment restrictions and these regulations. This assistance shall include informing employees and former employees of Departmental guidelines, counseling such employees on their participation in specific matters while working for the Department, advising the former employees as to whether the United States still has an interest in the matter and providing copies of pertinent regulations and Departmental Manual provisions.

(2) The Department Ethics Counselor is responsible for monitoring post employment conflict of interest matters involving employees and former employees. Inquiries concerning procedures in this subpart should be addressed to the Department Ethics Counselor, U.S. Department of the Interior, Washington, D.C. 20240.

§ 20.735-61 Post-employment restrictions.

(a) *Definitions.* (1) "United States" or "Government" means any department, agency, court, court-martial, or any civil, military or naval commission of the United States, the District of Columbia, or any officer or employee thereof.

(2) "Agency" includes an Executive Department, a Government corporation and an independent establishment of the executive branch, which includes an independent commission. (18 U.S.C. 6.)

(3) "Former government employee" means one who was, but is no longer, a Government employee.

(4) "Particular Government matter involving a specific party" means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest.

(5) "Senior Employee" means all Executive Level employees and officers and means an officer or employee designated by the Director, Office of Government Ethics, pursuant to 18 U.S.C. 207(d) to which subsections 207(b)(ii) and (c) shall apply (see 5 CFR 737.25). This term applies to both regular and special government employees.

(6) "Representation" means (i) acting as agent or attorney or as any other representative in an appearance.

(7) "Participated personally and substantially" means to have participated directly through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, and includes the participation of a subordinate when actually directed by the former Government employee in the matter, and that the former employee's involvement must be of significance to the matter or form a basis for a reasonable appearance of such significance. A finding of substantiality should be based not only on the effort devoted to the matter but on the importance of the effort.

(b) *Substantive provisions.* (1) *Basic prohibition of 18 U.S.C. 207(a).* No person after his or her Government employment has ceased, shall (i)

knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance, before, or (ii) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to (A) the United States, (B) in connection with any particular Government matter involving a specific party or parties (C) in which matter he or she participated personally and substantially as a Government employee.

(2) *Basic prohibition of 18 U.S.C. 207(b)(i).* No person, within two years after his or her employment by the United States has ceased, shall (i) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or (ii) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) (A) to the United States (B) in connection with any particular Government matter involving a specific party or parties (C) if such matter was actually pending under the employee's official responsibility within a period of one year prior to the termination of such responsibility.

(3) *Basic prohibition of 18 U.S.C. 207(b)(ii).* No former Senior Employee, within two years after his or her Government employment has ceased, shall knowingly represent or aid, counsel, advise, consult, or assist in representing any other person (except the United States) by personal presence at any formal or informal appearance before, (A) the United States (B) in connection with any particular Government matter involving a specific party or parties (C) if such matter was one in which he or she participated personally and substantially.

(4) *Basic prohibition of 18 U.S.C. 207(c).* For a period of one year after his or her Government employment has ceased, no former Senior Employee (other than a special government employee who serves for less than sixty days in a calendar year) shall (i) knowingly act as an agent or attorney for, or otherwise represent, anyone other than the United States in any formal or informal appearance before, or (ii) with the intent to influence, make any written or oral communication on behalf of anyone other than the United States to (A) the Department, or any of its employees, (B) in connection with any particular Government matter, whether or not involving a specific party, which is pending before the Department, or in

which it has a direct and substantial interest.

(c) *Exemptions.* (1) Anything in 18 U.S.C. 207 to the contrary notwithstanding, employees of the United States assigned to an Indian tribe as authorized under 5 U.S.C. 3372 or 25 U.S.C. 48 and former employees of the United States employed by Indian tribes may act as agents or attorneys for or appear on behalf of such tribes in connection with any matter pending before any department, agency, court, or commission, including any matter in which the United States is a party or has a direct and substantial interest: Provided, that each such employee or former employee must advise in writing the head of the department, agency, court, or commission with which he or she is dealing or appearing before on behalf of the tribe of any personal and substantial involvement he or she may have had as an employee of the United States in connection with the matter involved (25 U.S.C. 450i(f)). Such notices should be sent to the Department Ethics Counselor for review and filing.

(2) Other exemptions are set forth in 5 CFR 737.15 and 737.17.

§ 20.735-62 Administrative enforcement procedures.

(a) *Content.* The procedures in this subsection are for the purpose of carrying out the authority of the Secretary under 18 U.S.C. 207(j) to enforce the post-employment conflict of interest provisions of 18 U.S.C. 207(a), (b) and (c).

(b) *Investigative procedures.* (1) Information received in the Department which indicates that a former employee has violated any post-employment provision of 18 U.S.C. 207 or any post-employment regulation of the department shall be submitted to the Inspector General for determination as to whether there is reasonable cause to believe there has been a violation. Employees have a duty to report such information to the Inspector General.

(2) Allegations submitted to the Inspector General shall be reviewed and an initial determination made as to whether such allegation warrants further investigation. If such an investigation appears warranted, the Inspector General shall:

(i) Expeditiously inform the Director, Office of Government Ethics, and the Criminal Division, Department of Justice, and provide them with any comments and regulations deemed pertinent.

(ii) Coordinate any investigation with the Department of Justice to avoid prejudicing criminal proceedings, unless the Department of Justice communicates

to the Inspector General that it does not intend to initiate criminal prosecution; and

(iii) Conduct a full investigation, or if appropriate, remand the allegations to the employing bureau to undertake an investigation on behalf of the Inspector General.

(3) If the Inspector General determines, based on the evidence gathered during the investigation and other factors, that disciplinary action should be taken, he or she shall request the Office of Hearings and Appeals, which shall appoint an impartial and qualified hearing officer, to initiate the action and render a decision. The hearing officer shall be an individual who has not participated in any way in the decision to propose such action. The Inspector General should propose a penalty when he or she asks for disciplinary action.

(c) *Hearing procedures.* (1) As soon as he or she is appointed, the hearing officer shall provide written notice to the former employee that the Department intends to institute a proceeding under these regulations. The notice shall inform the employee that:

(i) He or she may request a hearing, in writing, within 10 days after receipt of the notice;

(ii) If a written request from the employee is not received by the hearing officer within the stated time period, the right to a hearing shall be waived;

(iii) If the employee waives the right to a hearing, the hearing officer shall consider the evidence and make a decision; and

(iv) The particular penalty proposed to be imposed, and that this proposed penalty will be in addition to any which the Justice Department may seek to obtain in a prosecution under 18 U.S.C. 207.

(2) If the former employee waives a hearing, the hearing officer shall render a decision on the basis of evidence presented by the Inspector General and shall set forth in the decision findings of fact and conclusions of law.

(3) If the former employee requests a hearing, the hearing officer shall conduct such hearing in accordance with 43 CFR Part 1.

(d) *Appeals.* Within 30 days after receipt of the decision of the hearing officer, an appeal may be filed by the former employee or the Inspector General, or both, with the Solicitor whose decision shall be final for the Department. If the Solicitor modifies or reverses the initial decision, he or she shall specify such findings of fact and conclusions of law as are different from those of the hearing examiner.

(e) *Administrative Sanctions.* (1) The Department may in the case of any individual found in violation of 18 U.S.C. 207(a), (b) or (c) or these regulations impose any or all of the following sanctions:

(i) Prohibit the individual from making, on behalf of any other person (except the United States), any formal or informal appearance before, or, with the intent to influence, any oral or written communication to, the Department on any matter of business for a period not to exceed five years;

(ii) Cancel, or cause to be cancelled, any contract, permit, license, lease, or other business arrangement between the Department and the individual;

(iii) Cause a written reprimand to individual, together with copies of the final agency decision in the matter, to be permanently placed in the individual's official personnel file maintained by the Department;

(iv) Take other appropriate disciplinary or administrative action.

(2) In addition, the Department reserves the right to formally notify any professional society (e.g., state bar association, American Institute of Certified Public Accountants, American Institute of Architects) to which the individual belongs and any appropriate federal, state, territorial, or tribal agency of any final decision in which the former individual is found to have violated 18 U.S.C. 207 or these regulations.

(f) An individual found to be in violation of 18 U.S.C. 207 or these regulations by the Department may seek judicial review of the administrative determination in an appropriate United States district court.

Subpart H—Bibliography of Statutes

§ 20.735-70 Bibliography of statutes.

(a) The following list consists of particularly relevant statutory provisions that relate to ethical and other conduct of federal employees. Employees must become acquainted with these provisions:

(1) House Concurrent Resolution 175, 85th Cong. 2d Sess. 72 Stat. B12, the "Code of Ethics for Government Service."

(2) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employee concerned.

(3) The prohibition against lobbying with appropriate funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(5) The prohibitions contained in the Freedom of Information Act against failing to disclose information disclosure

of which is required by that Act (5 U.S.C. 552(a)(4)(F) and (G)).

(6) The prohibitions against (i) disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); (ii) disclosure of confidential information (18 U.S.C. 1905); and (iii) disclosure and maintenance of information which is restricted by the Privacy Act (5 U.S.C. 552a(i)(1) and (2)).

(7) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(8) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(9) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(10) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(11) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(12) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(13) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(14) The prohibitions against (i) embezzlement of Government money or property (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(15) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(16) The prohibition against political activities in subchapter III of Chapter 73 of Title 5, United States Code and 18 U.S.C. 602, 603, 606, 607, and 608.

(17) The prohibition against an employee acting as an agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(18) The requirement that each employee of the Department performing a function or duty under the Energy Policy and Conservation Act file a written statement disclosing known financial interests in certain business and property (42 U.S.C. 6392).

(19) The requirement that each employee of the Department performing a function or duty under the Mining in the Parks Act file a written statement disclosing known financial interest in any person subject to the Act and other acts specified therein, or in any person who holds a mining claim within the boundaries of units of the National Park System (16 U.S.C. 1912).

(20) The requirement that each employee of the Secretary and of the Bureau of Land Management performing a function or duty under the Federal Land Policy and Management Act, file a written statement disclosing any known financial interest in any person who applied for or receives any permit, lease, or right-of-way under, or applies for or acquires any land or interests therein under, or is otherwise subject to the provisions of, the Act (43 U.S.C. 1743).

(21) The requirement that each employee of the Office of Surface Mining Reclamation and Enforcement or any other Federal employee performing any function or duty under the Surface Mining Enforcement and Reclamation Act file a written statement disclosing any direct or indirect financial interest in underground or surface coal mining operations (30 U.S.C. 1211(f)).

(22) The requirement that each employee of the Department performing a function or duty under the Outer Continental Shelf Lands Act, as amended, file a written statement disclosing known financial interests in any person who applies for or receives any permit or lease under, or is otherwise subject to the provisions of that Act (43 U.S.C. 1864).

(23) The requirement that prohibits employees in the Bureau of Land Management from directly or indirectly purchasing or becoming interested in the purchase of any of the public land (43 U.S.C. 11).

(24) The requirement that prohibits the Director and members of the Bureau of Mines from (i) having any personal or private interest in any mine or the products of any mine under investigation, (ii) accepting employment from any private party for services in the examination of any mine private mineral property, or (iii) issuing any report as to the valuation or the management of any mine or other private mineral property (30 U.S.C. 6).

(25) The requirement that prohibits the Director and members of the Geological Survey from having any personal or private interests in the lands or mineral wealth of the region under survey, and from executing any surveys or examinations for private parties or corporations (43 U.S.C. 31(a)).

(26) The requirement that no employee in Indian Affairs may have (other than as a lawful representative of the United States) any interest in his or her own name, or in the name of another person where such employee benefits or appears to benefit from such interest (i) in any contract made or under negotiation with any Indian, for the purchase or transportation or delivery of goods or supplies for any Indian, or (ii)

in any purchase or sale of any service or real or personal property (or any interest therein) from or to any Indian, or (iii) collude with any person in attempting to obtain any such interest (18 U.S.C. 437, as amended by Sec. 1, Pub. L. 96-277, 94 Stat. 544).

(27) The requirement that no employee who has authority to take, direct others to take, recommended, or approve any personnel action shall with respect to such authority engage in personnel practices prohibited by 5 U.S.C. 2302.

(b) The majority of the foregoing provisions are not discussed in depth in other sections of these regulations. They are nevertheless important provisions that employees should be reminded of occasionally. Accordingly, the Department Ethics Counselor shall:

(1) Make current copies of the foregoing statutes available to each Ethics Counselor,

(2) Request Ethics Counselors to make the copies available to employees for review, and

(3) Encourage Ethics Counselors occasionally to remind employees of these provisions in appropriate annual notices or bulletins on employee conduct.

Appendix A-1

U.S. Geological Survey Employee Certification

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Bureau and Deputy Bureau Ethics Counselors. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with these individuals.

I certify I have been informed of the statutory restrictions contained in 43 U.S.C. 31(a), which provides that employees of the Geological Survey shall have no personal or private interest in the lands or mineral wealth under survey, and shall execute no surveys or examinations for private parties or corporations (43 CFR 20.735-22(b)(3)).

The Department has determined that these restrictions prohibit an employee of the Geological Survey from having any personal or private interest, direct or indirect, in federal lands. Further, an employee of the Geological Survey is prohibited by the U.S. Code from having any personal or private interest in the mineral wealth of such lands and from executing surveys or examinations for private parties. By paragraph 20.735-27(b)(2) of the Regulations, the Department has also prohibited an employee of the Geological Survey from having a substantial personal or private interest, direct or indirect, in any private mining activities in the United States except where specifically authorized by the Director of Geological Survey.

I certify that the best of my knowledge I do not have any personal or private interest, direct or indirect, in Federal lands as defined in §§ 20.735-24(a).

I also certify that to the best of my knowledge I do not have any substantial personal or private interest, direct or indirect, in any private mining activities, as defined in § 20.735-27(a) doing business in the United States except where the Director has authorized me to have such interest.

Note.—The provisions in 43 CFR 20.735-24 and 20.735-27 should be read completely before this statement is signed.

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

Instructions

1. All applicable employees of the U.S. Geological Survey shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Personnel Office.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Privacy Act Notice

43 U.S.C. 31(a) and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such, the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

Appendix A-2

U.S. Department of the Interior, Indian Affairs; Employee Certification

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify I have been informed and am in compliance with the statutory restrictions contained in 18 U.S.C. 437, as amended by Pub. L. 96-277, 94 Stat. 544 which prohibits any person employed in Indian affairs in the Department of the Interior from having an interest or concern in any trade with the Indians, except for, and on account of, the United States.

I also certify I will not in the future acquire any such interest or concern in violation of the law, so long as I am employed in the Department and involved with Indian affairs.

Note.—The provisions in 43 CFR 20.735-28 and 20.735-29 should be read completely before this statement is signed

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

1. All employees in Indian Affairs shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Privacy Act Notice

25 U.S.C. 68 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

Appendix A-3

U.S. Department of the Interior, Bureau of Land Management; Employee Certification

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify that I understand and that I am in compliance with the statutory restrictions in 43 U.S.C. 11, which provides:

The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from office.

I also certify that neither I nor my spouse has, nor is either of us in the process of acquiring in violation of 43 CFR 20.735-24(b), any direct or indirect interest in federal lands.

I further certify I understand that if either I or my spouse acquires during my employment, interest in lands or resources administered by the Department, by gift,

devise, bequest or operation of law, that I am required to submit a statement of facts surrounding such acquisition promptly through channels to my bureau head for transmittal to the Department Ethics Counselor for a decision about retention or other necessary action.

Note.—The provisions in 43 CFR 20.735–24 should be read completely before this statement is signed.

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

Instructions

1. All employees of the Bureau of Land Management shall complete the certification of this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Privacy Act Notice

43 U.S.C. 11 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

Appendix A-4

U.S. Department of the Interior, Bureau of Mines; Employee Certification

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify that I have been informed of, and that I am in compliance with, prohibitions contained in 43 CFR 20.735–27 which implements the statutory restrictions in 30 U.S.C. 6. I understand that these provisions prohibit employees of the Bureau of Mines from having any personal or private interest in any mine or the products of any mine under investigation by the Bureau; accepting employment from any private party for services in the examination of any mine or

private mineral property; or issuing any report as to the valuation or the management of any mine; or issuing any report as to the valuation or the management of any mine or other private mineral property other than as part of my official duties.

Note.—The provisions in 43 CFR 20.735–24 should be read completely before this statement is signed.

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

Instructions

1. All employees of the Bureau of Mines shall complete the certifications on this form.

2. Signed certificates shall be maintained in the Official Personnel Folder.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Privacy Act Notice

30 U.S.C. 6 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

Appendix A-5

U.S. Department of the Interior, Office of the Secretary and Other Departmental Offices; Employee Certification

Instructions and Privacy Act Notice on Reverse

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I understand that under regulations issued by the Secretary of the Interior, the statutory restrictions listed below apply to me and to other employees in the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer who are required to file a Statement of Employment and Financial Interest. I certify that I understand and that I am in compliance with the following restrictions except where

specifically authorized by the Department Ethics Counselor:

(1) 43 U.S.C. 11 and 43 U.S.C. 31(a) which provide that certain employees are prohibited from (1) having a direct or indirect interest in public lands or (2) executing surveys or examinations for private parties or corporations (43 CFR 20.735–24).

(2) 30 U.S.C. 6, which provides that employees are prohibited from owning a financial interest in any mine or the products of any mine under investigation (43 CFR 20.735–27).

(3) 18 U.S.C. 437, as amended by Sec. 1, Pub. L. 96–277, 94 Stat. 544, which provides that any person employed in Indian Affairs in the Department of the Interior is prohibited from having an interest or concern in any trade with the Indians, except for, and on account of, the United States (43 CFR 20.735–28).

I understand that any person who violates these provisions shall be subject to removal from office.

Note.—The provisions in the sections cited should be read completely before this statement is signed.

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

Instructions

1. All applicable employees of the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Privacy Act Notice

5 U.S.C. 301 constitutes the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

Appendix B—Reserved

Appendix C—List of Employees, in Addition to GS-15's and Higher, Required to File Confidential Statements of Employment and Financial Interests ¹

Appendix D—List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Federal Land Policy Management Act and Positions Which the Secretary Has Determined To Be Exempt From Reporting Requirements of Section 313 of the Act ¹

Appendix E—List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Mining in the Parks Act and Positions Which the Secretary Has Determined To Be Exempt From Reporting Requirements of Section 13 of the Act ¹

Appendix F—List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Energy Policy and Conservation Act and Positions Which the Secretary Has Determined To Be Exempt From Reporting Requirements of Section 522 of the Act ¹

Appendix G—List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Outer Continental Shelf Lands Act Amendments of 1978 and Positions Which the Secretary Has Determined To Be Exempt From the Reporting Requirements of Section 605 of the Act ¹

[FR Doc. 80-31011 Filed 10-3-80; 8:45 am]

BILLING CODE 4310-10-M

¹ Appendices C-G filed as part of the original document. Copies may be obtained by writing to Department Ethics Counselor, Department of the Interior, 18th & C Streets, NW., Washington, D.C. 20240.

United States Federal Register

Monday
October 6, 1980

Part VI

Department of the Interior

Fish and Wildlife Service

Proposed Threatened Status for the
Madison Cave Isopod

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for the Madison Cave Isopod

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes the Madison Cave isopod (*Antrolana lira*) to be a Threatened species. This action is being taken because this species, which is restricted to a single cave and adjacent fissure in Augusta County, Virginia is threatened by vandalism and mercury pollution. The proposed rule would provide protection to wild populations of this species.

DATES: Comments from the public must be received by January 5, 1981.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rule are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: For further information on this proposal, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/ 235-2771).

SUPPLEMENTARY INFORMATION:**Background**

The Madison Cave isopod (*Antrolana lira*) is an eyeless and unpigmented crustacean of the family Cirolanidae (Bowman, 1964). It has been found only in three small pools of water in Augusta County, Virginia (Holsinger, in press). Two of these pools are in Madison Cave and the other is in a small nearby fissure. This species is of great scientific interest because of its uniqueness and its relationship to ocean-living members of the same family. The continued existence of this species is threatened by human visitation to the cave and mercury pollution in the South River (Bolgiano, 1980).

The cave has been operated as a commercial attraction at various times in the past. It is now in private ownership and the owner has gated the entrance to discourage visitation.

The Madison Cave isopod was proposed as a Threatened species on January 12, 1977 in a publication in the

Federal Register (42 FR 2507-2515). That proposal was withdrawn on December 10, 1979 (44 FR 70796-70797) as a result of changes in listing procedures directed by the 1978 amendments to the Endangered Species Act. Oral communications with the owner of Madison Cave and Dr. John R. Holsinger of Old Dominion University, and a report on mercury contamination in the South River (Bolgiano, 1980) have provided significant new information on which to base this reproposal of Threatened status for the Madison Cave isopod.

Factors Affecting the Species

Section 4(a) of the Act (16 U.S.C. 1531 et seq.) states:

"General—(1) The Secretary shall be regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (1) The present or threatened destruction, modification, or curtailment of its habitat or range.
- (2) Overutilization for commercial, sporting, scientific, or educational purposes;
- (3) Disease or predation;
- (4) The inadequacy of existing regulatory mechanisms; or
- (5) Other natural or man-made factors affecting its continued existence."

This authority has been delegated to the Director.

These findings are summarized herein under each of the five criteria of Section 4(a) of the Act. These factors, and their application to the Madison Cave isopod, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Unauthorized visitation to Madison Cave has resulted in trash accumulation and siltation in the pools of water that are the habitat of the Madison Cave isopod. In addition, persons standing on the steep talus banks of the pools cause the clay talus to creep into the pools (Holsinger, in press). These factors are reducing the size and quality of the very limited habitat of this species.

2. *Overutilization for commercial, sporting, scientific or educational purposes.* Not applicable to this species.

3. *Disease or predation.* Not applicable to this species.

4. *The inadequacy of existing regulatory mechanisms.* There are no known local, State, or Federal laws that protect this species.

5. *Others natural or man-made factors affecting its continued existence.* This species is exposed to mercury contamination from the nearby South River (Bolgiano, 1980). Since the water level changes in the pools occupied by

the Madison Cave isopod are correlated with those in the South River (Holsinger, in press), there is apparently a subterranean connection between the pools and river. The original source of the mercury pollution was an E. I. du Pont de Nemours and Company factory at Waynesboro, Virginia.

Critical Habitat

Designation of Critical Habitat for the Madison Cave isopod would not be prudent. A major threat to this species is visitation of Madison Cave. Designation of Critical Habitat would require publication of a map and a precise description of the locality. Advertising the location of the cave to the general public would increase the incidence of unauthorized visitation.

Effect of This Proposal

Regulations published in Title 50 CFR 17.31 set forth a series of general prohibitions and exceptions which apply to all Threatened species. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Threatened species under certain circumstances. Regulations governing permits are at 50 CFR 17.32.

All of these prohibitions and exceptions apply to the Madison Cave isopod through 50 CFR 17.31, except for a special rule proposed at 50 CFR 17.46 which would allow taking of the species for scientific purposes without Federal permits.

Federal agencies must confer with the Service if they determine that their action is to jeopardize this proposed species. If published as a final rule this proposal would require Federal agencies to insure that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of the Madison Cave isopod. Provisions for Interagency Cooperation are codified at 50 CFR Part 402.

This proposed rule would not have a significant effect on any individual or local, State, or Federal agency.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and

effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;

(2) The location of and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

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

Primary Author

The primary author of this proposed rule is Dr. Steven M. Chambers, Office

of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703-235-1975).

References Cited

- Bolgiano, R. W. 1980. Mercury contamination of the South, South Fork Shenandoah, and Shenandoah Rivers. Virginia State Water Control Board Basic Data Bulletin 46.
- Bowman, T. E. 1964. *Antrolana lira*, a new genus and species of troglobitic cirolanid isopod from Madison Cave, Virginia. International Journal of Speleology 1:229-236.
- Faust, B. 1964. Saltpetre caves and Virginia history. Econo Print, Falls Church, Virginia.
- Holsinger, J. R. In press. Freshwater and terrestrial isopod crustaceans (Order Isopoda). Proceedings of the Endangered and Threatened Plants and Animals of Virginia Conference, 1978.

Regulation Promulgation

1. It is proposed to amend § 17.11 by adding the following, in alphabetical order, to the list of animals

§ 17.11 Endangered and Threatened Wildlife.

Species common name	Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
CRUSTACEANS:						
Isopod, Madison Cave	USA(VA)	N/A	T .....	.....	N/A	17.46

2. It is further proposed that § 17.46 be amended by adding a new paragraph (a) as follows:

§ 17.46 Special rules—crustaceans.

(a) Madison Cave isopod (*Antrolana lira*).

(1) All provisions of § 17.31 (a) and (b) apply to this species except that it may be taken for scientific purposes without Federal permits issued pursuant to these regulations: *Provided*, That all other Federal, State, or local laws, regulations, ordinances or other restrictions or limitations have been complied with.

Dated: September 29, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-31014 Filed 10-3-80; 8:45 am]

BILLING CODE 4310-55-M

Register

Monday
October 6, 1980

Part VII

International Development Cooperation Agency

Agency for International Development

**Nondiscrimination on the Basis of
Handicap in Programs and Activities
Receiving or Benefiting From Federal
Financial Assistance**

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 217

Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance

AGENCY: Agency for International Development.

ACTION: Final rule.

SUMMARY: This regulation implements section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 706, as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, and Executive Order 11914, with regard to Federal financial assistance programs in the United States administered by the Agency for International Development. Section 504 provides that "no otherwise qualified handicapped individual * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance. * * *". The regulation, which applies to all recipients in the United States of Federal financial assistance from AID is intended to ensure that their federally assisted programs and activities are operated without discrimination on the basis of handicap. This regulation defines and forbids acts of discrimination against qualified handicapped persons in employment and in the operation of programs and activities receiving assistance from the Agency. As employers, recipients must make reasonable accommodation to the handicaps of applicants and employees unless the accommodation would cause the employer undue hardship. As providers of services, recipients are required to make programs operated in existing facilities accessible to handicapped persons, to ensure that new facilities are constructed so as to be readily accessible to handicapped persons, and to operate their programs in a nondiscriminatory manner. The rule follows the guidelines established by the Department of Health and Human Services ("HHS") for carrying out the provisions of E.O. 11914 (45 C.F.R. Part 85).

EFFECTIVE DATE: November 1, 1980.

FOR FURTHER INFORMATION CONTACT:
Jan Miller, (202) 632-8218.

SUPPLEMENTARY INFORMATION: On April 27, 1979, the Agency for International Development published a proposed rule implementing section 504 of the Rehabilitation Act of 1973, as amended (44 FR 24868). As part of the Rehabilitation Act of 1973 (Pub. L. 93-112) Congress enacted section 504, which provides that "no otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance". In the same statute, Congress defined the term "handicapped individual" solely with relationship to employment; section 7(6) of the 1973 Act defined the term "handicapped individual" as "any individual who (a) has a physical or mental disability which for such individual constitutes or results in substantial handicap to employment and (b) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services * * *". However, the following year, in section 111(a) of the Rehabilitation Act Amendments of 1974 (Pub. L. 93-516), Congress amended the definition of "handicapped individual" for purposes of section 504 and the Rehabilitation Act so that the definition is no longer limited to the dimension of employability. For purposes of section 504 of the Act, a "handicapped individual" is defined as "any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having such an impairment." With this amended definition, it became clear that section 504 was intended to forbid discrimination against all handicapped individuals, regardless of their need for or ability to benefit from vocational rehabilitation services. However, section 2 of the 1978 amendments to the Act states that the definition "does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others."

Section 504 thus represents the first Federal civil rights law protecting the rights of handicapped persons and reflects a national commitment to end discrimination on the basis of handicap. The language of section 504 is almost

identical to the comparable nondiscrimination provisions of Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 (applying to racial discrimination and to discrimination in education on the basis of sex). It establishes a mandate to end discrimination and to bring handicapped persons into the mainstream of American life.

The rule was reviewed by the Office of Civil Rights, HHS, and the Architectural and Transportation Barriers' Compliance Board, for compliance with Executive Order 11914 and 45 CFR Part 85, respectively.

Following is a summary of the principal comments and substantive revisions to the proposed regulation.

1. One organization commented that Section 504 of the Act authorizes the regulation of employment practices only where the primary objective of the federal financial assistance is to provide employment. The Agency believes, after an analysis of the amendments to the Act and recent court decisions, that the rule should apply to all recipients of federal assistance. The Agency believes that the amendment incorporating Title VI remedies to the Act is a procedural modification and does not limit the coverage of the Act in any way. Accordingly, the Agency retains its provision as to applicability. However, as suggested, reference has been made to the 1978 Amendments to the Act.

2. One organization opposed categorically the variances between the proposed rule and those published previously by other agencies. It was particularly concerned about the definition of a "qualified handicapped person" and the permissibility of preemployment inquiries regarding an applicant's handicap. The Agency is cognizant of the mandate of E.O. 11914 requiring the consistency of all Section 503 and 504 regulations. However it is even more aware of the requirement that its regulations be consistent with those of the Department of Health and Human Services. The Agency is in agreement with the Department of Labor that "this variation does not alter the obligations in any significant manner * * *" and that the "procedures accomplish the same objective as the HHS regulations * * *" (45 FR 1392, January 4, 1980). It is felt, therefore, that HHS guidelines should be followed, and the Agency has decided to retain the provisions accordingly. In accordance with another suggestion, however, Section 217.3(i)(2)(i) is amended to reflect the 1978 amendment to the definition of a handicapped person.

3. One organization suggested that the authorization of voluntary action

designed to remedy the effects of perceived past discrimination jeopardizes the constitutionality of the entire regulation. The Agency is not in agreement with this view, but rather is in accord with the recent decision of *Steelworkers v. Weber*, — US —, 61 LEd 2d 480, which upholds the legality of voluntary action. Accordingly, Section 217.6 will remain intact.

4. Comments were received from an organization that questioned the statutory authorization for requiring the recipient of federal financial assistance to make "reasonable accommodation." The Agency agrees with the Department of Health and Human Services that the decision of *Southeastern Community College v. Davis*, 99 S.Ct. 2361 (1979), does not invalidate any of the HHS regulations as to reasonable accommodation. Therefore, Section 217.12 will be retained as following established guidelines.

5. An organization commented that the definition of a "qualified handicapped person" is too limiting and that it should be expanded to include handicapped persons who could perform the essential functions of the job in question with or without reasonable accommodation. Section 217.3(j)(1) has been revised accordingly.

6. One organization contributed its concern that the requirement for program accessibility could result in major changes to historical buildings. The Agency believes that Section 217.22 adequately handles this point, as it requires changes only when alternative methods are not available.

Dated: September 29, 1980.

Joseph C. Wheeler,
Deputy Administrator.

In consideration of the foregoing, Part 217 is hereby added to Title 22 of the Code of Federal Regulations as set forth below:

PART 217—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Subpart A—General Provisions

- Sec.
- 217.1 Purpose.
 - 217.2 Application.
 - 217.3 Definitions.
 - 217.4 Discrimination prohibited.
 - 217.5 Assurances required.
 - 217.6 Remedial action, voluntary action, and self-evaluation.
 - 217.7 Designation of responsible employee and adoption of grievance procedures.
 - 217.8 Notice.
 - 217.9 Administrative requirements for small recipients.

Sec.

- 217.10 Effect of state or local law or other requirements and effect of employment opportunities.

Subpart B—Employment Practices

- 217.11 Discrimination prohibited.
- 217.12 Reasonable accommodation.
- 217.13 Employment criteria.
- 217.14 Preemployment inquiries.
- 217.15–217.20 [Reserved]

Subpart C—Program Accessibility

- 217.21 Discrimination prohibited.
- 217.22 Existing facilities.
- 217.23 New construction.
- 217.24–217.40 [Reserved]

Subpart D—Postsecondary Education

- 217.41 Application of this subpart.
- 217.42 Admissions and recruitment.
- 217.43 Treatment of students; general.
- 217.44 Academic adjustments.
- 217.45 Housing.
- 217.46 Financing and employment assistance to students.
- 217.47 Nonacademic services.
- 217.48–217.60 [Reserved]

Subpart E—Procedures

- 217.61 Procedures.

Appendix A, Federal Financial Assistance to Which These Regulations Apply

Authority: Sec. 504, Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794), as amended by the Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1979, Pub. L. 95–602.

Subpart A—General Provisions

§ 217.1 Purpose.

The purpose of this part is to effectuate section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity within the United States receiving Federal financial assistance.

§ 217.2 Application.

This part applies to all programs carried on within the United States by recipients of Federal financial assistance pursuant to any authority held or delegated by the Administrator of the Agency for International Development, including the Federally-assisted programs and activities listed in Appendix A of this part. (Appendix A may be revised from time to time by notice in the Federal Register). It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this regulation, even if the application for such assistance is approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred or other assistance extended under any

such program before the effective date of this part, (c) any assistance to any individual who is the ultimate beneficiary under any such program, and (d) any procurement of goods or services, including the procurement of training. This part does not bar selection and treatment reasonably related to the foreign assistance objective or such other authorized purpose as the Federal assistance may have. It does not bar selections which are limited to particular groups where the purpose of the program calls for such a limitation nor does it bar special treatment including special courses of training, orientation or counseling consistent with such purpose.

§ 217.3 Definitions.

As used in this part, the term:

(a) "The Act" means the Rehabilitation Act of 1973, Pub. L. 93–112, as amended by the Rehabilitation Comprehensive Services and Developmental Disabilities Amendments of 1979, Pub. L. 95–602.

(b) "Section 504" means section 504 of the Act.

(c) "Agency" means the Agency for International Development.

(d) The term "Administrator" means the Administrator of the Agency for International Development or any person specifically designated by him to perform any function provided for under this part.

(e) "Recipient" means any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance and any sovereign foreign government.

(f) "Applicant for assistance" means one who submits an application, request, or plan required to be approved by an Agency official or by a recipient as a condition to becoming a recipient.

(g) "Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Agency provides or otherwise makes available assistance in the form of:

- (1) Funds;
- (2) Services of Federal personnel; or
- (3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than the fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(h) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(i) "Handicapped Person." (1) "Handicapped persons" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

(2) As used in paragraph (i)(1) of this section the phrase:

(i) "Physical or mental impairment" includes but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism. Such term does not include alcoholism or drug abuse, where by reason of such condition the individual is prevented from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

(ii) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(iii) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(iv) "Is regarded as having an impairment" means (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards such impairment; or (C) has none of the impairments defined in paragraph (i)(2)(i) of this section but is treated by a recipient as having such an impairment.

(j) "Qualified handicapped person" means:

(1) With respect to employment, a handicapped person who, with or without reasonable accommodation, can

perform the essential functions of the job in question;

(2) With respect to postsecondary and vocational education services, a handicapped person who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity;

(3) With respect to other services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(k) "Handicap" means any condition or characteristic that renders a person a handicapped person as defined in paragraph (j) of this section.

§ 217.4 Discrimination prohibited.

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.

(b) *Discriminatory actions prohibited.*

(1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefits, or service to beneficiaries of the recipient's program;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or

opportunity enjoyed by others receiving an aid, benefit, or service.

(2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

(3) Despite the existence of separate or different programs or activities provided in accordance with this part, a recipient may not deny a qualified handicapped person the opportunity to participate in such programs or activities that are not separate or different.

(4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(5) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections (1) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(6) As used in this section, the aid, benefit, or service provided under a program or activity receiving or benefiting from Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance.

(c) *Programs limited by Federal law.* The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or executive

order to a different class of handicapped persons is not prohibited by this part.

§ 217.5 Assurances required.

(a) *Assurances.* An applicant for Federal financial assistance for a program or activity to which this part applies shall submit an assurance, on a form specified by the Administrator, that the program will be operated in compliance with this part. An applicant may incorporate these assurances by reference in subsequent applications to the Agency.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases the assurance will obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Covenants.* (1) Where Federal financial assistance is provided in the form of real property or interest in the property from the Agency the instrument effecting or recording this transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose involving the provision of similar services or benefits.

(2) Where no transfer of property is involved but property is purchased or improved with Federal financial assistance, the recipient shall agree to include the covenant described in paragraph (c)(1) of this section in the instrument effecting or recording any subsequent transfer of the property.

(3) Where Federal financial assistance is provided in the form of real property or interest in the property from the Agency the covenant shall also include a condition coupled with a right to be reserved by the Agency to revert title to the property in the event of a breach of the covenant. If a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on the property for the purposes for which the property was

transferred, the Administrator may, upon request of the transferee and if necessary to accomplish such financing and upon such conditions as he or she deems appropriate, agree to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

§ 217.6 Remedial action, voluntary action, and self-evaluation.

(a) *Remedial action.* (1) If the Administrator finds that a recipient has discriminated against persons on the basis of handicap in violation of section 504 or this part, the recipient shall take such remedial action as the Administrator deems necessary to overcome the effects of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of section 504 or this part and where another recipient exercises control over the recipient that has discriminated, the Administrator, where appropriate, may require either or both recipients to take remedial action.

(3) The Administrator may, where necessary to overcome the effects of discrimination in violation of section 504 or this part, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program when such discrimination occurred or (ii) with respect to handicapped persons presently in the program but not receiving full benefits or equal and integrated treatment within the program or (iii) with respect to handicapped persons who would have been participants in the program had the discrimination not occurred.

(b) *Voluntary action.* A recipient may take steps, in addition to any action that is required by this part, to overcome the effect of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped persons.

(c) *Self-evaluation.* (1) A recipient shall, within one year of the effective date of this part:

(i) Evaluate with the assistance of interested persons or organizations representing handicapped persons, its current policies and practices and the effects thereof that do not or may not meet the requirements of this part;

(ii) Modify, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirement of this part; and

(iii) Take, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

(2) A recipient that employs fifteen or more persons shall, for at least three years following completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and provide to the Administrator upon request: (i) a list of the interested persons consulted, (ii) a description of areas examined and any problems identified, and (iii) a description of any modifications made and of any remedial steps taken.

§ 217.7 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part.

(b) *Adoption of grievance procedures.* A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to postsecondary educational institutions.

§ 217.8 Notice.

(a) A recipient that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504, and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to § 217.7(a). A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this part. Methods of initial and continuing notification may

include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications.

(b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

§ 217.9 Administrative requirements for small recipients.

The Administrator may require any recipient with fewer than fifteen employees, or any class of such recipients, to comply with §§ 217.7 and 217.8 in whole or in part, when the Administrator finds a violation of this part or finds that such compliance will not significantly impair the ability of the recipient or class of recipients to provide benefits or services.

§ 217.10 Effect of state or local law or other requirements and effect of employment opportunities.

(a) The obligation to comply with this part is not obviated or alleviated by the existence of any state or local law or other requirement that, on the basis of handicap, imposes prohibitions or limits upon the eligibility of qualified handicapped persons to receive services or to practice any occupation or profession.

(b) The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for handicapped persons than for nonhandicapped persons.

Subpart B—Employment Practices

§ 217.11 Discrimination prohibited.

(a) *General.* (1) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity to which this part applies.

(2) A recipient shall make all decisions concerning employment under any program or activity to which this part applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or

employees in any way that adversely affects their opportunities or status because of handicap.

(3) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this subparagraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

(b) *Specific activities.* The provisions of this subpart apply to:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(c) A recipient's obligation to comply with this subpart is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

§ 217.12 Reasonable accommodation.

(a) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(b) Reasonable accommodation may include: (1) making facilities used by employees readily accessible to an usable by handicapped persons, and (2) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices,

the provision of readers or interpreters, and other similar actions.

(c) In determining pursuant to paragraph (a) of this section whether an accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include:

(1) The overall size of the recipient's program with respect to number of employees, number and type of facilities and size of budget;

(2) The type of the recipient's operation, including the composition and structure of the recipients workforce; and

(3) The nature and cost of the accommodation needed.

(d) A recipient may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

§ 217.13 Employment criteria.

(a) A recipient may not make use of any employment test or other selection criterion that screens out or tends to screen out handicapped persons or any class of handicapped persons unless:

(1) the test score or other selection criterion, as used by the recipient, is shown to be job-related for the position in question, and (2) alternative job-related tests or criteria that do not screen out or tend to screen out as many handicapped persons are not shown by the Administrator to be available.

(b) A recipient shall select and administer tests concerning employment so as best to ensure that, when administered to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual or speaking skills (except where those skills are the factors that the test purports to measure).

§ 217.14 Preemployment inquiries.

(a) Except as provided in paragraphs (b) and (c) of this section, a recipient may not conduct a preemployment medical examination or may not make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make preemployment inquiry into an applicant's ability to perform job-related functions.

(b) When a recipient is taking remedial action to correct the effects of past discrimination pursuant to § 217.6(a), when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted programs or activity pursuant to § 217.6(b) or when a recipient is taking affirmative action pursuant to section 503 of the Act, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped. Provided, That:

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (d) of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this part.

(c) Nothing in this section shall prohibit a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty. Provided, That: (1) All entering employees are subjected to such an examination regardless of handicap, and (2) the results of such an examination are used only in accordance with the requirements of this part.

(d) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentially as medical records, except that:

(1) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped persons and regarding necessary accommodations;

(2) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and

(3) Government officials investigating compliance with the Act shall be provided relevant information upon request.

§ 217.15-217.20 [Reserved]

Subpart C—Program Accessibility

§ 217.21 Discrimination prohibited.

No qualified handicapped person shall, because a recipient's facilities within the United States are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 217.22 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirement of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, alteration of existing facilities, assignment of aids to beneficiaries, and construction of new facilities in conformance with the requirements of § 217.23, or any other methods that may result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph(s) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Time period.* A recipient shall comply with the requirement of paragraph (a) of this section within sixty days of the effective date of this part except that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including

handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall at a minimum:

(1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(e) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

§ 217.23 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this part.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) *American National Standards Institute accessibility standards.* Design, construction, or alteration of facilities in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A117.1-1961 (R1971)),¹ which is incorporated by reference in this part, shall constitute

¹Copies obtainable from American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

compliance with paragraphs (a) and (b) of this section.

§§ 217.24—217.40 [Reserved]

Subpart D—Postsecondary Education

§ 217.41 Application of this subpart.

Subpart D applies within the United States to postsecondary education programs and activities, including postsecondary vocational education programs and activities, that receive or benefit from federal financial assistance and to recipients that operate, or that receive or benefit from federal financial assistance for the operation of such programs or activities within the United States.

§ 217.42 Admissions and recruitment.

(a) *General.* Qualified handicapped persons may not, on the basis of handicap, be denied admission or be subjected to discrimination in admission or recruitment by a recipient to which this subpart applies.

(b) *Admissions.* In administering its admission policies, a recipient to which this subpart applies:

(1) May not apply limitation upon the number or proportion of handicapped persons who may be admitted;

(2) May not make use of any test or criterion for admission that has a disproportionate, adverse effect on handicapped persons or any class of handicapped persons unless (i) the test or criterion, as used by the recipient has been validated as a predictor of success in the education program or activity in question and (ii) alternate tests or criteria that have a less disproportionate, adverse effect are not shown by the Administrator to be available;

(3) Shall assure itself that (i) admissions tests are selected and administered so as to best ensure that, when a test is administered to an applicant who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual or speaking skills (except where those skills are the factors that the test purports to measure); (ii) admissions tests that are designed for persons with impaired sensory, manual or speaking skills are offered as often and in as timely a manner as are other admissions tests; and (iii) admissions tests are administered in facilities that, on the whole, are accessible to handicapped persons; and

(4) Except as provided in paragraph (c) of this section, may not make preadmission inquiry as to whether an applicant for admission is a handicapped person but, after admission, may make inquiries on a confidential basis as to handicaps that may require accommodation.

(c) *Preadmission inquiry exception.* When a recipient is taking remedial action to correct the effects of past discrimination pursuant to § 217.6(a) or when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity pursuant to § 217.6(b), the recipient may invite applicants for admission to indicate whether and to what extent they are handicapped. Provided, That:

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with this part.

(d) *Validity studies.* For the purpose of paragraph (b)(2) of this section, a recipient may base prediction equations on first year grades, but shall conduct periodic validity studies against the criterion of overall success in the education program or activity in question in order to monitor the general validity of the test scores.

§ 217.43 Treatment of students; general.

(a) No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health, insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education program or activity to which this subpart applies.

(b) A recipient to which this subpart applies that considers participation by students in education programs or activities not operated wholly by the recipient as part of, or equivalent to, an education program or activity operated by the recipient shall assure itself that the other education program or activity, as a whole, provides an equal

opportunity for the participation of qualified handicapped persons.

(c) A recipient to which this subpart applies may not, on the basis of handicap, exclude any qualified handicapped student from any course, course of study, or other part of its education program or activity.

(d) A recipient to which this subpart applies shall operate its programs and activities in the most integrated setting appropriate.

§ 217.44 Academic adjustments.

(a) *Academic requirements.* A recipient to which this subpart applies shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

(b) *Other rules.* A recipient to which this subpart applies may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity.

(c) *Course examinations.* In its course examinations or other procedures for evaluating students' academic achievement in its program, a recipient to which this subpart applies shall provide such methods for evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represents the student's achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure).

(d) *Auxiliary aids.* (I) A recipient to which this subpart applies shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education

program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

(2) Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Recipients need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

§ 217.45 Housing.

(a) *Housing provided by the recipient.* A recipient that provides housing to its nonhandicapped students shall provide comparable, convenient, and accessible housing to handicapped students at the same cost as to others. At the end of the transition period provided for in Subpart C, such housing shall be available in sufficient quantity and variety so that the scope of handicapped students' choice of living accommodations is, as a whole, comparable to that of nonhandicapped students.

(b) *Other housing.* A recipient that assists any agency, organization, or person in making housing available to any of its students shall take such action as may be necessary to assure itself that such housing is, as a whole, made available in a manner that does not result in discrimination on the basis of handicap.

§ 217.46 Financial and employment assistance to students.

(a) *Provision of financial assistance.* (1) In providing financial assistance to qualified handicapped persons, a recipient to which this subpart applies may not (i), on the basis of handicap, provide less assistance than is provided to nonhandicapped persons, limit eligibility for assistance, or otherwise discriminate or (ii) assist any entity or person that provides assistance to any of the recipient's students in a manner that discriminates against qualified handicapped persons on the basis of handicap.

(2) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of handicap only if the overall effect of the award of

scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of handicap.

(b) *Assistance in making available outside employment.* A recipient that assists any agency, organization, or person in providing employment opportunities to any of its students shall assure itself that such employment opportunities, as a whole, are made available in a manner that would not violate Subpart B if they were provided by the recipient.

(c) *Employment of students by recipients.* A recipient that employs any of its students may not do so in a manner that violates Subpart B.

§ 217.47 Nonacademic services.

(a) *Physical education and athletics.*

(1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors intercollegiate, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

(2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different only if separation or differentiation is consistent with the requirements of § 217.43(d) and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

(b) *Counseling and placement services.* A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interest and abilities. This requirement does not preclude a recipient from providing factual information about licensing and certification requirements that may present obstacles to handicapped persons in their pursuit of particular careers.

(c) *Social organizations.* A recipient that provides significant assistance to fraternities, sororities, or similar organizations shall assure itself that the membership practices of such organizations do not permit discrimination otherwise prohibited by this subpart.

§§ 217.48-217.60 [Reserved]

Subpart E—Procedures

§ 217.61 Procedures.

The procedural provisions applicable to title VI of the Civil Rights Act of 1964 apply to this part. These procedures are found in §§ 209.6-209.13 of this Title.

§§ 217.62-217.99 [Reserved]

Appendix A—Federal Financial Assistance To Which These Regulations Apply

1. Grants to research and educational institutions in the United States to strengthen their capacity to develop and carry out programs concerned with the economic and social development of developing countries (Section 122(d), Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151(d)).

2. Grants to land grant and other qualified agricultural universities and colleges in the United States to develop their capabilities to assist developing countries in agricultural teaching, research and extension services (Section 297, Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2220(b)).

3. Grants to private and voluntary agencies, non-profit organizations, educational institutions, and other qualified organizations for programs in the United States to promote the economic and social development of developing countries (Section 103-106, Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151a-2151d).

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**Monday
October 6, 1980**

Part VIII

Office of Management and Budget

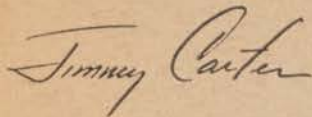
Budget Deferrals

**OFFICE OF MANAGEMENT AND
BUDGET****Budget Deferrals**

To the Congress of The United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 22 deferrals of fiscal year 1981 funds totalling \$619.1 million. The deferrals are primarily routine in nature and do not, in most cases, affect program levels.

The details of each deferral are contained in the attached reports.



The White House,
October 1, 1980.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	S Budget Authority	Deferral #	Item	S Budget Authority
D81-1	Department of Agriculture:		D81-18	Department of the Treasury:	
D81-2	Forest Service			Office of Revenue Sharing	
	Timber salvage sales.....	16,481	D81-19	State and local government fiscal assistance	111,773
	Expenses, brush disposal.....	37,342		State and local government fiscal assistance	
D81-3	Department of Commerce:		D81-20	fund.....	5,485 1/
D81-4	General Administration			Bureau of the Mint	5,730
	Participation in U.S. expositions.....	2,867		Construction of mint facilities.....	
	National Oceanic and Atmospheric Administration		D81-21	Other Independent Agencies:	
	Construction.....	10,230		Federal Emergency Management Agency	
D81-5	Department of Defense-Military:			Emergency planning, preparedness, and	
	Procurement			mobilization.....	80
D81-6	Research, Development, Test, and Evaluation	139,700	D81-22	Tennessee Valley Authority	17,000
D81-7	RT&E activities.....	46,500		Tennessee Valley Authority Fund.....	
D81-8	Military construction, all services.....	6,983		TOTAL DEFERRALS.....	619,128
	Family Housing, Defense				
	Family housing, defense.....	18,651			
D81-9	Department of Defense-Civil:				
	Wildlife conservation, Military Reservations				
	Wildlife conservation, all services.....	667			
	Department of Health and Human Services:				
	Alcohol, Drug Abuse, and Mental Health				
	Administration				
D81-10	Construction and renovation,				
	St. Elizabeths Hospital.....	10,693			
D81-11	Office of Assistant Secretary for Health				
	Scientific activities overseas (special				
	foreign currency program).....	8,000			
D81-12	Human Development Services				
	White House Conference on Children and Youth.....	562			
D81-13	Department of the Interior:				
	Heritage Conservation and Recreation Service				
	Land and water conservation fund.....	30,000			
D81-14	Geological Survey				
	Payments from proceeds, sale of water.....	41			
D81-15	Bureau of Mines				
	Drainage of anthracite mines.....	765			
D81-16	Department of Justice:				
	Federal Prison System				
	Buildings and facilities.....	13,750			
D81-17	Department of Transportation:				
	Federal Aviation Administration				
	Facilities and equipment (airport and				
	and airway trust fund).....	133,823			

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981
(in thousands of dollars)

First special message.....

Rescissions

Deferrals
619,128

NOTE: All amounts listed represent budget authority except for \$5,485 thousand in one general revenue sharing deferral of outlays only (D81-20).

Deferral No: D81-1

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Agriculture	New budget authority (P.L. 94-588)	\$ 11,200,000
Bureau	Forest Service	Other budgetary resources	16,481,000
Appropriation title & symbol		Total budgetary resources	27,681,000
Timber Salvage Sales 1/ 12X5206		Amount to be deferred: Part of year	\$
		Entire year	\$16,481,000
OMB identification code: 12-5204-0-2-302		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	
Grant program	☐ Yes ☒ No	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year			

Justification: The timber salvage sales fund was authorized by the National Forest Management Act of 1976 to increase the capability of the Forest Service to offer insect-infested, dead, damaged, or fallen timber for sale. Receipts from the sale of such timber are deposited in a special fund and are available until expended to cover the costs of design, engineering, and supervision of the construction of needed roads, as well as the cost to the Forest Service of sale preparation and supervision of actual harvesting.

Present program plans for timber salvage sales require a resource level of \$11,200,000, which is equivalent to the amount of permanent, indefinite budget authority becoming available under P.L. 94-588. The remaining \$16,481,000 is being deferred in accordance with the Antideficiency Act (31 U.S.C. 665) which authorizes the establishment of reserves for contingencies. This action is being taken because of the time lag between the deposit of receipts from salvage sales and the expenditure of funds to cover costs associated with making additional sales. Efficient program planning and accomplishment is facilitated by administering a stable program well within the funds available in any one year for this purpose.

Estimated Effect: There are no programmatic or budgetary effects that result from this deferral action. The reserve reflects the time lag between deposit of receipts from salvage sales and the expenditure of these funds to cover the costs of additional sales.

Outlay Effect: This deferral has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-2).

Deferral No: D81-2

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Agriculture	New budget authority (P.L. 84-190)	\$ 40,600,000
Bureau	Forest Service	Other budgetary resources	45,692,000
Appropriation title & symbol		Total budgetary resources	86,292,000
Expenses, Brush Disposal 1/ 12X5206		Amount to be deferred: Part of year	\$
		Entire year	37,342,000
OMB identification code: 12-9972-0-2-302		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	
Grant program	☐ Yes ☒ No	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year			

Justification: Purchasers of National Forest timber deposit the estimated cost to the Forest Service for disposing of brush and other debris resulting from their cutting operations pursuant to P.L. 84-190. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by operating a stable program well within the funds available in any one year for this purpose. An appropriation of \$49.0 million has been made to the Forest Service for this program in 1981. The current fiscal year reserve of \$37.3 million is established pursuant to the Antideficiency Act (31 U.S.C. 665) as a reserve for contingencies.

Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus, seasonal factors frequently require deferring the use of deposits until the following fiscal year.

Estimated Effect: There are no programmatic or budgetary effects that result from this deferral action. Rather, the reserve merely reflects the seasonal nature of program funding requirements.

Outlay Effect: This deferral has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-3A).

Deferral No. D81-3

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Commerce	New budget authority (P.L.)	\$ ---
Bureau	General Administration	Other budgetary resources	18,614,000
Appropriation title & symbol		Total budgetary resources	18,614,000
Participation in United States Expositions 1/ 130/41805		Amount to be deferred: Part of year	\$ ---
		Entire year	2,867,000
OMB identification code: 13-1805-0-1-376	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	Grant program	☐ Yes ☒ No
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1984 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other		

Justification: The Supplemental Appropriations and Rescission Act, 1980 (P.L. 96-304) provided \$20,800,000 in funds for necessary expenses for designing, construction, and operating a Federal Pavilion at the Knoxville International Energy Exposition. The funds were designated to remain available through fiscal year 1984. Of the \$18,614,000 remaining available, \$15,747,000 is intended for obligation in FY 1981, and \$2,867,000 is deferred for use in fiscal years 1982-1984.

This deferral action is consistent with the congressional intent to provide multi-year funding for the total cost of this program and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral has no programmatic or budgetary effects because the funds would not be used if made available.

Outlay Effect: This deferral has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-73).

Deferral No. D81-4

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Commerce	New budget authority (P.L.)	\$ ---
Bureau	National Oceanic and Atmospheric Administration	Other budgetary resources	56,460,000
Appropriation title & symbol		Total budgetary resources	56,460,000
Construction 13X1452 1/		Amount to be deferred: Part of year	\$ ---
		Entire year	10,230,000
OMB identification code: 13-1452-0-1-306	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	Grant program	☐ Yes ☒ No
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other		

Justification: Public Law 96-38, enacted July 23, 1979, included a supplemental appropriation of \$60,000,000 to fund fully the construction of the National Oceanic and Atmospheric Administration's Western Regional Center in Seattle, Washington. Present program plans call for the obligation of \$46.2 million in FY 1981. The remaining \$10.2 million is deferred for the remainder of this fiscal year and will be used for FY 1982 program requirements.

This deferral is consistent with congressional intent to provide no-year funding for this project and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: The amount deferred could not be economically used, if made available in FY 1981, because of the planned construction cycle.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-5A).

Deferral No: 081-5

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Defense-Military	New budget authority (P.L.)	\$ 7,325,159,000
Bureau	Procurement	Other budgetary resources	
Appropriation title & symbol	See coverage section below	Total budgetary resources	7,325,159,000
		Amount to be deferred: Part of year	\$ 139,700,000
		Entire year	
OMB identification code: See coverage section below		Legal authority (in addition to sec. 1013):	
		☐ Antideficiency Act	
Grant program	☐ Yes ☒ No		
Type of account or fund:		Type of budget authority:	
☐ Annual	September 30, 1982	☒ Appropriation	
☒ Multiple-year	September 30, 1984 (expiration date)	☐ Contract authority	
☐ No-year		☐ Other	

Coverage 1/

Appropriation Title	Symbol	OMB Identification Code	Amount to be Deferred
Aircraft Procurement, Navy	170/21506	17-1506-0-1-051	\$ 13,700,000
Shipbuilding and Conversion, Navy	170/41611	17-1611-0-1-051	86,400,000
Other Procurement, Navy	170/21810	17-1810-0-1-051	21,500,000
Procurement, Marine Corps	170/21109	17-1109-0-1-051	8,700,000
Aircraft Procurement, Air Force	570/23010	57-3010-0-1-051	9,499,688
			\$139,700,000

Justification:

The Department of Defense identified the amounts in the listed procurement accounts to offset, in part, the requirement for additional 1981 funds because of increased operations in the Persian Gulf/Indian Ocean area, higher fuel and transportation costs, and inflation. These amounts have been proposed for transfer to other Department of Defense accounts and are pending completion of congressional action on the 1981 amended requests.

Estimated Effect:

This deferral action would preserve these funds so that transfers can be effected upon completion of congressional action.

Outlay Effect:

Pending completion of congressional action on the transfer proposals, no outlay effects are recognized.

1/ These accounts were the subject of a similar deferral during fiscal year 1980 (080-50A).

Deferral No: 081-6

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Defense-Military	New budget authority (P.L.)	\$ 700,719,000
Bureau	Research, Development, Test, and Evaluation	Other budgetary resources	
Appropriation title & symbol	Research, Development, Test, and Evaluation, Navy, 170/11319	Total budgetary resources	700,719,000
		Amount to be deferred: Part of year	\$ 46,500,000
		Entire year	
OMB identification code: 17-1319-0-1-051 and 57-3600-0-1-051		Legal authority (in addition to sec. 1013):	
		☐ Antideficiency Act	
Grant program	☐ Yes ☒ No		
Type of account or fund:		Type of budget authority:	
☐ Annual		☒ Appropriation	
☒ Multiple-year	September 30, 1981 (expiration date)	☐ Contract authority	
☐ No-year		☐ Other	

Justification:

The Department of Defense identified the following amounts to offset, in part, the requirement for additional 1981 funds because of increased operations in the Persian Gulf/Indian Ocean area, higher fuel and transportation costs, and inflation:

Research, Development, Test, and Evaluation, Navy	\$ 6,900,000
Research, Development, Test, and Evaluation, Air Force	\$ 39,600,000
	\$46,500,000

These amounts have been proposed for transfer to other Department of Defense accounts and are being deferred pending completion of congressional action on the 1981 amended requests.

Estimated Effect:

This deferral action would preserve these funds so that transfers can be effected upon completion of congressional action.

Outlay Effect:

Pending completion of congressional action on the transfer proposals, no outlay effects are recognized.

1/ These accounts were the subject of a similar deferral during fiscal year 1980 (080-50A).

D81-7

Deferral No: D81-7

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Defense - Military	New budget authority (P.L.)	\$ ---
Bureau		Other budgetary resources	1,430,197,000
Appropriation title & symbol		Total budgetary resources	1,430,197,000
See coverage section below		Amount to be deferred:	
		Part of year	\$ 6,983,414
		Entire year	
OMB identification code:		Legal authority (in addition to sec. 1013):	
See coverage section below		☒ Antideficiency Act	
Grant program	☐ Yes ☒ No	☐ Other	
Type of account or fund:	September 30, 1983	Type of budget authority:	
☒ Annual	Multiple-year September 30, 1984	☒ Appropriation	
☐ Multiple-year	(expiration date)	☐ Contract authority	
☐ No-year		☐ Other	

Coverage 1/

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Military construction, Army	210/42050	21-2050-0-1-051	0
Military construction, Army	219/32050	21-2050-0-1-051	0
Military construction, Navy	170/41205	17-1205-0-1-051	0
Military construction, Navy	179/31205	17-1205-0-1-051	0
Military construction, Air Force	570/43300	57-3300-0-1-051	31,565,414
Military construction, Air Force	579/33300	57-3300-0-1-051	0
Military construction, Defense Agencies	970/40500	97-0500-0-1-051	0
Military construction, Defense Agencies	979/30500	97-0500-0-1-051	4,209,800
Military construction, Army National Guard	219/32085	21-2085-0-1-051	1,218,000
Military construction, Army National Guard	219/32085	21-2085-0-1-051	0
Military construction, Air National Guard	570/33830	57-3830-0-1-051	0
Military construction, Air National Guard	579/33830	57-3830-0-1-051	0
Military construction, Army Reserve	210/42086	21-2086-0-1-051	0
Military construction, Army Reserve	219/32086	21-2086-0-1-051	0
Military construction, Naval Reserve	170/41235	17-1235-0-1-051	0
Military construction, Naval Reserve	179/31235	17-1235-0-1-051	0
Military construction, Air Force Reserve	570/43730	57-3730-0-1-051	0
Military construction, Air Force Reserve	579/33730	57-3730-0-1-051	0
			<u>\$6,983,414</u>

1/ These accounts were the subject of a similar deferral during fiscal year 1980 D80-999.

Justification:

The above amounts in the listed five-year appropriations are currently deferred under provisions of the Antideficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

These funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination.

Estimated Effect:

These deferrals have no programmatic or budgetary effect because the funds would not be obligated if they were made available.

Outlay Effect:

These deferrals have no effect on outlays.

Deferral No.: D81-8

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Defense - Military	New budget authority (P.L.)	\$ 101,651,000
Bureau		Other budgetary resources	
Appropriation title & symbol		Total budgetary resources	101,651,000
Family Housing, Defense 979/30701 1/		Amount to be deferred: Part of year	\$ 18,651,000
		Entire year	
OMB identification code: 97-0701-0-1-051		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	
Grant program	☐ Yes ☒ No	Type of budget authority: ☒ Appropriation	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1983 (expiration date)		☐ Contract authority	
		☐ Other	

Justification:

These funds were appropriated in 1979 and prior years for family housing construction and debt payment. Savings from Navy construction contracts and proceeds from sales of surplus family housing activities have created unprogrammed excess funds for 1980. The amount of budgetary resources appropriated for family housing construction in 1980 is \$18,651,000. The amount of \$400,000 proposed for construction and \$18,251,000 for debt payment. These funds are deferred pending completion of congressional action on the 1981 budget request.

Estimated Effect:

Deferral of these funds will have no programmatic or budgetary effect on either the construction or debt payment programs. Sufficient funds are available to execute approved projects and to make necessary mortgage payments.

Outlay Effects:

This deferral action has no effect on outlays.

1/ This account was the subject of a similar deferral during fiscal year 1980 (D80-42).

Deferral No.: D81-9

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Defense - Civil	New budget authority (16 U.S.C. 670 f (a))	\$ 1,037,000
Bureau		Other budgetary resources	666,615
Appropriation title & symbol		Total budgetary resources	1,703,615
See coverage section below		Amount to be deferred: Part of year	\$ 666,615
		Entire year	
OMB identification code: See coverage section below		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	
Grant program	☐ Yes ☒ No	Type of budget authority: ☒ Appropriation	
Type of account or fund: ☐ Annual ☒ Multiple-year (expiration date)		☐ Contract authority	
		☐ Other	

OMB

Identification

Coverage 1/	Appropriation Title	Symbol	Code	Amount
	Wildlife Conservation, etc., Military Reservations, Army, 21x5095, 21-1500-0-1-303			\$536,000
	Wildlife Conservation, etc., Military Reservations, Navy, 17x5095, 17-1501-0-1-303			85,022
	Wildlife Conservation, etc., Military Reservations, Air Force, 57x5095 57-1502-0-1-303			45,593
				666,615

Justification:

These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law--to carry out a program of natural resource conservation.

Since appropriations have been made for all known program requirements, prudent financial management requires the deferral of the balance of the funds, which could not be used effectively during the current year even if made available for obligation. These funds are being deferred under the provisions of the Antideficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Service because: (1) installations may be accumulating funds over a period of time to fund a major project and (2) there is a seasonal relationship between the collection of fees and the subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months. Additional amounts will be apportioned if program requirements are identified.

1/ These accounts were the subject of a similar deferral during fiscal year 1980 (D80-10A).

D81-9

Deferral No: D81-10

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Estimated Effect: This deferral has no programmatic or budgetary effect because the funds could not be obligated if made available.

Outlay Effect: This deferral action has no effect on outlays.

Agency Department of Health and Human Services Bureau Alcohol, Drug Abuse, and Mental Health Administration Appropriation title & symbol	New budget authority (P.L.) \$ 44,585,481 Other budgetary resources 44,585,481 Total budgetary resources 44,585,481
Construction and Renovation, Saint Elizabeth's Hospital 1/ 75X1312	Amount to be deferred: Part of year \$ Entire year 10,698,000
OMB identification code: 75-1312-0-1-551	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Funds were provided in the Second Supplemental Appropriations Act, 1978 (P.L. 95-355), for the purpose of upgrading Saint Elizabeth's Hospital to meet accreditation standards. In 1979 the Joint Commission on Accreditation of Hospitals granted Saint Elizabeth's Hospital a one year accreditation contingent upon implementation of the renovation plans. Plans and designs for renovation and reconstruction are now being implemented and another one-year extension of accreditation is expected this year. This deferral represents amounts not required for obligation in 1981, based on the current renovation schedule for the hospital. This deferral is consistent with congressional intent to provide no-year funding for this project, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: The amount deferred could not be economically used this fiscal year, if made available, due to the planned renovation schedule.

Outlay Effect: There is no outlay effect of this deferral.

1/ This account was the subject of a similar deferral during FY 1980 (D80-12).

Deferral No: D81-11

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Health and Human Services	New budget authority (P.L.)	\$ 17,000,000
Bureau	Office of Assistant Secretary for Health	Other budgetary resources	17,000,000
Appropriation title & symbol	Scientific Activities Overseas (Special Foreign Currency Program) 1/ 75X1102	Total budgetary resources	---
		Amount to be deferred: Part of year	\$ 8,000,000
		Entire year	
OMB identification code: 75-1102-0-1-552		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	
Grant program	☐ Yes ☒ No	Type of budget authority:	
Type of account or fund:	☐ Annual ☐ Multiple-year ☒ No-year (expiration date)	☒ Appropriation	
		☐ Contract authority	
		☐ Other	

Justification: The Scientific activities overseas program of the Department of Health and Human Services (HHS) is funded with appropriations which consist of excess foreign currencies owned by the United States. Currencies of Egypt, Burma, Guinea, India, and Pakistan held by the Treasury have been designated as in excess of normal U.S. needs. Funds for this program, which remain available until expended, are used for scientific research projects in those countries.

The amount of funds to be obligated during FY 1981 and the amount to be deferred for the entire year were determined after a careful review of the scientific merit of project proposals in the countries for which excess currency is available. The research projects in those countries that will contribute toward meeting U.S. scientific needs have been selected for funding in FY 1981 by HHS. The amount being deferred is excess to current program requirements and is being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral has no programmatic or budgetary effect because the funds would not be obligated if made available.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-43).

Deferral No: D81-12

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Health and Human Services	New budget authority (P.L.)	\$ 4,263,245
Bureau	Human Development Services	Other budgetary resources	4,263,245
Appropriation title & symbol	Human Development Services (White House Conference on Children and Youth) 1/ 75X1636	Total budgetary resources	4,263,245
		Amount to be deferred: Part of year	\$ 561,790
		Entire year	
OMB identification code: 75-1636-0-1-500		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	
Grant program	☐ Yes ☒ No	Type of budget authority:	
Type of account or fund:	☐ Annual ☐ Multiple-year ☒ No-year (expiration date)	☒ Appropriation	
		☐ Contract authority	
		☐ Other	

Justification: P.L. 96-123 provided a \$3,000,000 appropriation for a White House Conference on Children and Youth to be held to explore the problems of the American family and examine the impact of our institutions, public policies and laws, employment, media, and voluntary organizations on the capability of families to meet basic needs and respond to changes and increased pressures produced by our society. These funds are to remain available until expended and are intended to cover the entire costs of planning and carrying out this conference.

Funds remaining available for expenditure will provide for all anticipated obligations and commitments currently planned for FY 1981. The deferred funds will be used for conducting the conference in FY 1982 and for follow-up activities.

Estimated Effect: This deferral has no programmatic or budgetary effect because the funds would not be obligated if made available.

Outlay Effect: This deferral has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-13A).

Deferral No: D81-13

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior Bureau Heritage Conservation and Recreation Service	New budget authority (P.L. 95-74; 16 U.S.C. 460L) Other budgetary resources Total budgetary resources	\$ 30,000,000 192,707,000 222,707,000
Appropriation title & symbol Land and Water Conservation Fund 1/		
Payments from Proceeds, Sale of Water 14X5005	Amount to be deferred: Part of year Entire year	\$ 30,000,000
OMB identification code: 14-5005-0-2-203	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	
Grant program ☐ Yes ☒ No	Type of budget authority: ☒ Appropriation ☒ Contract authority ☐ Other	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☒ No-year		

Justification: Under existing law (16 U.S.C. 460L (10a)), \$30 million of contract authority becomes available each fiscal year to the Land and Water Conservation Fund in addition to regular appropriations. The authority is made available by the Congress for use specifically as an anti-escalation measure in purchasing authorized Federal recreation land (P.L. 90-401; Senate Report 90-1071, to accompany S. 1401). This authority was last used in 1969 and 1970. Thus, the contract authority has lapsed in fiscal years 1971-1980. The funds will be utilized in the future, as in the past, on a special case basis for emergency situations consistent with our understanding of congressional intent.

In accordance with provisions of the Antideficiency Act (31 U.S.C. 665), the \$30 million has been deferred. This contract authority lapses at the end of each fiscal year if it is not used. An equal amount becomes available at the beginning of the next fiscal year.

Estimated Effect: This reserve for contingencies has no fiscal, economic or budgetary effect in the current year. The funds would be made available and obligated only in unforeseeable circumstances.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account was the subject of a similar deferral during FY 1980 (D80-14).

Deferral No: D81-14

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior Bureau Geological Survey	New budget authority (P.L. 95-74; 16 U.S.C. 460L) Other budgetary resources Total budgetary resources	\$ 41,000 41,000 82,000
Appropriation title & symbol		
Payments from Proceeds, Sale of Water 14X5662	Amount to be deferred: Part of year Entire year	\$ 41,000
OMB identification code: 14-5662-0-2-301	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	
Grant program ☐ Yes ☒ No	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Permanent, indefinite, special	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year		

Justification: Section 40(d) of the Mineral Leasing Act of 1920 (30 U.S.C. 229(a)) provides that when lessees or operators drilling for oil or gas on public lands strike water, water wells may be developed by the Department from the proceeds from the sale of water from existing wells. Receipts have been accruing to this permanent account at the rate of about \$3,000 per year. At the start of fiscal year 1965, the account had an unobligated balance of \$16,000. It is estimated that by the start of fiscal year 1981 the unobligated balance will be \$41,000. None of these receipts have been obligated over the past ten years and none are planned for obligation in fiscal year 1981 because the total available is too small to be put to practical use for the purpose designated by law. Deferral is planned because funds could not be used effectively during the current period even if made available for obligation. This reserve action is taken pursuant to the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There will be no programmatic or outlay impact in fiscal year 1981 since the receipts will continue to accrue but will remain unobligated until such time as an amount is available which can be used for effective purposes.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account was the subject of a similar deferral during FY 1980 (D80-15).

Deferral No: D81-15

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of the Interior	New budget authority (P.L. _____)	\$ 964,980
Bureau	Bureau of Mines	Other budgetary resources	964,980
Appropriation title & symbol		Total budgetary resources	
Drainage of Anthracite Mines 1/			
14X0956		Amount to be deferred:	
		Part of year	\$ 764,980
		Entire year	
OMB identification code: 14-0956-0-1-306		Legal authority (in addition to sec. 1013):	
		☒ Antideficiency Act	
Grant program	☒ Yes ☐ No	Other Matching grant provision of P.L. 84-219 (69 Stat 460)	
Type of account or fund:		Type of budget authority:	
☐ Annual		☒ Appropriation	
☐ Multiple-year (expiration date) _____		☐ Contract authority	
☒ No-year		☐ Other _____	

Justification: Funds totalling \$200,000 have been apportioned in this account to match funds anticipated to be made available by the Commonwealth of Pennsylvania for water monitoring stations and for sealing and other public health and safety projects. The remaining unobligated balance has been deferred because the Commonwealth of Pennsylvania is not expected to provide further matched funding during the year.

Estimated effect: No FY 1981 program impact will result from this deferral. These funds are anticipated to be deferred through September 30, 1981.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account was the subject of a similar deferral during FY 1980 (D80-16A).

Deferral No: D81-16

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Justice	New budget authority (P.L. _____)	\$ 39,693,600
Bureau	Federal Prison System	Other budgetary resources	39,693,600
Appropriation title & symbol		Total budgetary resources	39,693,600
Buildings and Facilities 1/			
15X1003		Amount to be deferred:	
		Part of year	\$ 15,750,000
		Entire year	
OMB identification code: 15-1003-0-1-753		Legal authority (in addition to sec. 1013):	
		☒ Antideficiency Act	
Grant program	☐ Yes ☒ No	Other _____	
Type of account or fund:		Type of budget authority:	
☐ Annual		☒ Appropriation	
☐ Multiple-year (expiration date) _____		☐ Contract authority	
☒ No-year		☐ Other _____	

Justification: This appropriation finances planning, acquisition of sites, and construction of new penal and correctional facilities as well as construction, remodeling, and equipping of necessary buildings and facilities at existing penal and correctional institutions. Projects are undertaken to reduce overcrowding, close old and antiquated penitentiaries and provide a safe and humane environment for staff and inmates. These funds were appropriated in the Departments of State, Justice and Commerce, the Judiciary and Related Agencies Appropriation Act of 1980 and previous years. The amount deferred, \$15,750,000, is associated with the Phoenix facility, and is being withheld pending final selection of a site.

This deferral is consistent with congressional intent to provide no-year funding for the total cost of the Phoenix facility and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral has no programmatic or budgetary effect because the funds would not be obligated if made available.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-17B).

Deferral No. — D81-17

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Transportation	New budget authority (P.L. _____)	\$ —
Bureau	Federal Aviation Administration	Other budgetary resources	327,291,699
Appropriation title & symbol		Total budgetary resources	327,291,699
Facilities and Equipment (Airport and Airway Trust Fund) 1/		Amount to be deferred:	\$ —
69X8107	699/38107	Part of year	133,822,699
698/28107	690/48107	Entire year	
OMB identification code:	69-8107-0-7-402	Legal authority (in addition to sec. 1013):	☒ Antideficiency Act
Grant program	☐ Yes ☒ No	Type of budget authority:	☒ Appropriation
Type of account or fund:	☐ Annual ☒ Multiple-year (expiration date) _____	☐ Contract authority	
	☒ No-year	☐ Other	

Justification: Funds from this account are used to procure specific congressionally-approved facilities and equipment for the expansion and modernization of the national airway system. Projects financed from this account include construction of buildings and purchases of new equipment for new or improved air traffic control towers, automation of the en route airway control system and expansion and improvement in the navigational and landing aid systems. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Acts of 1980 and prior years. The estimated total cost for each project is included in the budget submission and appropriation for the year in which it is requested. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to appropriate funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with the congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 665) which authorizes the establishment of reserves for contingencies.

Estimated Effect: This deferral action is consistent with the normal operation of this program. The amount deferred could not be economically used if made available in FY 1981 because of the planned multi-year procurement, construction, and installation cycle.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-20A).

Deferral No. — D81-18

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Treasury	New budget authority (P.L. _____)	\$ —
Bureau	Office of Revenue Sharing	Other budgetary resources	111,772,603
Appropriation title & symbol		Total budgetary resources	111,772,603
State and Local Government Fiscal Assistance Trust Fund 1/		Amount to be deferred:	\$ 2,500,000
20X8111		Part of year	109,272,603
		Entire year	
OMB identification code:	20-8111-0-7-851	Legal authority (in addition to sec. 1013):	☒ Antideficiency Act
Grant program	☒ Yes ☐ No	Type of budget authority:	☒ Appropriation
Type of account or fund:	☐ Annual ☒ Multiple-year (expiration date) _____	☐ Contract authority	
	☒ No-year	☐ Other	

Justification: The Secretary of the Treasury must hold in reserve an amount to meet valid claims to prior entitlement periods from State and local governments for general revenue sharing payments. Because the total amount appropriated for all governments is fixed, this alternative to such a reserve is recurring recomputations of entitlements of 39,170 governments for prior entitlement periods. Accordingly, the Office of Revenue Sharing withheld from obligation: 1) one half of one percent of the amount appropriated for each entitlement period through FY 1975; and 2) one-half of one percent of the \$4,988 million appropriated for general revenue sharing in the Economic Stimulus Appropriations Act, 1977 (P.L. 95-29), and the HUD-Independent Agencies Appropriation Acts of 1978 and 1980 (P.L. 95-119 and P.L. 96-103, respectively).

This cumulative unobligated reserve is available to the Secretary of the Treasury to satisfy legitimate claims against the Trust fund for prior entitlement periods. The unobligated amount of \$111.8 million retained in the Trust fund will be reduced whenever the Secretary determines the amount is adequate to meet foreseeable liabilities against the Trust fund. The reduction will be made by paying the additional amount to recipients as part of a regular distribution.

Estimated Effect: This action will postpone distribution of the amount of the reserve until necessary adjustments and corrections have been identified. It will also avoid substantial confusion and complexities in the administration of the program.

Outlay Effect: This deferral has the effect of shifting an estimated \$109.3 million in outlays from FY 1981 into FY 1982 (\$54.6 million) and FY 1983 (\$54.7 million).

1/ This account is currently the subject of another deferral (D81-20) and was the subject of a similar deferral during FY 1980 (D80-22A).

Deferral No: D81-19

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of the Treasury	New budget authority (P.L.)	\$ 111,772,603
Bureau	Office of Revenue Sharing	Other budgetary resources	111,772,603
Appropriation title & symbol		Total budgetary resources	111,772,603
State and Local Government Fiscal Assistance Trust Fund 1/ 20X8111		Amount to be deferred: Part of year	\$ 5,485,075 2/
		Entire year	
OMB identification code: 20-8111-0-7-851		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	
Grant program	☒ Yes ☐ No	☒ Other P.L. 92-512, Sections 121 & 123 P.L. 94-488	
Type of account or fund: ☐ Annual ☐ Multiple-year ☒ No-year (expiration date)		Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other	

Justification: The State and Local Government Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. This deferral represents payments withheld from various governments involved in annexations or reincorporations and for reasons of noncompliance with the requirements of the State and Local Fiscal Assistance Act, as amended.

Estimated Effect: The release of these funds is contingent upon adherence by the various governments to the compliance regulations, and determinations as to which higher level of government is eligible to receive those funds withheld because of annexations and reincorporations.

Outlay: This deferral action has no effect on outlays.

1/ This account is currently the subject of another deferral (D81-19) and was the subject of a similar deferral in FY 1980 (D80-23A).

2/ Deferral of outlays only.

Deferral No: D81-20

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of the Treasury	New budget authority (P.L.)	\$
Bureau	Bureau of the Mint	Other budgetary resources	5,729,583
Appropriation title & symbol		Total budgetary resources	5,729,583
Construction of Mint Facilities 1/ 20X1617		Amount to be deferred: Part of year	\$ 5,729,583
		Entire year	
OMB identification code: 20-1617-0-1-803		Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other	
Grant program	☐ Yes ☒ No	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year			

Justification: The Department of the Treasury is no longer seeking funding authority to construct a new mint at Denver. Based upon the initial results of a cost-analysis study, the Bureau of the Mint has determined that in lieu of constructing a new Denver mint, it should expand and improve current mint facilities. The Bureau has developed a revised project plan to implement this determination and is currently awaiting approval of the plan by the appropriate authorizing committees. Funds totalling \$5,729,583 are deferred pending completion of congressional action on the new plan.

Estimated Effect: The effect of this deferral is to preserve these funds pending congressional action on the new project plan.

Outlay Effect: This deferral has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-24A).

Deferral No: D81-21

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Federal Emergency Management Agency	New budget authority (P.L. _____)	\$ _____
Bureau		Other budgetary resources	79,684
Appropriation title & symbol		Total budgetary resources	79,684
Emergency Planning, Preparedness, and Mobilization		Amount to be deferred: Part of year	\$ 79,684
58X0200	1/	Entire year	
OMB identification code: 58-0200-0-1-054		Legal authority (in addition to sec. 1013):	
Grant program	☐ Yes ☒ No	☒ Antideficiency Act	
Type of account or fund:		Type of budget authority:	
☐ Annual		☒ Appropriation	
☐ Multiple-year (expiration date)		☐ Contract authority	
☒ No-year		☐ Other	

Justification: Funds were appropriated in 1964 and 1965, without fiscal year limitation, to assist State governments in developing programs for the management of their resources in time of emergency. The amount deferred is the residual of these funds that remains available. It is anticipated that the funds will be used as further program requirements are developed by the Federal Emergency Management Agency.

This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 551), which authorizes the establishment of reserves for contingencies.

Estimated Effects: This deferral has no significant programmatic or budgetary effect since there is no requirement for these funds at this time.

Outlay Effects: This deferral has no effect on outlays.

1/ This account was the subject of a similar deferral during FY 1980 (D80-25).

[FR Doc. 80-31081 Filed 10-3-80; 8:45 am]

BILLING CODE 3110-01-C

Deferral No: D81-22

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Tennessee Valley Authority	New budget authority (P.L. _____)	\$ _____
Bureau		Other budgetary resources	31,300,000
Appropriation title & symbol		Total budgetary resources	31,300,000
Payment to the Tennessee Valley Authority Fund 1/ 6X34110		Amount to be deferred: Part of year	\$17,000,000
		Entire year	
OMB identification code: 64-4110-0-3-999		Legal authority (in addition to sec. 1013):	
Grant program	☐ Yes ☒ No	☐ Antideficiency Act	
Type of account or fund:		Type of budget authority:	
☐ Annual		☒ Appropriation	
☐ Multiple-year (expiration date)		☐ Contract authority	
☒ No-year		☐ Other	

Justification: The Fish and Wildlife Service has issued a biological opinion that the completion of the Columbia Dam project as presently planned would jeopardize the continued existence of three endangered mussel species -- the brooding pearly mussel and two others, accordingly, under existing law and in light of the U.S. Supreme Court's decision in the Tellico case, (Tennessee Valley Authority v. Hill, 46 U.S.L.W. 4673 (U.S. June 15, 1978), it would be unlawful to complete the project as originally designed without: (1) the delisting of the affected species, (2) an exemption under the 1978 Endangered Species Act Amendments, or (3) a favorable modification in the Fish and Wildlife Service's biological opinion. The Fish and Wildlife Service is reconsidering this opinion on the basis of a resurvey conducted by TVA at its request. A new opinion based on the resurvey is anticipated this year.

In addition, completion of the project as planned is dependent upon issuance by the Corps of Engineers of a permit under Section 404 of the Clean Water Act for placement of fill material. The Section 404 permit cannot be issued without a certification by the State of Tennessee under Section 401 of the Clean Water Act that discharges authorized by the permit will not cause violation of the State water quality standards. The Corps is now awaiting the certification by the State and the resolution of Endangered Species Act issues. The certification (applied for by TVA over two years ago) continues to be delayed by an administrative appeal filed by the environmental groups that oppose the project.

As a result of these legal impediments to completion of the project, TVA has confined its activities at the Columbia dam site during fiscal years 1979 and 1980 to include highway and road construction, land buying related to low-reservoir pool and road construction, and miscellaneous minor work. TVA must continue to curtail its construction activities at the Columbia site until solutions to the problems described above are found. Therefore, based upon most recent estimates, \$17,000,000 is deferred pending resolution of these issues.

D81-22

Estimated Effect: The construction of various portions of the Columbia dam will be delayed pending resolution of the legal and environmental problems.

Outlay Effect: This deferral, by itself, has no outlay effect. However, the legal matters delaying this project, which have brought about the deferral, have the effect of postponing use of the deferred funds until those matters are resolved.

1/ This account was the subject of a similar deferral in FY 1980 (D80-31).

Reader Aids

Federal Register

Vol. 45, No. 195

Monday, October 6, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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 312-663-0884 Chicago, Ill.
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 202-523-3187 Scheduling of documents for publication
 523-5240 Photo copies of documents appearing in the Federal Register
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 633-6930 Public Inspection Desk
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- 523-3419
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 523-5227 Index and Finding Aids

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- 523-5233 Executive Orders and Proclamations
 523-5235 Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

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- 523-5266 Public Law Numbers and Dates, Slip Laws, U.S.
 -5282 Statutes at Large, and Index
 275-3030 Slip Law Orders (GPO)

Other Publications and Services:

- 523-5239 TTY for the Deaf
 523-5230 U.S. Government Manual
 523-3408 Automation
 523-4534 Special Projects
 523-3517 Privacy Act Compilation

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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

AGRICULTURE DEPARTMENT

Food Safety and Quality Service—

- 58815 9-5-80 / Use of certain proteolytic enzymes in certain meat and poultry products

COMMUNITY SERVICES ADMINISTRATION

- 58534 9-4-80 / Emergency energy conservation program; funding requirements for fiscal year 1981 Crisis Intervention Program

ENERGY DEPARTMENT

- 46044 7-9-80 / Assistance regulations; cooperative agreements
[Corrected at 45 FR 46074, 7-9-80]

Federal Energy Regulatory Commission—

- 60898 9-15-80 / Order revising annual reports for public utilities and licensees, and for Natural Gas Companies (Class C and Class D)

ENVIRONMENTAL PROTECTION AGENCY

- 58526 9-4-80 / Approval and revision of Maryland State Implementation Plan

- 58527 9-4-80 / Approval and promulgation of Michigan State Implementation Plan

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

- 58780 9-4-80 / Civil penalties; surface coal mining and reclamation enforcement operations

NUCLEAR SAFETY OVERSIGHT COMMITTEE

- 58809 9-5-80 / Privacy Act of 1974; Access regulations

SECURITIES AND EXCHANGE COMMISSION

- 58822 9-5-80 / Exhibit requirements; amendments
57702 8-29-80 / Revised procedures for processing post-effective amendments filed by investment companies

List of Public Laws

Last Listing October 3, 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. 2443 / Pub. L. 96-368 West Valley Demonstration Project Act. (Oct. 1, 1980; 94 Stat. 1347) Price \$1.

H.J. Res. 610 / Pub. L. 96-369 Making continuing appropriations for the fiscal year 1981, and for other purposes. (Oct. 1, 1980; 94 Stat. 1351) Price \$1.25.

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:

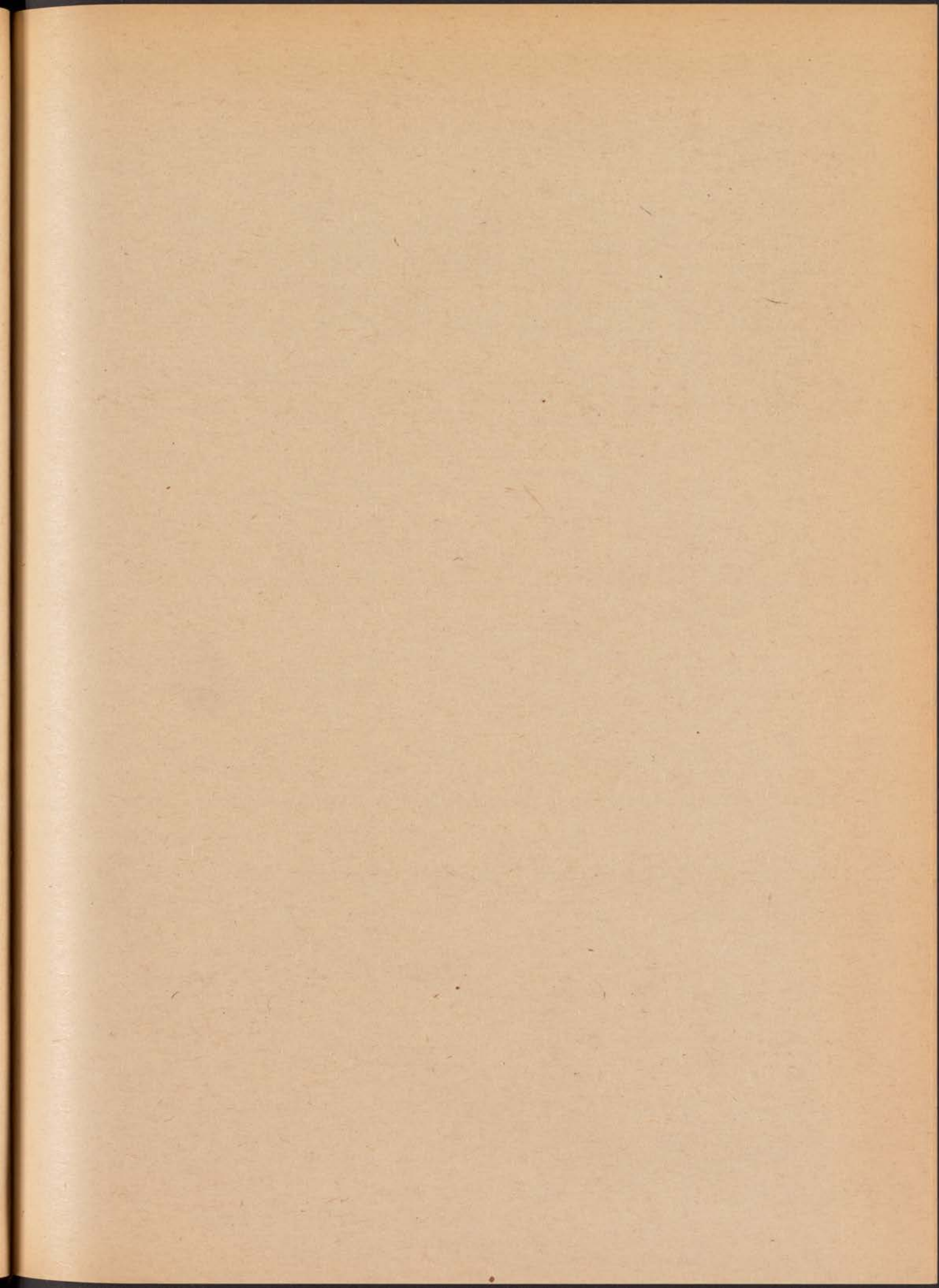
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

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: November 14 and 21; December 5 and 19; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.



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